

TOWNSHIP COMMITTEE WORKSHOP MEETING – AUGUST 14, 2017 – 6:00 P.M.

Mayor Brantley calls the workshop meeting to order at 6:00 p.m. and asks the Clerk to call the roll:

<u>ROLL CALL</u>	<u>PRESENT/ABSENT</u>
Robert Lane, Jr.	_____
Kevin B. McMillan	_____
Carol Rizzo	_____
Nicholas Williams	_____
Dr. Michael Brantley	_____

Also present: Vito D. Gadaleta, Business Administrator; Gene Anthony, Township Attorney; and Richard J. Cuttrell, Municipal Clerk.

Mayor Brantley announces that the notice requirements of R.S. 10:4-18 have been satisfied by the publication of the required advertisement in The Coaster on January 12, 2017, and the Asbury Park Press on January 5, 2017, posting the notice on the Board in the Municipal Complex, and filing a copy of said notice with the Municipal Clerk.

ITEMS FOR DISCUSSION IN OPEN SESSION

1. Discussion – Microgrid grant

2. Review Committee calendars/update on outstanding issues and capital items.
- Various on-going capital improvement projects.

Res. # 17-332 – Authorize an Executive Session as authorized by the Open Public Meetings Act.

Offered by: _____ Seconded by: _____

Vote: Lane, _____; McMillan, _____; Rizzo, _____; Williams, _____; Brantley, _____.

TOWNSHIP COMMITTEE MEETING – AUGUST 14, 2017 – 7:00 P.M.

Mayor Brantley calls the meeting to order and asks the Clerk to call the roll:

<u>ROLL CALL</u>	<u>PRESENT/ABSENT</u>
Robert Lane, Jr.	_____
Kevin B. McMillan	_____
Carol Rizzo	_____
Nicholas Williams	_____
Dr. Michael Brantley	_____

Also present at the dais: Vito D. Gadaleta, Business Administrator; Gene Anthony, Township Attorney; and Richard J. Cuttrell, Municipal Clerk.

Silent Prayer and Flag Salute

The Clerk states, "Fire exits are located in the rear of the room and to my right. In the event of a fire, you will be notified by fire alarm and/or public address system, then proceed to the nearest smoke-free exit."

Mayor Brantley announces that the notice requirements of R.S. 10:4-18 have been satisfied by the publication of the required advertisement in the Asbury Park Press on January 5, 2017 and in the Coaster on January 12, 2017, posting the notice on the Board in the Municipal Complex, and filing a copy of said notice with the Municipal Clerk. In addition, the meeting agenda, resolutions and ordinances are posted online at www.neptunetownship.org.

APPROVAL OF MINUTES

Motion offered by _____, seconded by _____, to approve the minutes of the meetings held on July 10th and July 24th.

REPORT OF THE CLERK

The Clerk states that the following communications are on file in the Clerk's office:

Letter from Richard Steiner thanking the Public Works Department staff for picking up debris and brush from the front curb of his home as part of a World Changers project.

Letter of thanks to the Township Committee from Barry Johnson for the Township's continued support of Jersey Shore Addiction Services Health Care.

COMMENTS FROM THE DAIS

Comments from the Dais regarding business on this agenda or any reports on recent events in their respective departments.

PUBLIC HEARING – APPLICATION TO MONMOUTH COUNTY MUNICIPAL OPEN SPACE PROGRAM

The Township Engineer will make a presentation followed by a Public Hearing regarding the Township’s proposed application to the Monmouth County Municipal Open Space Program for “Skatepark at Sunshine Fields”.

Res. # 17-333 – Authorize application to the Monmouth County Municipal Open Space Program.

Offered by: _____ Seconded by: _____
Vote: Lane, _____; McMillan, _____; Rizzo, _____; Williams, _____; Brantley, _____.

PUBLIC COMMENTS ON RESOLUTIONS

Public comments regarding resolutions presented on this agenda only. The public will be permitted one visit to the microphone with a limit of five minutes.

ORDINANCES

For each ordinance with a public hearing, the public is permitted one visit to the microphone with a limit of five minutes.

ORDINANCE NO. 17-30 - An ordinance authorizing the guaranty by the Township of Neptune, New Jersey for payment of principal and interest on the Capital Equipment Lease Revenue Bonds, Series 2017 (Neptune Project) of the Monmouth County Improvement Authority - Final Reading

Explanatory Statement: This ordinance guarantees payment by the Township of principal and interest on Capital Lease Revenue Bonds through the Monmouth County Improvement Authority for the lease of police vehicles.

Public Hearing:

Offered by: _____ Seconded by: _____
Vote: Lane, _____; McMillan, _____; Rizzo, _____; Williams, _____; Brantley, _____.

ORDINANCE NO. 17-31 - An ordinance authorizing the leasing of certain capital equipment by the Township of Neptune, New Jersey from the Monmouth County Improvement Authority and the execution of a lease and agreement relating thereto. – Final Reading

Explanatory Statement: This ordinance authorizes the capital lease of capital equipment for various departments through the Monmouth County Improvement Authority at an amount not to exceed \$2,000,000.

Public Hearing:

Offered by: _____ Seconded by: _____
Vote: Lane, _____; McMillan, _____; Rizzo, _____; Williams, _____; Brantley, _____.

ORDINANCE NO. 17-32 - An ordinance authorizing the leasing of certain capital equipment (police vehicles) by the Township of Neptune, New Jersey from the Monmouth County Improvement Authority and the execution of a lease and agreement relating thereto. - Final Reading

Explanatory Statement: This ordinance authorizes the capital lease of police vehicles through the Monmouth County Improvement Authority at an amount not to exceed \$325,000.

Public Hearing:

Offered by: _____ Seconded by: _____

Vote: Lane, _____; McMillan, _____; Rizzo, _____; Williams, _____; Brantley, _____.

ORDINANCE NO. 17-33 - An ordinance to amend Volume I, Chapter VII of the Code of the Township of Neptune by adding resident only handicapped parking zones on Abbott Avenue and Main Avenue and removing a resident only handicapped parking zone on Mt. Tabor Way - First Reading

Explanatory Statement: This ordinance authorizes resident only handicapped parking zones in front of 51 Abbott Avenue, 77 Abbott Avenue, and 20 Main Avenue and the removal of an existing resident only handicapped parking zone in front of 69 Mt. Tabor Way.

Offered by: _____ Seconded by: _____

Vote: Lane, _____; McMillan, _____; Rizzo, _____; Williams, _____; Brantley, _____.

ORDINANCE NO. 17-34 - An ordinance to amend Volume I, chapter VII of the Code of the Township of Neptune to add a parking time limitation zone to a portion of Seventh Avenue - First Reading

Explanatory Statement: This ordinance authorizes a thirty (30) minute parking time limitation zone on a section of the north side of 7th Avenue between Atkins Avenue and Memorial Drive.

Offered by: _____ Seconded by: _____

Vote: Lane, _____; McMillan, _____; Rizzo, _____; Williams, _____; Brantley, _____.

ORDINANCE NO. 17-35 – Bond ordinance providing for the South Riverside Drive Flood Mitigation Project, by and in the Township of Neptune, in the County of Monmouth, State of New Jersey; appropriating \$1,200,000 therefor (inclusive of a \$835,529.25 FEMA grant) and authorizing the issuance of \$346,245.75 bonds or notes of the Township to finance part of the cost thereof - First Reading

Explanatory Statement: This ordinance authorizes an appropriation of \$1,200,000 for the South Riverside Drive Flood Mitigation Project and related improvements. The appropriation includes a FEMA Pre-Disaster Mitigation Grant in the amount of \$835,529.25.

Offered by: _____ Seconded by: _____

Vote: Lane, _____; McMillan, _____; Rizzo, _____; Williams, _____; Brantley, _____.

ORDINANCE NO. 17-36 - Bond ordinance providing for acquisition of Green Acres property located on South Riverside Drive, by and in the Township of Neptune, in the County of Monmouth, State of New Jersey; appropriating \$1,280,000 therefor (including \$960,000 NJDEP Green Acres and \$127,500 Monmouth Conservation Fund grants) and authorizing the issuance of \$192,000 bonds or notes of the Township to finance part of the cost thereof - First Reading

Explanatory Statement: This ordinance authorizes an appropriation of \$1,280,000 for the acquisition of property located on South Riverside Drive (Block 5305, Lot 1). The appropriation includes a NJDEP Green Acres Grant in the amount of \$960,000 and a Monmouth Conservation Fund Grant in the amount of \$127,500.

ORDINANCE NO. 17-37 - An ordinance to amend Volume I, Chapter II, Section 2-10 of the Code of the Township of Neptune, entitled "Police Department," "Department Established" – First Reading

Explanatory Statement: This ordinance amends the definition of an eligible person who may serve as the third member of the Police Committee.

Offered by: _____ Seconded by: _____

Vote: Lane, _____; McMillan, _____; Rizzo, _____; Williams, _____; Brantley, _____.

The Public Hearings on Ordinances 17-33 through 17-37 will be held on Monday, August 28th.

CONSENT AGENDA

Res. # 17-334 – Authorize temporary no parking in connection with the Historical Society of Ocean Grove Postcard and Antique Show.

Res. # 17-335 – Approve the form and authorize the execution and delivery of a Letter of Representation and a Continuing Disclosure Agreement in connection with the issuance and delivery of the Monmouth County Improvement Authority's Capital Equipment Pooled Lease Revenue Bonds, Series 2017 and authorizing an authorized municipal representative to do all other things deemed necessary or advisable in connection with the issuance, sale and delivery of such bonds.

Res. # 17-336 – Place lien on 229 Drummond Avenue.

Res. # 17-337 – Resolution concerning Alcoholic Beverage Club License for VFW O'Brien-Major Post 2639; 1515 Corlies Avenue.

Res. # 17-338 – Authorize discontinuance of most municipal services for Fabio Court consisting of Block 2201, Lots 7, 8, 9, 12, and 13.

Res. # 17-339 – Support the "Drive Sober or Get Pulled Over 2017 Statewide Crackdown".

Res. # 17-340 – Accept performance guarantee filed by GVF Construction, LLC for site improvements at the minor subdivision located at 168 Hillside Drive.

Res. # 17-341 – Appoint Redevelopment Attorney.

Res. # 17-342 – Appoint Township Committee members to the Police Committee.

Res. # 17-343 – Accept the resignation of Jordan Loiodice as a Special Law Enforcement Officer – Class II.

Res. # 17-344 – Authorize execution of a Treatment Works Application for the Wayside Associates residential site plan on Wayside Road.

Res. # 17-345 – Authorize Municipal Service Agreement between the Township of Neptune and Seaview at Shark River Island Homeowners Association, Inc.

Res. # 17-346 – Authorize the use of Township owned property located Block 5503, Lots 18 & 19 (formerly Block 563, Lots 1 &2), on Seaview Circle, as a temporary dewatering site for materials dredged from Shark River channels.

Res. # 17-347 – Approve selection of legal counsel to represent Michael J. Bascom in lawsuits for punitive damages.

Res. # 17-348 – Approve selection of legal counsel to represent Police Chief James M. Hunt, Jr. in lawsuits for punitive damages.

Res. # 17-349 – Authorize an amendment to the 2017 municipal budget to realize monies from the Department of Law and Public Safety Division of Highway Traffic Safety.

Res. # 17-350 – Authorize the refund of taxes as a result of an overpayment.

CONSENT AGENDA Offered by:_____ Seconded by:_____
Vote: Lane, ____; McMillan, ____; Rizzo, ____; Williams, ____; Brantley, ____.

Res. # 17-351 – Award bid for Lake Alberta dredging and drainage improvements.

Offered by:_____ Seconded by:_____
Vote: Lane, ____; McMillan, ____; Rizzo, ____; Williams, ____; Brantley, ____.

Res. # 17-352 – Authorize the purchase of Savin copiers through the State Cooperative Purchasing Program.

Offered by:_____ Seconded by:_____
Vote: Lane, ____; McMillan, ____; Rizzo, ____; Williams, ____; Brantley, ____.

Res. # 17-353 – Authorize payment of bills.

Offered by:_____ Seconded by:_____
Vote: Lane, ____; McMillan, ____; Rizzo, ____; Williams, ____; Brantley, ____.

PRIVILEGE OF THE FLOOR/PUBLIC COMMENTS

Members of the public may address any concern relating to the Township. The public will be permitted one visit to the microphone with a limit of five minutes.

ADJOURNMENT

ORDINANCE NO. 17-33

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING RESIDENT ONLY HANDICAPPED PARKING ZONES ON ABBOTT AVENUE AND MAIN AVENUE AND REMOVING A RESIDENT ONLY HANDICAPPED PARKING ZONE ON MT. TABOR WAY

BE IT ORDAINED, by the Township Committee of the Township of Neptune that the Code of the Township of Neptune is hereby amended as follows:

SECTION 1

Volume I, Chapter VII, Section 7-21.7 – Resident Handicapped On-Street Parking, is hereby amended by adding the following:

<u>Name of Street</u>	<u>No. of Spaces</u>	<u>Location</u>
Abbott Avenue	1	North side of Abbott Avenue beginning 137 feet west of the northwest intersection of Abbott Avenue and Central Avenue
Abbott Avenue	1	North side of Abbott Avenue beginning 30 feet east of the northeast intersection of Abbott Avenue and New York Avenue
Main Avenue	1	South side of Main Avenue beginning 31 feet west of the southwest intersection of Main Avenue and Beach Avenue

SECTION 2

Volume I, Chapter VII, Section 7-21.7 – Resident Handicapped On-Street Parking, is hereby amended by *removing* the following:

<u>Name of Street</u>	<u>No. of Spaces</u>	<u>Location</u>
Mt. Tabor Way	1	North side of Mt. Tabor Way beginning 143 feet west of the northwest intersection of Mt. Tabor Way and Pilgrim Pathway

SECTION 3

This ordinance shall take effect upon publication in accordance with law.

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

Richard J. Cuttrel,
Municipal Clerk

Dr. Michael Brantley,
Mayor

ORDINANCE NO. 17-34

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII OF THE CODE OF THE TOWNSHIP OF NEPTUNE TO ADD A PARKING TIME LIMITATION ZONE TO A PORTION OF SEVENTH AVENUE

BE IT ORDAINED, by the Township Committee of the Township of Neptune that the Code of the Township of Neptune is hereby amended as follows:

SECTION 1

Volume I, Chapter VII, Section 7-7.5 – Parking Time Limited on Certain Streets – is hereby amended to add the following:

<u>Name of Street</u>	<u>Side</u>	<u>Hours</u>	<u>Max Time</u>	<u>Location</u>
Seventh Avenue	North	All	30 mins	Beginning at a point 189 feet east of Atkins Avenue and extending eastward 36 feet

SECTION 2

This ordinance shall take effect upon publication in accordance with law.

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

Richard J. Cuttrel,
Municipal Clerk

Dr. Michael Brantley,
Mayor

ORDINANCE NO. 17-35

BOND ORDINANCE PROVIDING FOR THE SOUTH RIVERSIDE DRIVE FLOOD MITIGATION PROJECT, BY AND IN THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$1,200,000 THEREFOR (INCLUSIVE OF A \$835,529.25 FEMA GRANT) AND AUTHORIZING THE ISSUANCE OF \$346,245.75 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Township of Neptune, in the County of Monmouth, State of New Jersey (the "Township"). For the said improvements or purposes stated in Section 3 hereof, there is hereby appropriated the sum of \$1,200,000, said sum being inclusive of a \$835,529.25 FEMA Pre-Disaster Mitigation Grant (the "FEMA Grant") and a \$18,255 cash down payment for said improvements required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). Such cash down payment in the amount of \$18,225, shall consist of an appropriation of \$18,225 in cash currently on deposit in, and available therefor from, the general capital improvement fund by virtue of a provision or provisions in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$1,200,000 appropriation not provided for by application hereunder of the cash down payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$346,245.75 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in a principal amount not exceeding \$346,245.75 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said bonds or notes are to be issued are for a flood mitigation project around the Shark River adjacent to South Riverside Drive, including, but not be limited to, all other related improvements, design work, preparation of plans and specifications, permits, bid documents, contract administration, work, materials, equipment, labor and appurtenances as necessary therefor or incidental thereto, all as set forth in the project documents on file in the Office of the Township Clerk.

(b) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$346,245.75.

(c) The estimated cost of said improvements or purposes is \$1,200,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the cash down payment in the amount of \$18,225 available for such improvements or purposes.

SECTION 4. In the event the United States of America, the State of New Jersey, and/or the County of Monmouth make a contribution or grant in aid to the Township, other than the FEMA Grant, for the improvement and purpose authorized hereby and the same shall be received by the Township prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey and/or the County of Monmouth. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey and/or the County of Monmouth, other than the FEMA Grant, shall be received by the Township after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Township as a result of using funds from this bond ordinance as "matching local funds" to receive such contribution or grant in aid.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Township, provided that no note shall mature later than one (1) year from its date or otherwise authorized by the Local Bond Law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The Capital Budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs will be on file in the office of the Clerk and will be available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements or purposes which the Township may lawfully undertake as general improvements or purposes, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is fifteen (15) years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$346,245.75 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$200,000 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the purpose or improvement hereinbefore described.

SECTION 8. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the bonds or notes authorized by this bond ordinance. The bonds or notes shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Township for the payment of the bonds or notes and the interest thereon without limitation as to rate or amount.

SECTION 9. The Township reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Township's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations §1.150-2. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the Township for costs of the improvements or purposes described in Section 3 hereof, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of any bonds or notes authorized herein or another issue of debt obligations of the Township other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1). The bonds or notes authorized herein to reimburse the Township for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed \$346,245.75. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of section 150 of the Code. All reimbursement allocations will occur not later than eighteen (18) months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized herein is paid, or (ii) the date the improvements or purposes described in Section 3 hereof is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than three (3) years after the expenditure is paid.

SECTION 10. The Township covenants to maintain the exclusion from gross income under section 103(a) of the Code of the interest on all bonds and notes issued under this bond ordinance.

SECTION 11. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption and approval by the Mayor, as provided by the Local Bond Law.

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

Richard J. Cuttrell,
Municipal Clerk

Dr. Michael Brantley,
Mayor

ORDINANCE NO. 17-36

BOND ORDINANCE PROVIDING FOR ACQUISITION OF GREEN ACRES PROPERTY LOCATED ON SOUTH RIVERSIDE DRIVE, BY AND IN THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$1,280,000 THEREFOR (INCLUDING \$960,000 NJDEP GREEN ACRES AND \$127,500 MONMOUTH CONSERVATION FUND GRANTS) AND AUTHORIZING THE ISSUANCE OF \$192,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Township of Neptune, in the County of Monmouth, State of New Jersey (the "Township"). For the said improvements or purposes stated in Section 3 hereof, there is hereby appropriated the sum of \$1,280,000, including \$940,000 in NJDEP Green Acres grant and \$127,500 in Monmouth Conservation Fund grant (collectively, the "Grants"). No down payment for said improvements is required pursuant to Section 40:2-11c of the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law").

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$1,280,000 appropriation not provided for by application hereunder of the Grants, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$192,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in a principal amount not exceeding \$192,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said bonds or notes are to be issued are for acquisition of Green Acres property located on South Riverside Drive (Block 5305, Lot 1 on the Official Township Tax Map), including, but not be limited to, as applicable, design work, preparation of plans and specifications, permits, bid documents, contract administration, work, materials, equipment, labor and appurtenances as necessary therefor or incidental thereto, all as set forth in the project documents on file in the Office of the Township Clerk.

(b) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$192,000.

(c) The estimated cost of said improvements or purposes is \$1,280,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the Grants in the collective amount of \$1,087,500 available for such improvements or purposes.

SECTION 4. In the event the United States of America, the State of New Jersey, and/or the County of Monmouth make a contribution or grant in aid to the Township, for the improvement and purpose authorized hereby and the same shall be received by the Township prior to the issuance of the bonds or notes authorized in Section 2 hereof, other than the Grants, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey and/or the County of Monmouth. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey and/or the County of Monmouth, other than the Grants, shall be received by the Township after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Township as a result of using funds from this bond ordinance as "matching local funds" to receive such contribution or grant in aid.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Township, provided that no note shall mature later than one (1) year from its date or otherwise authorized by the Local Bond Law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The Capital Budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs will be on file in the office of the Clerk and will be available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements or purposes which the Township may lawfully undertake as general improvements or purposes, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is forty (40) years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government

Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$192,000 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$25,000 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the purpose or improvement hereinbefore described.

SECTION 8. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the bonds or notes authorized by this bond ordinance. The bonds or notes shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Township for the payment of the bonds or notes and the interest thereon without limitation as to rate or amount.

SECTION 9. The Township reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Township's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations §1.150-2. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the Township for costs of the improvements or purposes described in Section 3 hereof, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of any bonds or notes authorized herein or another issue of debt obligations of the Township other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1). The bonds or notes authorized herein to reimburse the Township for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed \$192,000. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of section 150 of the Code. All reimbursement allocations will occur not later than eighteen (18) months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized herein is paid, or (ii) the date the improvements or purposes described in Section 3 hereof is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than three (3) years after the expenditure is paid.

SECTION 10. The Township covenants to maintain the exclusion from gross income under section 103(a) of the Code of the interest on all bonds and notes issued under this bond ordinance.

SECTION 11. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption and approval by the Mayor, as provided by the Local Bond Law.

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

Richard J. Cuttrell,
Municipal Clerk

Dr. Michael Brantley,
Mayor

ORDINANCE NO. 17-37

AN ORDINANCE TO AMEND CHAPTER II OF THE GENERAL ORDINANCES OF THE TOWNSHIP OF NEPTUNE, ARTICLE II, SECTION 2-10.1 ENTITLED, "POLICE DEPARTMENT," "DEPARTMENT ESTABLISHED"

BE IT ORDAINED by the Township Committee of the Township of Neptune of the County of Monmouth in the State of New Jersey that the general ordinances of the Neptune Township, and in particular, Chapter II, Article II, Section 2-10.1, entitled, "Police Department," "Department Established" shall be amended as follows:

§2-10.1 Department Established.

There is hereby created in and for the Township of Neptune Police Department, which shall consist of such employees and officers as shall be deemed necessary by the Township Committee and may include a Police Chief in accordance with N.J.S.A. 40A:14-118. The Township Committee shall, from time to time determine the number of employees and officers of the Police Department together with their compensation. The structure of the Police Department will include at a maximum one (1) Police Chief; one (1) Deputy Police Chief; three (3) Captains, seven (7) Lieutenants, in addition to the number of Sergeants and Patrolmen determined by the Township Committee. The governing body shall also appoint from among its members a Police Committee composed of two (2) Township Committeepersons, and a third member who may be **a retired Police Officer from the Neptune Township Police Department, retired in good standing; an active duty or retired Police Officer or other Law Enforcement Officer from another Police Department or Law Enforcement Agency; a non-police officer/employee of Neptune Township or another town, or a non-employee volunteer or paid professional at the Township Committee's sole discretion.** The governing body shall designate a person to serve as the Chairperson or Township Police Commissioner of the Police Committee from one of the two members appointed to the Police Committee from the Township Committee. The Police Committee is hereby designated as the appropriate authority as provide for in the New Jersey Statutes, and shall be responsible for the overall performance of the Police Department, as set forth more fully below.

All Ordinances or parts of Ordinances which are inconsistent herewith are repealed, but only to the extent of such inconsistency.

The amended Ordinance shall become effective immediately upon its final passage and publication as required by law.

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

Richard J. Cuttrel,
Municipal Clerk

Dr. Michael Brantley,
Mayor

RESOLUTION #17-332 – 8/14/17

AUTHORIZE AN EXECUTIVE SESSION AS AUTHORIZED BY
THE OPEN PUBLIC MEETINGS ACT

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and,

WHEREAS, this public body is of the opinion that such circumstances presently exist,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth, as follows:

1. The Public shall be excluded from discussion of and action upon the hereinafter specified subject matters.

2. The general nature of the subject matter to be discussed is as follows:

Contract negotiations – Property & Casualty/workers comp insurance
Potential Litigation – Shark River dredging
Contract negotiations – Redevelopment attorney
Potential Litigation – Police Ordinance and Police Committee.

3. It is anticipated at this time that the above stated subject matters will be made public when matters are resolved.

4. This Resolution shall take effect immediately.

RESOLUTION #17-333 - 8/14/17

AUTHORIZE APPLICATION TO THE MONMOUTH COUNTY
MUNICIPAL OPEN SPACE PROGRAM

WHEREAS, the Monmouth County Board of Chosen Freeholders has approved an Open Space Trust Fund and established a Municipal Open Space Program to provide Program Grant funds in connection with municipal acquisition of lands for County park, recreation, conservation and farmland preservation purposes, as well as for County recreation and conservation development and maintenance purposes; and,

WHEREAS, the Governing Body of the Township of Neptune desires to obtain County Open Space Trust Funds in the amount of \$250,000.00 to fund the project known as "Skatepark at Sunshine Fields" located at 10 Pine Drive, also known as Block 1807, Lot 2; and,

WHEREAS, the total cost of the project including all matching funds is \$466,444.00; and,

WHEREAS, the Township of Neptune is the owner of and controls the project site,

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune as follows:

1. Michael J. Bascom, Chief Financial Officer, or his successor, is authorized to (a) make an application to the County of Monmouth for Open Space Trust Funds, (b) provide additional application information and furnish such documents as may be required for the Municipal Open Space Grants Program and (c) act as the municipal contact person and correspondent of the above named municipality; and
2. The Township of Neptune is committed to this project and will provide the balance of funding necessary to complete the project as described in the grant application in the form of non-county matching funds as required in the Policy and Procedures Manual for the Program; and
3. If the County of Monmouth determines that the application is complete and in conformance with the Monmouth County Municipal Open Space Program and the Policy and Procedures Manual for the Municipal Grants Program adopted thereto, the municipality is willing to use the approved Open Space Trust Funds in accordance with such policies and procedures, and applicable federal, state, and local government rules, regulations and statutes thereto; and
4. Michael J. Bascom, Chief Financial Officer, or his successor, is hereby authorized to sign and execute any required documents, agreements, and amendments thereto with the County of Monmouth for the approved Open Space Trust Funds; and
5. This resolution shall take effect immediately.

CERTIFICATION

I, Richard J. Cuttrell, do hereby certify that the foregoing is a true copy of a resolution adopted by the Governing Body of the Township of Neptune at a meeting held on the 14th day of August, 2017. In Witness Whereof, I have hereunder set my hand and official seal of the municipality this 14th day of August, 2017.

Richard J. Cuttrell,
Municipal Clerk

RESOLUTION #17-334 - 8/14/17

AUTHORIZE TEMPORARY NO PARKING IN CONNECTION WITH
THE HISTORICAL SOCIETY OF OCEAN GROVE POSTCARD AND ANTIQUE SHOW

WHEREAS, the Historical Society of Ocean Grove has scheduled their annual Post Card, Antique and Collectables Show on Saturday, August 19, 2017, in the Auditorium-Pavilion area in Ocean Grove; and,

WHEREAS, it is necessary to designate a no parking zone on a small portion of Central Avenue to allow dealers to unload materials; and,

WHEREAS, the Police Department has reviewed and approved this no parking zone,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby designates temporary no parking on the following streets from 9:00 P.M. on Friday, August 18, 2017 until 11:00 A.M. on Saturday, August 19, 2017:

1) West side of Central Avenue between Bethany Block and the eastbound side of Ocean Pathway

2) East side of Central Avenue between the eastbound side of Ocean Pathway and the westbound side of Ocean Pathway; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Chief of Police, Director of Public Works, and Historical Society of Ocean Grove.

RESOLUTION #17-335 – 8/14/17

APPROVE THE FORM AND AUTHORIZE THE EXECUTION AND DELIVERY OF A LETTER OF REPRESENTATION AND A CONTINUING DISCLOSURE AGREEMENT IN CONNECTION WITH THE ISSUANCE AND DELIVERY OF THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY'S CAPITAL EQUIPMENT POOLED LEASE REVENUE BONDS, SERIES 2017 AND AUTHORIZING AN AUTHORIZED MUNICIPAL REPRESENTATIVE TO DO ALL OTHER THINGS DEEMED NECESSARY OR ADVISABLE IN CONNECTION WITH THE ISSUANCE, SALE AND DELIVERY OF SUCH BONDS

WHEREAS, the Township of Neptune, New Jersey (the "Municipality") desires to lease and permanently finance the cost of acquisition of certain capital equipment (the "Equipment") from The Monmouth County Improvement Authority (the "Authority"); and

WHEREAS, the Authority will provide for the financing of the cost of the acquisition of the Equipment by the issuance of its Capital Equipment Lease Revenue Bonds, Series 2017 (Neptune Township Project) (the "Bonds") payable from rentals by the Municipality pursuant to a Lease and Agreement by and between the Municipality and the Authority (the "Lease"); and

WHEREAS, in order to induce the Authority to issue and deliver the Bonds and its Capital Equipment Pooled Lease Revenue Bonds, Series 2017, there has been prepared and submitted to the Municipality a Letter of Representative in the form attached hereto as Exhibit A; and

WHEREAS, there has been prepared and submitted to the Municipality a Continuing Disclosure Agreement in the form appended hereto as Exhibit B for execution by the Municipality if the Authority shall determine that the Municipality is or will be an "obligated person" with respect to the Authority's Capital Equipment Lease Revenue Bonds, Series 2017 within the meaning of Rule 15c2-12 of the United States Securities and Exchange Commission (an "Obligated Person"):

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP OF NEPTUNE AS FOLLOWS:

Section 1. That the Letter of Representation, in the form presented to this meeting, be and the same is hereby approved, and any Authorized Municipal Representative (as that term is defined in the Lease) is hereby authorized to, and one of such officers shall execute the Letter of Representation, with such additions, deletions or modifications as such officer shall approve, and to deliver the same to the addressees designated on such Letter of Representation, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 2. That the Continuing Disclosure Agreement in the form presented to this meeting, be and the same is hereby approved, and any Authorized Municipal Representative is hereby authorized to, and one of such officers shall execute the Continuing Disclosure Agreement, with such additions, deletions or modifications as such officer shall approve, and to deliver the same upon the determination by the Authority that the Municipality is

or will be an Obligated Person, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 3. That any Authorized Municipal Representative is hereby authorized and directed to execute and deliver any and all documents and instruments and to do and cause to be done any and all acts and things necessary or property for carrying out the sale, issuance and delivery of the Bonds, the Authority's Capital Equipment Pooled Lease Revenue Bonds, Series 2017 and all related transactions contemplated by this resolution.

Section 4. All resolutions or proceedings or parts thereof, in conflict with the provisions of this resolution are to the extent of such conflict hereby repealed.

Section 5. This resolution shall become effective immediately.

Date: August 14, 2017

VOTE: AYES NAYS ABSTAIN ABSENT

This is to certify that the foregoing Resolution was adopted by the Township Committee of the Township of Neptune at their meeting held on August 14, 2017

Richard J. Cuttrell, Township Clerk

RESOLUTION #17-336 - 8/14/17

PLACE LIEN ON 229 DRUMMOND AVENUE

WHEREAS, Ordinance #843 of the Township of Neptune states that where a violation or condition exists on any property in the Township of Neptune that is of such a nature as to constitute an immediate threat to life, health, safety and the well being of residents in this township unless abated without delay, the Code Enforcement Supervisor may abate the violation or condition immediately or order the owner, operator or occupant to correct the violation or condition within a three-day period; and

WHEREAS, the Code Enforcement Supervisor determined that the condition of the properties listed below constituted such a threat; and,

WHEREAS, the Code Enforcement Supervisor has notified the Township Committee of the Township of Neptune that the owners of said property have failed to correct the condition/violation as ordered; and

WHEREAS, the Code Enforcement Supervisor has had the condition corrected in accordance with Article IV, Section 6.2 (a) of Ordinance #843 at a total cost as indicated below,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Tax Collector be and is hereby authorized to place the following costs as a lien against the following properties; and,

<u>BLOCK/LOT</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
612/1	229 Drummond Avenue	926.00

BE IT FURTHER RESOLVED, that a copy of this resolution along with the Code Enforcement Supervisor's report be forwarded to the Tax Collector.

RESOLUTION #17-337 – 8/14/17

RESOLUTION CONCERNING ALCOHOLIC BEVERAGE CLUB LICENSE
FOR VFW O'BRIEN-MAJOR POST 2639; 1515 CORLIES AVENUE

WHEREAS, the annual Club License for the consumption of alcoholic beverages for the VFW O'Brien- Major Post 2639, located at 1515 Corlies Avenue, Neptune Township, New Jersey terminated June 30, 2017; and

WHEREAS, as of the date of this Resolution, a new application, payment of the application fee and proof of payment of all taxes have not been submitted as a complete application by the VFW O'Brien-Major Post 2639 (hereinafter referred to as "VFW"); and

WHEREAS, the Township has been advised by the Division of Alcoholic Beverage Control (hereinafter referred to as ABC) that a hearing was scheduled before the ABC involving the VFW in May, 2017, but the VFW did not appear at the aforesaid hearing, but requested an adjournment, which was granted until July 25, 2017, and once again, no representative of the VFW appeared before the ABC at the July 25, 2017 hearing concerning violations of ABC rules and non-payment of taxes; and

WHEREAS, Neptune Township had a hearing with regard to the Club License in 2016 whereby there was testimony from Chief James Hunt and Sgt. Paul Monahan, who is certified as the Township's ABC Compliance Officer, testifying as to numerous incidents occurring at the VFW between 2013 through 2016, involving violation of ABC Rules; disorderly persons offenses and violence in general, along with testimony from Donald Braxton, VFW Incoming Commander; Norman James, VFW Senior Vice-Commander and Deborah Jones, VFW Quartermaster; resulting in a determination by the Mayor and Township Committee that no Club License should be renewed to the VFW either an annual license or a temporary license until certain conditions were satisfied and met the complete satisfaction of the Neptune Township Police Department and the governing body of Neptune Township; all of which was formalized by Resolution on July 25, 2016; and

WHEREAS, it has become apparent, and indeed, the Township was advised by attorney, Peter Falvo, Esq., representing a potential buyer of the VFW building and property, that the VFW is no longer in operation and the building is subject to sale, and there has been no attempt by the VFW or any successors or assigns to satisfy the conditions of the Township's Resolution of July 25, 2016, to appear before ABC scheduled hearings, or to contact Neptune Township concerning renewal of its suspended ABC License.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey, that the Township Committee hereby concludes and declares that the Club License previously held by O'Brien-Major VFW Post #2639, which was not renewed in 2016 or in 2017 is no longer a valid license, since the O'Brien-Major VFW Post #2639 is no longer in operation, and has not been in operation for at least a year, and therefore, the license for the aforesaid VFW is hereby terminated; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be forwarded to the last known Commander of the VFW O'Brien-Major Post 2639 at its last known address, as well as the Division of Alcoholic Beverage Control.

RESOLUTION #17-338 – 8/14/17

AUTHORIZE DISCONTINUANCE OF MOST MUNICIPAL SERVICES FOR
FABIO COURT CONSISTING OF BLOCK 2201, LOTS 7, 8, 9, 12 AND 13

WHEREAS, it was determined by the Township Committee through investigation undertaken by the Township Administrator and the Township Attorney, that basic municipal services have been improperly provided for many years to residences on Fabio Court, due to the fact that Fabio Court is basically a private driveway for four to five residences located at Block 2201, Lots 7, 8 9, 12 and 13; and

WHEREAS, it was determined that the aforesaid tract, originally owned by the Fabio Battaglia family, was granted a subdivision by the Planning Board of Neptune Township on June 20, 1963 to create five lots and one large parcel, and that the Planning Board's Resolution specifically indicated that the subdivision map be marked, "Private Road" with the inscription, "Private Roads receive no municipal services other than police and fire protection." The same was adopted by the Planning Board; and

WHEREAS, nevertheless, despite this decision of the Planning Board, sometime over the years, residences and private owners that purchased the individual lots on One Fabio Court; Three Fabio Court; Four Fabio Court and Five Fabio Court, with private driveway merely identified as Fabio Court and presently owned by the Estate of Fabio Battaglia have been incorrectly receiving municipal services; and

WHEREAS, the New Jersey Constitution, Article VIII, Section III, Paragraphs 2 and 3 of the New Jersey Criminal Statues under N.J.S.A. 2C:21-15 and N.J.S.A. 2C:30-2 prohibit public entities in providing public monies for in-kind contributions to private owners and entities, and that continued municipal services other than fire, police and first aid would be considered such services and must be discontinued and paid for in some fashion by the property owners; and

WHEREAS, attempts were made, which were authorized by the Township Committee, to contact all property owners on Fabio Court by letter, sent by Certified Mail/RRR and regular mail on March 20, 2017, and again by letter of April 20, 2017, also sent by Certified Mail/RRR, attempting to meet with the aforesaid property owners to address the aforesaid problem and reach some sort of legal accommodation. However, none of the property owners responded to the aforesaid letters, except for 21 Holdings, LLC, who did meet with the Township representatives, but then did not follow up on discussions with regard to the issues related to Fabio Court.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey, that the governing body hereby shall cease all municipal services to Fabio Court and the residences on Fabio Court, including but not limited to maintenance and repair of Fabio Court, the private driveway connecting all of the aforesaid residences; snowplowing or any type of cleaning of the aforesaid Fabio Court; and all garbage and recycling pickup on Fabio Court and curbside for the residences shall cease, and said residences and property owners shall be required to bring all garbage and recycling to the nearest public street for pickup, which is Wayside Road, without trespassing on private property owners off of Wayside Road; and

BE IT FURTHER RESOLVED, that the Township shall still provide emergency services, such as fire, police and first aid or EMS services, subject to such services being able to reach said properties on Fabio Court without interference, hindrance or danger of damage or injury caused by the lack of maintenance to Fabio Court by the private property owners.

RESOLUTION #17-339 – 8/14/17

SUPPORT THE “DRIVE SOBER OR GET PULLED OVER
2017 STATEWIDE CRACKDOWN”

WHEREAS, approximately one-third of all fatal traffic crashes in the United States involve drunk drivers; and,

WHEREAS, impaired driving crashes cost the United States almost \$45 billion a year; and,

WHEREAS, 29% of motor vehicle fatalities in New Jersey in 2014 were alcohol related; and,

WHEREAS, an enforcement crackdown is planned to combat impaired driving; and,

WHEREAS, the summer season and the Labor Day holiday in particular are traditionally times of social gatherings which include alcohol; and,

WHEREAS, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the *Drive Sober or Get Pulled Over 2017 Statewide Crackdown*; and,

WHEREAS, the project will involve increased impaired driving enforcement from August 18 through September 4, 2017; and,

WHEREAS, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby declares its support for the *Drive Sober or Get Pulled Over 2017 Statewide Crackdown* from August 18 through September 4, 2017 and pledges to increase awareness of the dangers of drinking and driving; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to Capt. Michael McGhee and Lt. Michael Zarro.

RESOLUTION #17-340 - 8/14/17

ACCEPT PERFORMANCE GUARANTEE FILED BY GVF CONSTRUCTION, LLC
FOR SITE IMPROVEMENTS AT THE MINOR SUBDIVISION LOCATED
AT 168 HILLSIDE DRIVE (BLOCK 4916, LOTS 1.01 & 1.02)

WHEREAS, GVF Construction, LLC has filed performance bond FP0023490, written by First Indemnity of America Insurance Company in the amount of \$29,440.80, guaranteeing site improvements at an approved minor subdivision located at 168 Hillside Drive (Block 4916, Lots 1.01 & 1.02); and,

WHEREAS, the required 10% cash surety and inspection fee escrow have been posted; and,

WHEREAS, the acceptance of this Performance Guarantee does not authorize the issuance of any licenses or permits by the Construction Department but serves as certification to the Planning Board/Board of Adjustment that compliance with the Land Development Ordinance of the Township of Neptune has been met;

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Performance Guarantee as stated above be and is hereby accepted; and,

BE IT FURTHER RESOLVED, that a copy of this resolution shall be forwarded to the Township Engineer, Planning Board Administrative Officer, and Construction Official.

RESOLUTION #17-341 - 8/14/17

APPOINT REDEVELOPMENT ATTORNEY

WHEREAS, the Township of Neptune desires to appoint a Redevelopment Attorney through the fair and open bidding process pursuant to the provisions of N.J.S.A. 19:44A-1, et seq.; and,

WHEREAS, the Township accepted Requests for Proposals for said position on May 18, 2017 and desires to make an appointment from the proposals received; and,

WHEREAS, funds will be provided in the 2017 municipal budget in the appropriation entitled Legal Services O.E. and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the execution of a contract to engage the services of Maraziti Falcon, LLP, 150 John F. Kennedy Blvd., Short Hills, NJ, as Township Redevelopment Attorney, for the balance of the year 2017, at the terms as indicated in the Request for Proposals on file in the Office of the Municipal Clerk; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be forwarded to the Township Attorney, Chief Financial Officer, and Assistant C.F.O.

RESOLUTION #17-342 - 8/14/17

APPOINT TOWNSHIP COMMITTEE MEMBERS TO THE POLICE COMMITTEE

WHEREAS, the Township Committee adopted Ordinance No. 17-29, which creates a three member Police Committee; and,

WHEREAS, the three member Police Committee is comprised of two members of the Neptune Township Committee and a third non-Township Committee member; and,

WHEREAS, the Township Committee desires to appoint the two Township Committee members at this time,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby appoints Committeemen Nicholas Williams and Kevin B. McMillan to the Police Committee and to serve until the appointment of a successor; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be forwarded to the Business Administrator, Township Attorney and Chief of Police.

RESOLUTION #17-343 - 8/14/17

ACCEPT THE RESIGNATION OF JORDAN LOIODICE AS A
SPECIAL LAW ENFORCEMENT OFFICER – CLASS II

WHEREAS, the Chief of Police has received a letter from Jordan Loidice resigning as a Special Law Enforcement Officer – Class II effective August 8, 2017,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Jordan Loidice as a Special Law Enforcement Officer – Class II is hereby accepted effective August 8, 2017; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Chief Financial Officer, Assistant C.F.O., Human Resources Director, and Chief of Police.

RESOLUTION #17-344 - 8/14/17

AUTHORIZE EXECUTION OF A TREATMENT WORKS APPLICATION FOR
THE WAYSIDE ASSOCIATES RESIDENTIAL SITE PLAN ON WAYSIDE ROAD

WHEREAS, Wayside Associates, LLC has submitted a Treatment Works Application to extend sanitary sewer service through gravity and a pump station to service sixty-five (65) residential apartments on Wayside Road with a proposed flow of 12,300 gallons per day; and,

WHEREAS, the Township Engineer has reviewed said application and has certified that available capacity exists,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the Clerk to execute the Treatment Works Application Statement of Consent for the sanitary sewer extension to service the Wayside Associates major site plan on Wayside Road (Block 1006, Lots 14.01 & 16); and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to TNSA along with the executed Treatment Works Application.

RESOLUTION #17-345 – 8/14/17

AUTHORIZE MUNICIPAL SERVICE AGREEMENT BETWEEN THE TOWNSHIP OF NEPTUNE AND SEAVIEW AT SHARK RIVER ISLAND HOMEOWNERS ASSOCIATION, INC.

WHEREAS, N.J.S.A. 40:67-23.3 entitled “Municipality to Reimburse Private Community for Services or Provide Services” requires that a municipality reimburse a qualified private community or provide the services with regards to the removal of snow, ice and other obstructions from certain roads and streets; providing lighting or reimbursement for lighting of roads and streets to the extent of payment for electricity required only and provide garbage, recyclable pick-up and street sweeping or reimbursement thereof and other services as set forth by statute; and

WHEREAS, N.J.S.A. 40:67-23.1 entitled “Road, Street Services” provides for such services and/or reimbursement of streets and roads at the municipality’s discretion in all cases; and

WHEREAS, The Seaview at Shark River Island Homeowners Association, Inc., is seeking municipal services and/or reimbursement pursuant to the Municipal Service Act; and

WHEREAS, pursuant to Municipal Service Act the municipality has undertaken negotiations and has prepared a Municipal Service Agreement to address all service issues under the Municipal Service Act.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of Neptune, Monmouth County, New Jersey, that the governing body hereby authorizes the Municipal Service Agreement, a true copy of which is attached hereto and made a part hereof as Exhibit “A” between the Township of Neptune and the Seaview at Shark River Island Homeowners Association, Inc., to address all obligations of the Municipal Service Act N.J.S.A. 40:67-23.2 et seq.

BE IT FURTHER RESOLVED that the governing body authorizes the Mayor and Clerk to execute the agreement negotiated and completed by the municipal attorney, a true copy of which is attached hereto and made a part hereof as Exhibit “A”, subject to final approval and execution by the Seaview at Shark River Island Homeowners Association, Inc., and forward a fully executed Agreement and Resolution to the municipal attorney upon execution by Neptune Township for recording purposes in the Clerk’s Office of Monmouth County, and forwarding to the attorney for the Seaview at Shark River Island Homeowners Association, Inc.

**MUNICIPAL SERVICE AGREEMENT BETWEEN
THE TOWNSHIP OF NEPTUNE
AND
SEAVIEW AT SHARK RIVER ISLAND HOMEOWNERS ASSOCIATION, INC.**

THIS AGREEMENT made this 21ST day of July, 2017, by and between:

THE TOWNSHIP OF NEPTUNE with offices located at 25 Neptune Blvd., Neptune Township, New Jersey 07753 (hereinafter referred to as "Township") and

SEAVIEW AT SHARK RIVER ISLAND HOMEOWNERS ASSOCIATION, INC. with offices located at 120 Sea Spray Lane, Neptune Township, New Jersey 07753 (hereafter referred to as "Association").

WITNESSED

WHEREAS, N.J.S.A. 40:67-23.3 entitled "Municipality to Reimburse Private Community for Services of Provide Services" and hereafter referred to as the "Municipal Services Act" requires that a municipality reimburse a qualified, private community or provide the services with regards to the removal of snow, ice and other obstructions from certain roads and streets; provide lighting or reimbursement for lighting of roads and streets to the extent of payment of the electricity required only, and other services as set forth by the aforesaid statute, unless streets or roads have been accepted for dedication to public use; and

WHEREAS, N.J.S.A. 40:67-23.1 entitled "Road, Street Services," provides for such services and/or reimbursement of streets and roads in the municipality's discretion in all cases; and

WHEREAS, the Association is seeking municipal services pursuant to the Municipal Service Act: and

WHEREAS, it is in the best interest of all parties and the citizens of the Township that the parties reach an agreement as to the municipal services and/or reimbursements for those services required by the Municipal Service Act for the Association.

NOW, THEREFORE, in consideration of the mutual benefits, promises and covenants agreed upon between and for the parties and other good and valuable consideration for which the parties mutually agree that they have received during the term of this Agreement, the parties hereby agree by and between themselves as follows:

I. **Parties Acknowledgement:** The parties acknowledge that in 1989 the Municipal Service Act N.J.S.A. 40:67-23.2 et. seq. was passed mandating that municipalities provide garbage collection, snow removal, street lighting and street sweeping services or make reimbursements to the same to "qualified private communities". The parties further acknowledge that the instant community is be a "qualified private community" subject to the aforesaid statute and recognize that "qualified private communities" and the municipalities often reach agreement by way of a Municipal Service Agreement setting for the obligations of the parties. The undersigned parties hereby agree to the following obligations:

II. **Street Lighting:** The Township shall be responsible for the costs of street lighting on the private streets within the condominium complex (hereinafter referred to as ("Community")) based on a formula for generally accepted Township street light placement of every 150 feet on one side of the street, and staggered 150 feet on the other side of the street, and based on standard light illumination approved by the Township. That is, should more street lights be placed on the aforesaid streets and exist closer than 150 feet staggered on both sides of the street or a total of 300 feet, and/or illumination surpasses municipal standards then the

Township shall only be responsible for the equivalency of those lights and expenses associated with the electricity for said lights at 150 feet interval on each side to the street staggered of total of 300 feet interval with standard light illumination approved by the Township. The Township is not responsible for street lighting costs with regard to the Condominium Association Marina.

- a. The Township is also not responsible for the placement of any new lighting fixtures for street lighting chosen by the Community over the original fixtures approved initially for the development.

III. Snow Removal: The Township shall be responsible for all snow removal and street sweeping within the Community, that is, snow removal at Schooner Circle, Spinnaker Way, Seaview Circle, Seaview Court, Sea Spray Lane and Seaspray Court only. The Township is not responsible for driveways or parking lots, or for the Marina.

IV. Garbage and Recyclable Pick-up: The Township shall be responsible for all residential trash collection and recyclable pick-up from centrally located dumpster areas established by the Township Public Works Department, and set forth more fully on a map showing locations of dumpster sites and attached hereto as Exhibit A. The Township will not be responsible in the future for residential garbage pick-up or recyclable pick-up which deviates with the practice followed throughout the Township or within other residential communities or neighborhoods unless a separate agreement, mutually agreed upon between the parties is reached. The Township will also not be responsible for residential garbage pick-up or recyclable pick-up which deviates from Exhibit A, unless mutually agreed upon by the parties. The Township is not responsible for commercial garbage and recyclable pick-up either due to

commercial aspects of the Community, garbage or recyclable pick-ups at the marina, or due to construction activities of the Community.

V. Responsibilities of Association: The metered electric bills for the designated light fixtures are sent by the utility company directly to the Township.

VI. Term: The term of this Agreement shall be for ten (10) years commencing January 1, 2017 and ending December 31, 2027. The term of this Agreement shall automatically renew for additional ten (10) year period unless terminated by either party by six (6) months' notice prior to the end of any given term or renegotiated and replaced with a new Municipal Service Agreement. This agreement shall be modified if the Municipal Services Act is amended so as to comply with any changes to the law.

VII. Maintenance of Streets and Other Improvements: Since N.J.S. A. 40:67-23.3 does not specifically include maintenance of streets and roads beyond removal of snow, ice and other obstructions, the Association shall continue to maintain its own driveways and parking lots and with regards to the streets and roads, the municipality's sole responsibility is with regards to removal of snow, ice and other obstructions associated with normal street maintenance. The Township is not responsible for maintenance of other common areas within the Community such as any Community park, marina or detention basin, if any. The marina, detention basin, if any, and Community parks, if any, not owned by the Township within the Community are the sole responsibility of the Association pursuant to this Agreement and local ordinance. Any property within the Community owned by the Township shall be maintained by the Township.

VIII. Insurance: The Association shall furnish the Township with satisfactory proof of insurance coverage acceptable to the Township and of such character and in such amounts as will provide adequate protection for the Township, its elected officials and their successors, all officers, agents, employees and servants of the Township, and the Township, against all claims, liabilities, damages and injuries arising from the Association's rights and responsibilities under this Agreement. The Association shall provide 30 day's written notice to the Township by Certified Mail/RRR prior to any modification, cancellation or change in status. The Association shall provide a Certificate of Liability Insurance on an annual basis at the anniversary date naming the Township as an additional insured and demonstrating the existence of all of the insurance coverages required by this Agreement. Insurance shall include Workers' Compensation, Commercial, General Liability Insurance. Insurance covering explosion, collapse and other special hazards incident to the use of the Association's property and municipal right-of-ways and property within the Association's property. The policies and minimum amounts of insurance to be carried by the Association shall be as follows:

a. Workers' Compensation Insurance: Statutory New Jersey limits and Liability Part B in the amount of \$500,000.00 (the parties acknowledge that the Workers' Compensation will not cover municipal employees) ;

b. Commercial General Liability Insurance: Including blanketed contractual liability and personal injury with the combined single limit of \$1,000,000 per occurrence, or as follows:

1. One person per occurrence in the amount of \$1,000,000.00;
2. Two or more persons per occurrence in the amount of \$2,000,000.00;

3. Property damage per occurrence in the amount of \$500,000.00.

The above policy shall be written as to provide coverage for all other special hazards incident to the use of the Association's property.

IX. Binding on all Parties: This Agreement is binding upon the Association and any future Board of Directors or homeowners within the Community and this Agreement shall be recorded in the Clerk's office of Monmouth County as notice to the public with regards to future responsibilities.

IN WITNESS WHEREOF the parties to this Agreement have hereunto set their hands and seals the day and year first above written.

IN WITNESS WHEREOF on the date herein above:

ATTEST:

TOWNSHIP OF NEPTUNE

Richard J. Cuttrell
Township Clerk

Dr. Michael Brantley
Mayor, Township of Neptune

ATTEST:

SEAVIEW AT SHARK RIVER ISLAND
HOMEOWNERS ASSOCIATION, INC.


Annette Bergstein, President

STATE OF NEW JERSEY:

SS:

COUNTY OF

I CERTIFY that on _____, 2017

_____ personally came to me and this person acknowledged under oath, to my satisfaction, that:

- (a) this person is named in and personally signed the attached document; and
- (b) this person acknowledges that he/she is the _____ of The Seaview at Shark River Homeowners Association, Inc.
- (c) this person signed, sealed and delivered this document as his or her act and deed.

Notary Public
My commission expires:

RECORD AND RETURN TO:

STATE OF NEW JERSEY:
SS:
COUNTY OF MONMOUTH:

I CERTIFY that on _____, 2017

RICHARD J. CUTTRELL

Personally came before me, and this person acknowledged under oath, to my satisfaction that:

(a) this person is the TOWNSHIP CLERK of the TOWNSHIP OF NEPTUNE, the municipal corporation named in this document;

(b) this person is the attesting witness to the signing of this document by the proper corporate officer, who is the Mayor of the municipal corporation;

(c) this document was signed and delivered by the municipal corporation as its voluntary act duly authorized by a proper resolution of the Township Council;

(d) this person knows the proper seal of the municipal corporation which was affixed to this document;

(e) this person signed this proof to attest to the truth of these facts.

Richard J. Cuttrell, RMC,
Township Clerk

Signed and sworn to before me
On _____, 2017

RESOLUTION #17-346 – 8/14/17

AUTHORIZE THE USE OF TOWNSHIP OWNED PROPERTY LOCATED AT BLOCK 5503, LOTS 18 & 19 (FORMERLY BLOCK 563, LOTS 1 & 2), ON SEAVIEW CIRCLE, AS A TEMPORARY DEWATERING SITE FOR MATERIALS DREDGED FROM THE SHARK RIVER CHANNELS

WHEREAS, the New Jersey Department of Transportation has indicated their willingness to seek a contract under the Public Contract Law for additional dredging of the Shark River Channels, subject to the use and consent of use of Township Property to dewater the materials dredged; and

WHEREAS, the recommended site is municipal owned property located at Block 5503, Lots 18 & 19 on Seaview Circle; and

WHEREAS, the authorized consent letter requested by the NJDEP/OMR is to allow a dredging plan between August 1, 2017 through June 1, 2018 in the Shark River (by adoption of Resolution #15-255 on June 8, 2015, the Township Committee granted this consent for the period from September 7, 2015 through December 31, 2016); and

WHEREAS, the contractor hired by the State will be required to return the site to the preexisting conditions as part of the NJDOT contract, and will protect the site under the supervision of the NJDOT during all activities,

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey, hereby authorizes and consents to the use by NJDOT/OMR or its contractor, Block 5503, Lots 18 & 19 of Neptune Township (Seaview Circle), which is Neptune Township owned property, as a dewatering site based on the conditions and assurances set forth above; and,

BE IT FURTHER RESOLVED, that the Township Committee hereby authorizes the Mayor or Deputy Mayor to execute a letter of consent setting forth the aforesaid conditions and expectations of this Resolution, and to supply the Resolution along with the letter of consent to the New Jersey Department of Transportation/OMR.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Business Administrator, Chief Financial Officer, Township Attorney and Township Engineer.

RESOLUTION #17-347 - 8/14/17

APPROVE SELECTION OF LEGAL COUNSEL TO REPRESENT
MICHAEL J. BASCOM IN LAWSUITS FOR PUNITIVE DAMAGES

WHEREAS, Michael J. Bascom, Chief Financial Officer and former Police Director, has been named as a Defendant in multiple lawsuits and has requested legal counsel in regards to the claims for punitive damages; and,

WHEREAS, in accordance with individual employment contract and policy, the Township Committee must approve the selection of counsel; and,

WHEREAS, the Township will reimburse said official for legal fees incurred for personal counsel for lawsuits for punitive damages pursuant to N.J.S.A. 40A:14-155; and,

WHEREAS, the Township's reimbursement will be limited to a rate per hour not to exceed the current hourly rate of the Township Attorney, the Township reserves the right to limit the total expenditure to a reasonable cost and the Township reserves the right to not reimburse for legal fees and costs should an officer be held liable for punitive damages; and,

WHEREAS, funds will be provided in the 2017 municipal budget in the appropriation entitled Legal Services O.E. and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that approval is hereby granted to former Police Director Michael Bascom to retain legal counsel for the claim of punitive damages in the following matters at an amount not to exceed \$2,500.00 for each case; and,

- Kirsten Seidle v. Michael J. Bascom

O'Donnell McCord, PC
1725 Highway 35, Suite C
Wall, NJ 07719

- Kyheem Davis v. Michael J. Bascom
- Christine Savage v. Michael J. Bascom
- Elena Gonzalez v. Michael J. Bascom

Lentz Gengaro, LLP
347 Mt. Pleasant Avenue, Suite 203
West Orange, NJ 07052

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Business Administrator, Chief Financial Officer, Assistant C.F.O., Chief of Police, Township Attorney and Michael Bascom.

RESOLUTION #17-348 - 8/14/17

APPROVE SELECTION OF LEGAL COUNSEL TO REPRESENT
POLICE CHIEF JAMES M. HUNT, JR. IN LAWSUITS FOR PUNITIVE DAMAGES

WHEREAS, James M. Hunt, Jr., Chief of Police, has been named as a Defendant in multiple lawsuits and has requested legal counsel in regards to the claims for punitive damages; and,

WHEREAS, in accordance with individual employment contract and policy, the Township Committee must approve the selection of counsel; and,

WHEREAS, the Township will reimburse said official for legal fees incurred for personal counsel for lawsuits for punitive damages pursuant to N.J.S.A. 40A:14-155; and,

WHEREAS, the Township's reimbursement will be limited to a rate per hour not to exceed the current hourly rate of the Township Attorney, the Township reserves the right to limit the total expenditure to a reasonable cost and the Township reserves the right to not reimburse for legal fees and costs should an officer be held liable for punitive damages; and,

WHEREAS, funds will be provided in the 2017 municipal budget in the appropriation entitled Legal Services O.E. and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that approval is hereby granted to Police Chief James M. Hunt, Jr. to retain legal counsel for the claim of punitive damages in the following matters at an amount not to exceed \$2,500.00 for each case; and,

- Kirsten Seidle v. James M. Hunt, Jr.

O'Donnell McCord, PC
1725 Highway 35, Suite C
Wall, NJ 07719

- Kyheem Davis v. James M. Hunt, Jr.
- Christine Savage v. James M. Hunt, Jr.
- Elena Gonzalez v. James M. Hunt, Jr.

Lentz Gengaro, LLP
347 Mt. Pleasant Avenue, Suite 203
West Orange, NJ 07052

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Business Administrator, Chief Financial Officer, Assistant C.F.O., Chief of Police, and Township Attorney.

RESOLUTION #17-349 - 8/14/17

AUTHORIZE AN AMENDMENT TO THE 2017 MUNICIPAL BUDGET TO REALIZE
MONIES FROM THE DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF HIGHWAY TRAFFIC SAFETY

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and,

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and,

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget for the year 2017 in the sum of \$5,500.00 which is now available from the NJDLP&S – Division of Highway Traffic Safety in the amount of \$5,500.00; and,

BE IT FURTHER RESOLVED that the like sum of \$5,500.00 is hereby appropriated under the caption of 2017 Drive Sober or Get Pulled Over Statewide Labor Day Crackdown; and,

BE IT FURTHER RESOLVED, that the above is the result of funds from the New Jersey Department of Law & Public Safety – Division of Highway Traffic Safety 2017 Drive Sober or Get Pulled Over Statewide Labor Day Crackdown grant in the amount of \$5,500.00; and,

BE IT FURTHER RESOLVED, that the Clerk forward three certified copies of this resolution to the Chief Financial Officer and one copy to the Assistant C.F.O., and Auditor.

Vote:

Lane:

McMillan:

Rizzo:

Williams:

Brantley:

RESOLUTION #17-350 - 8/14/17

AUTHORIZE THE REFUND OF TAXES
AS A RESULT OF AN OVERPAYMENT

WHEREAS, the properties listed below reflect overpayments; and,

WHEREAS, they have furnished the necessary documentation and have requested a refund;
and,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune,
County of Monmouth, State of New Jersey, that the Tax Collector be and is hereby authorized to
refund the taxes as stated herein; and,

BLOCK	LOT	ASSESSED TO	ADDRESS	YEAR	AMOUNT
1604	14	STRATFORD	606 BERKLEY LN	2017	1,042.41
3703	5	HODGE	3 DARTMOUTH RD	2017	974.12
1902	1C255	KING	255 FRANKFORT AV	2017	1,242.92
617	30	THOMPSON	1817 STRATFORD AV	2017	619.73
4910	6	SIA	211 SCHOCK AVE	2017	2,113.23
3101	7	DEROSA	16 JUMPING BROOK	2017	181.46
5406	12	DIXON	115 MILFORD RD	2017	1,331.31
3205	17	GONZALEZ	22 ELDORADO WY	2017	723.31
2704	14	CRAWFORD	404 SLOCUM AV	2017	891.70
907	24	DAVIS	1963 W LAKE AVE	2017	201.56

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Tax
Collector, Assistant C.F.O. and Auditor.

RESOLUTION #17-351 - 8/14/17

AWARD BID FOR LAKE ALBERTA DREDGING AND DRAINAGE IMPROVEMENTS

WHEREAS, on August 3, 2017, the Township Consulting Engineer received bids for the award of a contract for Lake Alberta dredging and drainage improvements; and,

WHEREAS, said bids were reviewed by the Township Engineer and Consulting Engineer who have recommended that the bid be awarded to the lowest bid submitted by Precise Construction, Inc.; and,

WHEREAS, said bids were advertised, received and awarded in a "fair and open" competitive bidding process in accordance with the Open Public Contracts Law; and,

WHEREAS, funds for this purpose will be provided in Ordinances No. 04-32 and No. 15-07 and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that a contract be awarded to Precise Construction, Inc. on their lowest responsible base bid of \$735,625.00 for Lake Alberta dredging and drainage improvements; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Chief Financial Officer, Assistant C.F.O., and Township Engineer.

RESOLUTION #17-352 - 8/14/17

AUTHORIZE THE PURCHASE OF SAVIN COPIERS
THROUGH THE STATE COOPERATIVE PURCHASING PROGRAM

WHEREAS, the Business Administrator has recommended the purchase of eight (8) Savin document copiers for various municipal departments through an authorized vendor under the State of New Jersey Cooperative Purchasing Program 1-NJCP; and,

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Laws, N.J.S. 40A:11-12; and,

WHEREAS, Ricoh USA c/o Atlantic Tomorrows Office has been awarded New Jersey State Contract No. 40467 for this equipment; and,

WHEREAS, the Chief Financial Officer recommends the utilization of this contract because the price reflects a substantial savings; and,

WHEREAS, the total cost of the equipment shall not exceed \$79,836.00; and,

WHEREAS, funds for this purpose are available from Ordinances No. 15-33 and No. 17-24 and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the purchase of eight (8) Savin document copiers for various municipal departments through New Jersey Cooperative Purchasing Program Contract No. 40467 be and is hereby authorized at an amount not to exceed \$79,836.00; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Chief Financial Officer, Business Administrator, Assistant C.F.O. and Auditor.

RESOLUTION #17-353 – 8/14/17

AUTHORIZE THE PAYMENT OF BILLS

BE IT RESOLVED, by the Township Committee of the Township of Neptune that the following bills be paid if properly certified:

CURRENT FUND	\$1,881,148.65
GRANT FUND	37,827.90
TRUST FUND	119,797.66
GENERAL CAPITAL FUND	75,725.24
SEWER OPERATING FUND	110,489.83
MARINA OPERATING FUND	9,136.67
DOG TRUST	291.00
UDAG TRUST	1455.00
LIBRARY TRUST	2,258.85
BILL LIST TOTAL	\$2,238,130.80

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Assistant C.F.O.