

## TOWNSHIP COMMITTEE MEETING – MARCH 24, 2025

Mayor Lane called the meeting to order at 6:00 p.m. and requested the Clerk to call the roll. The following members were present: Tassie D. York, Jason Jones, Derel Stroud, Kevin McMillan and Mayor Robert Lane, Jr..

Also present were William Bray, Township Clerk and Leslie Park, Assistant Township Attorney.

Mayor Lane announced that the notice requirements of R.S. 10:4-18 have been satisfied by the publication of the required advertisement in The Coaster and the Asbury Park Press on March 21, 2025, 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 is posted on the Township web site ([www.neptunetownship.org](http://www.neptunetownship.org)) and the meeting is being streamed live via townhallstreams.com.

The following items were discussed in open session:

Committee Calendar: Mayor Lane stated on March 29 there will be a parade to honor Vietnam War veterans on the 50<sup>th</sup> anniversary of its conclusion followed by a service at the VFW.

### EXECUTIVE SESSION

Committeeman Jones offered the following resolution, moved and seconded by Committeeman Stroud, that Resolution 25-141 be adopted:

#### **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:

Personnel – Employee Retirement  
Personnel – Acting Business Administrator  
Contract Negotiations – Riley Road Pole Barn  
Attorney Client Privilege – Ocean Grove Parking  
Attorney Client Privilege - Ongoing Litigation Matters  
Attorney Client Privilege – Cannabis

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.

The resolution was adopted on the following vote: AYE: York, Jones, Stroud, McMillan and Lane.

The Committee entered Executive Session at 6:03 p.m.

The Committee returned from Executive Session at 6:55 p.m.

Mayor Lane called the Regular Meeting to order and requested the Clerk to call the roll. The following members were present: Tassie D. York, Jason Jones, Derel Stroud, Kevin McMillan and Mayor Robert Lane, Jr.

Also present at the dais were William Bray, Township Clerk and Leslie Park, Assistant Township Attorney.

After a moment of Silent Prayer and the Flag Salute, the Mayor asked the Clerk to indicate the fire exits.

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

Mayor Lane announced that the notice requirements of R.S. 10:4-18 have been satisfied by the publication of the required advertisement in The Coaster and the Asbury Park Press on March 21, 2025, 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, ordinances, and resolutions are posted on the Township web site ([www.neptunetownship.org](http://www.neptunetownship.org)) and the meeting is being streamed live via townhallstreams.com.

#### APPROVAL OF MINUTES

There were none.

#### PRESENTATIONS

There were none.

#### COMMENTS FROM THE DAIS

Committeewoman York – DPW added a CDL driver and wants to hire additional CDL drivers and laborers. Redevelopment meetings continue, possible announcement in the near future.

Committeeman Jones – Working with the Soccer Association on field improvements that meet their needs and increase security to prevent damage and vandalism. All of the recreation leagues have started their seasons and egg hunt preparations have begun. Engineering continues to work on flooding and shoreline issues. Road improvement projects will begin soon including the Myrtle Ave project which is holding its preconstruction meeting. Playground equipment improvements are complete and other park projects are proceeding. Elevator upgrades began and the municipal lot will be paved in April.

Committeeman Stroud – Thank You to the Ocean Grove Community Association for posting a notice of the meeting on Facebook. Sophie is the Little Librarian of the Week. Alicia is the Bookworm of the week. Next week there will be an anti-scam information session with Neptune Township Police and the Monmouth County Prosecutor's office for senior citizens. Neptune High School's vocal group Scarlet Sound will perform at the library with a reception, tickets available on the library's website. The Library will be providing tax filing assistance, income limits apply. Library is hosting a job coaching program to help improve participants' job search skills.

Committeeman McMillan – Attended the Clergy Prayer Breakfast with other township officials and they are working on ways to better partner with the community's faith bases institutions. Attended Wesley Lake Commission meeting there is an ordinance to authorize spending of a federal grant to make improvements to the lake's footbridge. Attended community collaborative meeting in Ocean Grove and discussed tourism. Township events will be publicized on digital signs on Route 66 and 35 including three events in May: Spring Fling, the car show and a flea market.

Mayor Lane – Public forum was held to give residents an opportunity to learn what's going in the township. Boy Scout Robert Delany organized a cleanup of the veterans' park in Shark River Hills with 50 other scouts and other adults for his Eagle Scout Project. There will be a Parade for Vietnam Veterans on the 50<sup>th</sup> anniversary of its conclusion with an event and luncheon after at the VFW. Hometown Hero Diner Dance on April 5 honoring Veronica Miller and George Reed.

#### BUSINESS ADMINISTRATOR'S REPORT

Township Clerk Bray read the Acting Business Administrator's Report into the record:

- Municipal Building elevator repairs have begun are anticipated to be complete by May 5, 2025
- Green Acres – Division Street Acquisition – Offer letter was sent to property owner to purchase the land for a new municipal park
- 401 Overlook – Airbnb representative stated the property was suspended for 90 days pending further investigation of complaints received from the township.
- 700 Neptune Blvd (Homeless Encampment) – Property owners was fined over \$30,000.00 for zoning and code violations with a 50% suspension subject to site cleaning within 120 days. Clean up has started with large volume of trash, propane tanks and hypodermic needles being safely removed and properly disposed.
- EV Charging station – Station is 90% complete. Dispute with landowner is delaying electric connection. Attorneys are in communication with the Arts Council.
- Eagle Scout Project – Planting of a tree and 6 azaleas were completed March 22, 2025.
- IT Project -IT is replacing all municipal and police workstations to meet workflow and security demands. Project funded via Bond Ord. 24-24.
- Municipal Building Parking Lot paving – Paving scheduled for April 3-5, 2025
- Sunshine Park -Engineering and DPW are working to improve the soccer fields. Soccer season will not be interrupted. Improvements are grant funded.

#### ADDITIONAL RESOLUTIONS

Township Clerk Bray stated Resolution 25-159 is being added to the Consent Agenda to appoint Stephanie Oppegaard Acting Business Administrator. Township Clerk Bray stated Res. 25-152 authorizes the Riley Road pole barn to be reduced in size by one bay or approximately 12 feet and add landscaping.

PUBLIC COMMENTS ON RESOLUTIONS

Mayor Lane asked for public comments regarding resolutions presented on this agenda only and they were as follows:  
There were no comments. Mayor Lane closed public comments.

ORDINANCES – PUBLIC HEARING & FINAL ADOPTION

ORDINANCE 25-05 –  
Mayor Lane was offered a motion by Committeewoman York to adopt Ordinance 25-05 on second reading final adoption, seconded by Committeeman Stroud.

**ORDINANCE NO. 25-05**  
**AN ORDINANCE TO AMEND VOLUME I, CHAPTER 25 OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY AMENDING FEES UNDER §25-1.2 VITAL STATISTICS**

**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 25, Section 25-1.2 – Vital Statistics**

**§25-1.2 Vital Statistics**

- a. The fee for a certified copy of a birth, marriage, remarriage, domestic partnership or civil union, or reaffirmation of civil union certificate. \$20.00
- b. The fee for a certified copy of a death certificate. \$25.00 for the first and \$2.00 for each additional copy
- c. Preparing and/or processing each birth correction form REG. 34 (this fee does not include a new birth certificate). \$10.00
- d. Preparing and/or processing corrective form REG. 34, in the following instances:
  - 1. Adding a father's/partner's name to a birth record. \$10.00
  - Correcting incorrect information given at the time birth.
  - 2. Correcting incorrect information given on any record by the informant or on a marriage certificate by Spouse A or Spouse B. \$10.00
  - 3. Correcting incorrect information given on any death certificate by the informant, funeral director or any individual having personal knowledge. \$10.00
- e. The fee for a burial permit (set by State of New Jersey). \$5.00

**SECTION 2.**

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

Mayor Lane asked for a motion to adopt Ordinance 25-05. The motion was offered by woman York and second by Committeeman Stroud.

Ordinance 25-05 was adopted on the following vote: AYE: York, Jones, Stroud, McMillan and Lane; NAY: none.

Ordinance 25-06 Committeeman Stroud offered Ordinance 25-06 to Tabled, moved and seconded by Committeewoman York.  
Ordinance 25-06 was Tabled on the following vote: AYE: York, Jones, Stroud, McMillan and Lane; NAY: none.

ORDINANCES – INTRODUCTION

ORDINANCE 25-07  
Committeeman Stroud offered a motion that Ordinance 25-07 be Introduced on First Reading, seconded by Committeeman McMillan.

**AN ORDINANCE TO AMEND CHAPTER 4 “BUSINESS AND LICENSING REGULATIONS” SECTION 13 “CANNABIS MERCANTILE REGISTRATION” TO ESTABLISH PROCEDURES FOR CANNABIS BUSINESS NAME CHANGES**

**WHEREAS**, the Township of Neptune recognizes the need to establish a regulatory framework for cannabis class use businesses that seek to change their legal name, as governed by the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization (CREAMM) Act and the Jake Honig Compassionate Use Medical Cannabis Act; and

**WHEREAS**, the Cannabis Regulatory Commission (CRC) requires any cannabis business—including cultivators, manufacturers, wholesalers, distributors, retailers, and delivery services—to notify the Commission of changes to business information within ten (10) days of the change; and

**WHEREAS**, the Township seeks to establish a formal procedure to ensure compliance with state laws while maintaining accurate municipal records;

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Neptune, that the Cannabis Ordinance be amended as follows:

**SECTION 1.**

**CHAPTER 4        BUSINESS AND LICENSING REGULATIONS** - is hereby amended to add the following:

**4-14: CANNABIS BUSINESS NAME CHANGE PROCEDURE**

**§ 4-14.1: Notification to the Township of Neptune**

1. Any **cannabis business** operating in Neptune Township that seeks to change its legal name must submit a formal written request to the Neptune Township Clerk’s Office, Neptune Township Code Enforcement Department, and Neptune Township Mercantile Office.
2. The request must be submitted **within ten (10) calendar days** of the name change.
3. Failure to notify the Township within this timeframe may result in penalties or suspension of local approvals.

**§ 4-14.2: Notification to the New Jersey Cannabis Regulatory Commission (CRC)**

1. A cannabis business must submit a **Change of Business Name Notification** to the CRC within ten (10) days of the change.
2. The business must provide Neptune Township with proof of submission to the CRC.

**§ 4-14.3: Updating Business Registration and Licensing**

1. The business must update its legal name and any registered alternate names with the **New Jersey Division of Revenue and Enterprise Services**.
2. A copy of the **updated business registration certificate** must be provided to Neptune Township as part of the approval process.
3. The business must also update any relevant **state and municipal permits and licenses** under the new name.

**§ 4-14.4: Amended Business Documents Submission**

1. A cannabis business seeking a name change must submit an amendment application reflecting the new name to Neptune Township. The following documents are required:
  - Updated **Articles of Organization or Bylaws**;
  - An **updated business plan** reflecting the new business name;
  - A **copy of the CRC name change approval**, and;
  - Updated **federal and state tax identification documents** reflecting the new name.

**§ 4-14.5: Township Review and Approval Process**

1. The **Neptune Township Clerk’s Office, Neptune Township Code Enforcement Department, and Neptune Township Mercantile Office** will review the submissions to ensure it complies with the respective requirements of each department.
2. The Township reserves the right to conduct an administrative review to ensure the business remains compliant with all local zoning, licensing, and regulatory requirements.
3. The Township will issue a formal approval or denial of the name change after reviewing the complete application.

**§ 4-14.6: Penalties for Non-Compliance**

1. Failure to comply with the notification and documentation requirements set forth in this ordinance may result in:
  - Fines not to exceed **\$1,000 per violation**;
  - Temporary suspension of municipal approvals or permits, and;
  - Revocation of the business’s local mercantile license.

**SECTION 2.**

The remainder of all other sections and subsections of the aforementioned ordinance not specifically amended by this Ordinance shall remain in full force and effect.

**SECTION 3.**

All other Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistency.

**SECTION 4.**

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

## **SECTION 5.**

This Ordinance shall take effect upon its passage and publication according to law.

Ordinance 25-07 was Introduced on First reading on the following vote: AYE: York, Jones, Stroud, McMillan and Lane; NAY: none.

## **ORDINANCE 25-08**

Committeeman Jones offered a motion that Ordinance 25-08 be Introduced on First Reading, seconded by Committeeman Stroud.

### **BOND ORDINANCE NUMBER 25-08**

**BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO JUMPING BROOK ROAD (PHASE I), BY AND IN THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$480,000 THEREFOR (INCLUDING A \$346,632 MUNICIPAL AID GRANT RECEIVED OR EXPECTED TO BE RECEIVED FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION – TRANSPORTATION TRUST FUND) AND AUTHORIZING THE ISSUANCE OF \$130,000 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 amount of \$480,000, said amount being inclusive of a Municipal Aid grant in the amount of \$346,632 received or expected to be received from the New Jersey Department of Transportation – Transportation Trust Fund (the “Grant”) and a down payment in the amount of \$3,368 (the “Down Payment”) for said improvements as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the “Local Bond Law”), which Down Payment is now available from the General Capital Surplus 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 \$480,000 appropriation not provided for by application hereunder of the Grant and the Down Payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$130,000 pursuant to, and within the limitations prescribed by, 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 \$130,000 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 improvements to Jumping Brook Road (Phase I) in the Township (from south of Route 66 to the area of Toomin Drive), such improvements will include, but are not limited to, the repaving and reconstruction of Jumping Brook Road, the installation of various vehicular and pedestrian safety improvements, drainage improvements, and other associated improvements, including all work, materials, equipment, accessories, labor and

appurtenances necessary therefor or incidental thereto, all in accordance with a list on file in the Office of the Township Engineer and available for public inspection and hereby approved.

(b) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$130,000.

(c) The estimated cost of said improvements or purposes is \$480,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the Grant in the amount of \$346,632 and the Down Payment in the amount of \$3,368 available for such improvements or purposes.

**SECTION 4.** Other than the Grant, in the event the United States of America, the State of New Jersey (the "State"), and/or the County of Monmouth, make a contribution or grant in aid or provide any State or Federal funding to the Township for the improvements and purposes 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. Other than the Grant, 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, including any State or Federal funding, 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. 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 sold, the price obtained and the name of the purchaser.

**SECTION 6.** The capital budget or temporary 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 or temporary 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 a current expense 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 ten (10) 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 \$130,000 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 \$75,000 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 purposes or improvements 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, unless paid from other sources, the Township shall be obligated to levy *ad valorem* taxes upon all the taxable 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. 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 are "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 Internal Revenue Code of 1986, as amended, of the interest on all tax-exempt bonds and notes issued under this bond ordinance.

**SECTION 11.** The Chief Financial Officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township, which are authorized herein, and to execute such disclosure document on behalf of the Township. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township, which are authorized herein, and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

**SECTION 12.** The Mayor, the Chief Financial Officer, the Administrator, and any other official/officer of the Township are each hereby authorized and directed to execute, deliver and perform any agreement necessary to undertake the improvements or purposes set forth herein and to effectuate any transaction contemplated hereby.

**SECTION 13.** This bond ordinance shall take effect twenty (20) days after the first publication of this bond ordinance after final adoption and approval by the Mayor, as provided by the Local Bond Law.

Ordinance 25-08 was Introduced on First reading on the following vote: AYE: York, Jones, Stroud, McMillan and Lane; NAY: none.

**ORDINANCE 25-09**

Committeeman Stroud offered a motion that Ordinance 25-09 be Introduced on First Reading, seconded by Committeewoman York.

**CAPITAL ORDINANCE NUMBER 25-09**

**CAPITAL ORDINANCE PROVIDING FOR THE REHABILITATION OF AND IMPROVEMENTS TO THE WESTERN FOOTBRIDGE OVER WESLEY LAKE, BY AND IN THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$1,000,000 TO PAY FOR THE COST THEREOF, WHICH AMOUNT WILL BE FUNDED BY A \$1,000,000 GRANT RECEIVED OR EXPECTED TO BE RECEIVED FROM THE HOUSING AND URBAN DEVELOPMENT COMMUNITY PROGRAM FUND**

**WHEREAS**, the Township of Neptune, in the County of Monmouth, State of New Jersey (the "Township"), wishes to undertake the rehabilitation of and improvements to the Western Footbridge over Wesley Lake, including, but not limited to, Americans with Disabilities Act (ADA) accessibility improvements, improvements to the decking, railings, balustrades, caps, and curbing, and all other related improvements including, but not limited to, as applicable, engineering and design work, consulting, preparation of plans and specifications, construction planning, surveying, permits, bid documents, construction inspection and contract administration, equipment rental and all work, materials, equipment, accessories, labor and appurtenances necessary therefor or incidental thereto, all in accordance with the plans and specifications therefor on file in the Office of the Township Engineer and available for public inspection and hereby approved (collectively, the "Capital Improvements"); and

**WHEREAS**, the cost of said Capital Improvements is estimated to be \$1,000,000; and

**WHEREAS**, the Township has received or expects to receive a Housing and Urban Development ("HUD") Community Program Funding Grant in the amount of \$1,000,000 (the "HUD Grant") to finance the cost of the Capital Improvements; and

**WHEREAS**, the Township Committee desires to authorize the appropriation and expenditure of the HUD Grant in order to finance the aforesaid Capital Improvements.

**BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY** (a majority of the full membership thereof affirmatively concurring), **AS FOLLOWS:**

**SECTION 1.** The recitals set forth in the preambles to this capital ordinance are fully incorporated by this reference as if set forth in full herein.

**SECTION 2.** The Capital Improvements or purposes described in Section 3 of this capital ordinance are hereby authorized as general capital improvements to be undertaken by the Township. There is hereby appropriated the HUD Grant in the amount of \$1,000,000 for said Capital Improvements or purposes stated in Section 3 hereof.

**SECTION 3.** The Capital Improvements or purposes hereby authorized are for the rehabilitation of and improvements to the Western Footbridge over Wesley Lake, including, but not limited to, Americans



with Disabilities Act (ADA) accessibility improvements, improvements to the decking, railings, balustrades, caps, and curbing, and all other related improvements including, but not limited to, as applicable, engineering and design work, consulting, preparation of plans and specifications, construction planning, surveying, permits, bid documents, construction inspection and contract administration, equipment rental and all work, materials, equipment, accessories, labor and appurtenances necessary therefor or incidental thereto, all in accordance with the plans and specifications therefor on file in the Office of the Township Engineer and available for public inspection and hereby approved.

**SECTION 4.** The expenditure of the HUD Grant for the Capital Improvements or purposes set forth in Section 3 hereof is hereby authorized and approved. The Mayor, the Clerk, the Chief Financial Officer and any other official/officer of the Township are each hereby authorized and directed to execute, deliver and perform any agreement with HUD or any other agreement necessary to undertake the Capital Improvements or purposes set forth herein and to effectuate any transaction contemplated thereby and hereby.

**SECTION 5.** The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this capital ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services, New Jersey Department of Community Affairs.

**SECTION 6.** Capitalized terms used herein and not otherwise defined, shall have the meanings ascribed to such terms in the preambles of this capital ordinance.

**SECTION 7.** This ordinance shall take effect in accordance with applicable New Jersey law, including N.J.S.A. 40:49-1 et seq. Ordinance 25-09 was Introduced on First reading on the following vote: AYE: York, Jones, Stroud, McMillan and Lane; NAY: none.

ORDINANCE 25-10  
Committeeman Stroud offered a motion that Ordinance 25-10 be Introduced on First Reading, seconded by Committeeman McMillan.

**BOND ORDINANCE NUMBER 25-10**

**BOND ORDINANCE PROVIDING FOR THE SOUTH RIVERSIDE PHASE II LIVING SHORELINE MITIGATION PROJECT, BY AND IN THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$1,550,000 THEREFOR (INCLUDING A \$1,145,000 PRE-DISASTER MITIGATION GRANT RECEIVED OR EXPECTED TO BE RECEIVED FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY) AND AUTHORIZING THE ISSUANCE OF \$384,750 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 amount of \$1,550,000, said amount being inclusive of a Pre-Disaster Mitigation grant in the amount of \$1,145,000 received or expected to be received from the Federal Emergency Management Agency (the "Grant") and a down payment in the amount of \$20,250 (the "Down Payment") for said improvements as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"), which Down Payment is now available 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 \$1,550,000 appropriation not provided for by application hereunder of the Grant and the Down Payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$384,750 pursuant to, and within the limitations prescribed by, 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 \$384,750 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 the South Riverside Phase II Living Shoreline Mitigation Project, including, but not limited to, the development of shoreline protection and ancillary flood mitigation improvements in the area between Clinton Avenue and the Municipal Marina in the Township, including, but not limited to, the installation of drainage pipes, marsh and dune plantings, beach sand and offshore sill, and other related improvements, and also including, but not limited to, as applicable, engineering and design work, architectural and preservation work, consulting work, preparation of plans and specifications, construction planning, surveying, permits, bid documents, construction inspection and contract administration, environmental testing, remediation and disposal, conduction and preparation of reports and studies, equipment rental and all work, materials, equipment, accessories, labor and appurtenances necessary therefor or incidental thereto, all in accordance with the plans and specifications therefor on file in the Office of the Township Engineer and available for public inspection and hereby approved.

(b) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$384,750.

(c) The estimated cost of said improvements or purposes is \$1,550,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the Grant in the amount of \$1,145,000 and the Down Payment in the amount of \$20,250, all available for such improvements or purposes.

**SECTION 4.** Other than the Grant, in the event the United States of America, the State of New Jersey (the "State"), and/or the County of Monmouth, make a contribution or grant in aid or provide any State or Federal funding to the Township for the improvements and purposes 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. Other than the Grant, 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, including any State or Federal funding, 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. 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 or temporary 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 or temporary 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 a current expense 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 ten (10) 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 \$384,750 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 purposes or improvements 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, unless paid from other sources, the Township shall be obligated to levy *ad valorem* taxes upon all the taxable 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. 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 are "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 Internal Revenue Code of 1986, as amended, of the interest on all tax-exempt bonds and notes issued under this bond ordinance.

**SECTION 11.** The Chief Financial Officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township, which are authorized herein, and to execute such disclosure document on behalf of the Township. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township, which are authorized herein, and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

**SECTION 12.** The Mayor, the Chief Financial Officer, the Administrator, and any other official/officer of the Township are each hereby authorized and directed to execute, deliver and perform any agreement necessary to undertake the improvements or purposes set forth herein and to effectuate any transaction contemplated hereby.

**SECTION 13.** This bond ordinance shall take effect twenty (20) days after the first publication of this bond ordinance after final adoption and approval by the Mayor, as provided by the Local Bond Law.

Ordinance 25-10 was Introduced on First reading on the following vote: AYE: York, Jones, Stroud, McMillan and Lane; NAY: none.

#### ORDINANCE 25-11

Committeeman Stroud offered a motion that Ordinance 25-11 be Introduced on First Reading, seconded by Committeeman Jones.

#### **BOND ORDINANCE NUMBER 25-11**

**BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO THE LOFFREDO BALLFIELDS, BY AND IN THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$500,000 THEREFOR (INCLUDING A \$326,000 GRANT RECEIVED OR EXPECTED TO BE RECEIVED FROM THE MONMOUTH COUNTY OPEN SPACE TRUST FUND) AND AUTHORIZING THE ISSUANCE OF \$165,300 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 amount of \$500,000, said amount being inclusive of a grant in the amount of \$326,000 received or expected to be received from the Monmouth County Open Space Trust Fund (the "Grant") and a down payment in the amount of \$8,700 (the "Down Payment") for said improvements as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"), which Down Payment is now available 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 \$500,000 appropriation not provided for by application hereunder of the Grant and the Down Payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$165,300 pursuant to, and within the limitations prescribed by, 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 \$165,300 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 improvements to the Loffredo Ballfields located in the Township, including, but not limited to, the reconstruction of the playing field, the acquisition and installation of fencing, drainage and irrigation improvements, and other related improvements, and also including, but not limited to, as applicable, engineering and design work, consulting, preparation of plans and specifications, construction planning, surveying, permits, bid documents, construction inspection and contract administration, equipment rental and all work, materials, equipment, accessories, labor and appurtenances necessary therefor or incidental thereto, all in accordance with the plans and specifications therefor on file in the Office of the Township Engineer and available for public inspection and hereby approved.

(b) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$165,300.

(c) The estimated cost of said improvements or purposes is \$500,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the Grant in the amount of \$326,000 and the Down Payment in the amount of \$8,700, all available for such improvements or purposes.

**SECTION 4.** Other than the Grant, in the event the United States of America, the State of New Jersey (the "State"), and/or the County of Monmouth, make a contribution or grant in aid or provide any State or Federal funding to the Township for the improvements and purposes 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. Other than the Grant, 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, including any State or Federal funding, 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. 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 or temporary 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 or temporary 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 a current expense 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 \$165,300 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 \$80,000 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 purposes or improvements 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, unless paid from other sources, the Township shall be obligated to levy *ad valorem* taxes upon all the taxable 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. 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 are "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 Internal Revenue Code of 1986, as amended, of the interest on all tax-exempt bonds and notes issued under this bond ordinance.

**SECTION 11.** The Chief Financial Officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township, which are authorized herein, and to execute such disclosure document on behalf of the Township. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township, which are authorized herein, and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

**SECTION 12.** The Mayor, the Chief Financial Officer, the Administrator, and any other official/officer of the Township are each hereby authorized and directed to execute, deliver and perform any agreement necessary to undertake the improvements or purposes set forth herein and to effectuate any transaction contemplated hereby.

**SECTION 13.** This bond ordinance shall take effect twenty (20) days after the first publication of this bond ordinance after final adoption and approval by the Mayor, as provided by the Local Bond Law.

Ordinance 25-11 was Introduced on First reading on the following vote: AYE: York, Jones, Stroud, McMillan and Lane; NAY: none.

ORDINANCE 25-12

Committeewoman York offered a motion that Ordinance 25-12 be Introduced on First Reading, seconded by Committeeman Stroud.

#### **BOND ORDINANCE NUMBER 25-12**

**BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF A PARCEL OF REAL PROPERTY BETWEEN DIVISION STREET AND CORLIES AVENUE FOR OPEN SPACE AND RECREATIONAL PURPOSES, BY AND IN THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$400,000 THEREFOR (INCLUDING A \$258,000 GREEN ACRES GRANT RECEIVED OR EXPECTED TO BE RECEIVED FROM THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION) AND AUTHORIZING THE ISSUANCE OF \$134,900 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 amount of \$400,000, said amount being inclusive of a Green Acres grant in the amount of \$258,000 received or expected to be received from the New Jersey Department of Environmental Protection (the "Grant") and a down payment in the amount of \$7,100 (the "Down Payment") for said improvements as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"), which Down Payment is now available 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 \$400,000 appropriation not provided for by application hereunder of the Grant and the Down Payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$134,900 pursuant to, and within the limitations prescribed by, 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 \$134,900 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 the acquisition of and payment of the purchase price for a parcel of real property between Division Street and Corlies Avenue in the Township, located at Block 512, Lot 9 on the official tax map of the Township, also known as 1215 Corlies Avenue (the "Division Street/Corlies Avenue Property"), such Division Street/Corlies Avenue Property will be dedicated for open space and recreational purposes, and also including, but not limited to, as applicable, engineering and design work, consulting, preparation of plans and specifications, construction planning, surveying, permits, bid documents, construction inspection and contract administration, equipment rental and all work, materials, equipment, accessories, labor and appurtenances necessary therefor or incidental thereto, all in accordance with the plans and specifications therefor on file in the Office of the Township Engineer and available for public inspection and hereby approved.

(b) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$134,900,000.

(c) The estimated cost of said improvements or purposes is \$400,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the Grant in the amount of \$258,000 and the Down Payment in the amount of \$7,100 available for such improvements or purposes.

**SECTION 4.** Other than the Grant, in the event the United States of America, the State of New Jersey (the "State"), and/or the County of Monmouth, make a contribution or grant in aid or provide any State or Federal funding to the Township for the improvements and purposes 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. Other than the Grant, 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, including any State or Federal funding, 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. 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 or temporary 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 or temporary 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 a current expense 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 \$134,900 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 \$50,000 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 purposes or improvements 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, unless paid from other sources, the Township shall be obligated to levy *ad valorem* taxes upon all the taxable 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. 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 are "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 Internal Revenue Code of 1986, as amended, of the interest on all tax-exempt bonds and notes issued under this bond ordinance.

**SECTION 11.** The Chief Financial Officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township, which are authorized herein, and to execute such disclosure document on behalf of the Township. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township, which are authorized herein, and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

**SECTION 12.** The Township is hereby authorized to acquire the Division Street/Corlies Avenue Property and to negotiate an agreement of sale for the aforesaid acquisition. The Mayor, the Chief Financial Officer, the Administrator, the Township Attorney, and any other official/officer of the Township are each hereby authorized, as applicable, to negotiate, approve, execute, attest, deliver and perform said agreement of sale and any and all documents necessary to acquire said Division Street/Corlies Avenue Property.

**SECTION 13.** The Mayor, the Chief Financial Officer, the Administrator, and any other official/officer of the Township are each hereby authorized and directed to execute, deliver and perform any agreement necessary to undertake the improvements or purposes set forth herein and to effectuate any transaction contemplated hereby.

**SECTION 14.** The amount of any bonds or notes authorized to be issued or issued under this bond ordinance may be reduced or eliminated through the application of any additional grant funding received by the Township in addition to the Grant.

**SECTION 15.** This bond ordinance shall take effect twenty (20) days after the first publication of this bond

ordinance after final adoption and approval by the Mayor, as provided by the Local Bond Law.

Ordinance 25-12 was Introduced on First reading on the following vote: AYE: York, Jones, Stroud, McMillan and Lane; NAY: none.

ORDINANCE 25-13

Committeeman McMillan offered a motion that Ordinance 25-13 be Introduced on First Reading, seconded by Committeeman Jones.

ORDINANCE 25-13

AN ORDINANCE OF THE TOWNSHIP OF NEPTUNE ESTABLISHING MINIMUM  
STORMWATER MANAGEMENT REQUIREMENTS AND CONTROLS FOR “MAJOR  
DEVELOPMENTS”

**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:

**Stormwater Control**

**Section I. Scope and Purpose:**

A. Policy Statement

Flood control, groundwater recharge, and pollutant reduction shall be achieved through the use of stormwater management measures, including green infrastructure Best Management Practices (GI BMPs) and nonstructural stormwater management strategies. GI BMPs and low impact development (LID) should be utilized to meet the goal of maintaining natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge, and reduce pollution. GI BMPs and LID should be developed based upon physical site conditions and the origin, nature and the anticipated quantity, or amount, of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.

B. Purpose

The purpose of this ordinance is to establish minimum stormwater management requirements and controls for “major development,” as defined below in Section II.

C. Applicability

1. This ordinance shall be applicable to the following major developments:
  - a. Non-residential major developments; and
  - b. Aspects of residential major developments that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21.
2. This ordinance shall also be applicable to all major developments undertaken by Township of Neptune.
3. An application required by ordinance pursuant to C.1. above that has been submitted prior to October 15, 2024, shall be subject to the stormwater management requirements in effect on October 14, 2024.
4. An application required by ordinance for approval pursuant to C.1. above that has been submitted on or after March 2, 2021, but prior to October 15, 2024, shall be subject to the stormwater management requirements in effect on October 14, 2024.

D. Compatibility with Other Permit and Ordinance Requirements

Development approvals issued pursuant to this ordinance are to be considered an integral part of development approvals and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

This ordinance is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

## Section II. Definitions:

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The definitions below are the same as or based on the corresponding definitions in the Stormwater Management Rules at N.J.A.C. 7:8-1.2.

“CAFRA Centers, Cores or Nodes” means those areas with boundaries incorporated by reference or revised by the Department in accordance with N.J.A.C. 7:7-13.16.

“CAFRA Planning Map” means the map used by the Department to identify the location of Coastal Planning Areas, CAFRA centers, CAFRA cores, and CAFRA nodes. The CAFRA Planning Map is available on the Department's Geographic Information System (GIS).

“Community basin” means an infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond, established in accordance with N.J.A.C. 7:8-4.2(c)14, that is designed and constructed in accordance with the New Jersey Stormwater Best Management Practices Manual, or an alternate design, approved in accordance with N.J.A.C. 7:8-5.2(g), for an infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond and that complies with the requirements of this chapter.

“Compaction” means the increase in soil bulk density.

“Contributory drainage area” means the area from which stormwater runoff drains to a stormwater management measure, not including the area of the stormwater management measure itself.

“Core” means a pedestrian-oriented area of commercial and civic uses serving the surrounding municipality, generally including housing and access to public transportation.

“County review agency” means an agency designated by the County Commissioners to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be:

1. A county planning agency or
2. A county water resource association created under N.J.S.A 58:16A-55.5, if the ordinance or resolution delegates authority to approve, conditionally approve, or disapprove municipal stormwater management plans and implementing ordinances.

“Department” means the Department of Environmental Protection.

“Designated Center” means a State Development and Redevelopment Plan Center as designated by the State Planning Commission such as urban, regional, town, village, or hamlet.

“Design engineer” means a person professionally qualified and duly licensed in New Jersey to perform engineering services that may include, but not necessarily be limited to, development of project requirements, creation and development of project design and preparation of drawings and specifications.

“Development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlarge-enlargement of any building or structure, any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission is required under the Municipal Land Use Law, N.J.S.A. 40:55D-1 *et seq.*

In the case of development of agricultural land, development means: any activity that requires a State permit, any activity reviewed by the County Agricultural Board (CAB) and the State Agricultural Development Committee (SADC), and municipal review of any activity not exempted by the Right to Farm Act , N.J.S.A 4:1C-1 *et seq.*

“Disturbance” means the placement or reconstruction of impervious surface or motor vehicle surface, or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation. Milling and repaving is not considered disturbance for the purposes of this definition.

“Drainage area” means a geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving waterbody or to a particular point along a receiving waterbody.

“Environmentally constrained area” means the following areas where the physical alteration of the land is in some way restricted, either through regulation, easement, deed restriction or ownership such as: wetlands, floodplains, threatened and endangered species sites or designated habitats, and parks and preserves. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.

“Environmentally critical area” means an area or feature which is of significant environmental value, including but not limited to: stream corridors, natural heritage priority sites, habitats of endangered or threatened species, large areas of contiguous open space or upland forest, steep slopes, and well head protection and groundwater recharge areas. Habitats of endangered or threatened species are identified using the Department’s Landscape Project as approved by the Department’s Endangered and Nongame Species Program.

“Empowerment Neighborhoods” means neighborhoods designated by the Urban Coordinating Council “in consultation and conjunction with” the New Jersey Redevelopment Authority pursuant to N.J.S.A 55:19-69.

“Erosion” means the detachment and movement of soil or rock fragments by water, wind, ice, or gravity.

“Green infrastructure” means a stormwater management measure that manages stormwater close to its source by:

1. Treating stormwater runoff through infiltration into subsoil;
2. Treating stormwater runoff through filtration by vegetation or soil; or
3. Storing stormwater runoff for reuse.

"HUC 14" or "hydrologic unit code 14" means an area within which water drains to a particular receiving surface water body, also known as a subwatershed, which is identified by a 14-digit hydrologic unit boundary designation, delineated within New Jersey by the United States Geological Survey.

“Impervious surface” means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

“Infiltration” is the process by which water seeps into the soil from precipitation.

“Lead planning agency” means one or more public entities having stormwater management planning authority designated by the regional stormwater management planning committee pursuant to N.J.A.C. 7:8-3.2, that serves as the primary representative of the committee.

“Major development” means an individual “development,” as well as multiple developments that individually or collectively result in:

1. The disturbance of one or more acres of land since February 2, 2004;
2. The creation of one-quarter acre or more of “regulated impervious surface” since February 2, 2004;
3. The creation of one-quarter acre or more of “regulated motor vehicle surface” since March 2, 2021; or
4. A combination of 2 and 3 above that totals an area of one-quarter acre or more. The same surface shall not be counted twice when determining if the combination area equals one-quarter acre or more.

Major development includes all developments that are part of a common plan of development or sale (for example, phased residential development) that collectively or individually meet any one or more of paragraphs 1, 2, 3, or 4 above. Projects undertaken by any government agency that otherwise meet the definition of “major development” but which do not require approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., are also considered “major development.”

“Motor vehicle” means land vehicles propelled other than by muscular power, such as automobiles, motorcycles, autocycles, and low speed vehicles. For the purposes of this definition, motor vehicle does not include farm equipment, snowmobiles, all-terrain vehicles, motorized wheelchairs, go-carts, gas buggies, golf carts, ski-slope grooming machines, or vehicles that run only on rails or tracks.

“Motor vehicle surface” means any pervious or impervious surface that is intended to be used by “motor vehicles” and/or aircraft, and is directly exposed to precipitation including, but not limited to, driveways, parking areas, parking garages, roads, race-tracks, and runways.

“Municipality” means any city, borough, town, township, or village.

“New Jersey Stormwater Best Management Practices (BMP) Manual” or “BMP Manual” means the manual maintained by the Department providing, in part, design specifications, removal rates, calculation methods, and soil testing procedures approved by the Department as being capable of contributing to the achievement of the stormwater management standards specified in this chapter. The BMP Manual is periodically amended by the Department as necessary to provide design specifications on additional best management practices and new information on already included practices reflecting the best available current information regarding the particular practice and the Department’s determination as to the ability of that best management practice to contribute to compliance with the standards contained in this chapter. Alternative stormwater management measures, removal rates, or calculation methods may be utilized, subject to any limitations specified in this chapter, provided the design engineer demonstrates to the municipality, in accordance with Section IV.F. of this ordinance and N.J.A.C. 7:8-5.2(g), that the proposed measure and its design will contribute to achievement of the design and performance standards established by this chapter.

“Node” means an area designated by the State Planning Commission concentrating facilities and activities which are not organized in a compact form.

“Nutrient” means a chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms.

“Person” means any individual, corporation, company, partnership, firm, association, political subdivision of this State and any state, interstate or Federal agency.

“Pollutant” means any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substance (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. §§ 2011 *et seq.*)), thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff, or other residue discharged directly or indirectly to the land, ground waters or surface waters of the State, or to a domestic treatment works. “Pollutant” includes both hazardous and nonhazardous pollutants.

"Public roadway or railroad" means a pathway for use by motor vehicles or trains that is intended for public use and is constructed by, or on behalf of, a public transportation entity. A public roadway or railroad does not include a roadway or railroad constructed as part of a private development, regardless of whether the roadway or railroad is ultimately to be dedicated to and/or maintained by a governmental entity.

“Public transportation entity” means a Federal, State, county, or municipal government, an independent State authority, or a statutorily authorized public-private partnership program pursuant to P.L. 2018, c. 90 (N.J.S.A. 40A:11-52 *et seq.*), that performs a public roadway or railroad project that includes new construction, expansion, reconstruction, or improvement of a public roadway or railroad.

“Recharge” means the amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

“Regulated impervious surface” means any of the following, alone or in combination:

1. A net increase of impervious surface;

2. The total area of impervious surface collected by a new stormwater conveyance system (for the purpose of this definition, a “new stormwater conveyance system” is a stormwater conveyance system that is constructed where one did not exist immediately prior to its construction or an existing system for which a new discharge location is created);
3. The total area of impervious surface proposed to be newly collected by an existing stormwater conveyance system; and/or
4. The total area of impervious surface collected by an existing stormwater conveyance system where the capacity of that conveyance system is increased.

“Regulated motor vehicle surface” means any of the following, alone or in combination:

1. The total area of motor vehicle surface that is currently receiving water;
2. A net increase in motor vehicle surface; and/or  
quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant, where the water quality treatment will be modified or removed.

“Sediment” means solid material, mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water or gravity as a product of erosion.

“Site” means the lot or lots upon which a major development is to occur or has occurred.

“Soil” means all unconsolidated mineral and organic material of any origin.

“State Development and Redevelopment Plan Metropolitan Planning Area (PA1)” means an area delineated on the State Plan Policy Map and adopted by the State Planning Commission that is intended to be the focus for much of the State’s future redevelopment and revitalization efforts.

“State Plan Policy Map” is defined as the geographic application of the State Development and Redevelopment Plan’s goals and statewide policies, and the official map of these goals and policies.

“Stormwater” means water resulting from precipitation (including rain and snow) that runs off the land’s surface, is transmitted to the subsurface, or is captured by separate storm sewers or other sewage or drainage facilities, or conveyed by snow removal equipment.

“Stormwater management BMP” means an excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management BMP may either be normally dry (that is, a detention basin or infiltration system), retain water in a permanent pool (a retention basin), or be planted mainly with wetland vegetation (most constructed stormwater wetlands).

“Stormwater management measure” means any practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal non-stormwater discharges into stormwater conveyances.

“Stormwater runoff” means water flow on the surface of the ground or in storm sewers, resulting from precipitation.

“Stormwater management planning agency” means a public body authorized by legislation to prepare stormwater management plans.

“Stormwater management planning area” means the geographic area for which a stormwater management planning agency is authorized to prepare stormwater management plans, or a specific portion of that area identified in a stormwater management plan prepared by that agency.

“Tidal Flood Hazard Area” means a flood hazard area in which the flood elevation resulting from the two-, 10-, or 100-year storm, as applicable, is governed by tidal flooding from the Atlantic Ocean. Flooding in a tidal flood hazard area may be contributed to, or influenced by, stormwater runoff from inland areas, but the depth of flooding generated by the tidal rise and fall of the Atlantic Ocean is greater than flooding from any fluvial sources. In some situations, depending upon the

extent of the storm surge from a particular storm event, a flood hazard area may be tidal in the 100-year storm, but fluvial in more frequent storm events.

“Urban Coordinating Council Empowerment Neighborhood” means a neighborhood given priority access to State resources through the New Jersey Redevelopment Authority.

“Urban Enterprise Zones” means a zone designated by the New Jersey Enterprise Zone Authority pursuant to the New Jersey Urban Enterprise Zones Act, N.J.S.A. 52:27H-60 et. seq.

“Urban Redevelopment Area” is defined as previously developed portions of areas:

1. Delineated on the State Plan Policy Map (SPPM) as the Metropolitan Planning Area (PA1), Designated Centers, Cores or Nodes;
2. Designated as CAFRA Centers, Cores or Nodes;
3. Designated as Urban Enterprise Zones; and
4. Designated as Urban Coordinating Council Empowerment Neighborhoods.

“Water control structure” means a structure within, or adjacent to, a water, which intentionally or coincidentally alters the hydraulic capacity, the flood elevation resulting from the two-, 10-, or 100-year storm, flood hazard area limit, and/or floodway limit of the water. Examples of a water control structure may include a bridge, culvert, dam, embankment, ford (if above grade), retaining wall, and weir.

“Waters of the State” means the ocean and its estuaries, all springs, streams, wetlands, and bodies of surface or groundwater, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

“Wetlands” or “wetland” means an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

**Section III. Design and Performance Standards for Stormwater Management Measures**

- A. Stormwater management measures for major development shall be designed to provide erosion control, groundwater recharge, stormwater runoff quantity control, and stormwater runoff quality treatment as follows:
1. The minimum standards for erosion control are those established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules at N.J.A.C. 2:90.
  2. The minimum standards for groundwater recharge, stormwater quality, and stormwater runoff quantity shall be met by incorporating green infrastructure.
- B. The standards in this ordinance apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or Water Quality Management Plan adopted in accordance with Department rules.

**Section IV. Stormwater Management Requirements for Major Development**

- A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with Section X.
- B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department’s Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlenbergi* (bog turtle).
- C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of Section IV.P, Q and R:
1. The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;
  2. The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and



3. The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.
- D. A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of Section IV.O, P, Q and R may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:
1. The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
  2. The applicant demonstrates through an alternatives analysis, that through the use of stormwater management measures, the option selected complies with the requirements of Section IV.O, P, Q and R to the maximum extent practicable;
  3. The applicant demonstrates that, in order to meet the requirements of Section IV.O, P, Q and R, existing structures currently in use, such as homes and buildings, would need to be condemned; and
  4. The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under IV.D.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of Section IV.O, P, Q and R that were not achievable onsite.
- E. Tables 1 through 3 below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater Best Management Practices Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified in Section IV.O, P, Q and R. When designed in accordance with the most current version of the New Jersey Stormwater Best Management Practices Manual, the stormwater management measures found at N.J.A.C. 7:8-5.2 (f) Tables 5-1, 5-2 and 5-3 and listed below in Tables 1, 2 and 3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater Best Management Practices to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the Department shall publish in the New Jersey Registers a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the Department's website at:
- <https://dep.nj.gov/stormwater/bmp-manual/>.
- F. Where the BMP tables in the NJ Stormwater Management Rule are different due to updates or amendments with the tables in this ordinance the BMP Tables in the Stormwater Management rule at N.J.A.C. 7:8-5.2(f) shall take precedence.

<b>Table 1</b> <b>Green Infrastructure BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity</b>				
<b>Best Management Practice</b>	<b>Stormwater Runoff Quality TSS Removal Rate (percent)</b>	<b>Stormwater Runoff Quantity</b>	<b>Groundwater Recharge</b>	<b>Minimum Separation from Seasonal High Water Table (feet)</b>
Cistern	0	Yes	No	--
Dry Well <sup>(a)</sup>	0	No	Yes	2
Grass Swale	50 or less	No	No	2 <sup>(c)</sup> 1 <sup>(f)</sup>
Green Roof	0	Yes	No	--
Manufactured Treatment Device <sup>(a) (g)</sup>	50 or 80	No	No	Dependent upon the device
Pervious Paving System <sup>(a)</sup>	80	Yes	Yes <sup>(b)</sup> No <sup>(c)</sup>	2 <sup>(b)</sup> 1 <sup>(c)</sup>
Small-Scale Bioretention Basin <sup>(a)</sup>	80 or 90	Yes	Yes <sup>(b)</sup> No <sup>(c)</sup>	2 <sup>(b)</sup> 1 <sup>(c)</sup>
Small-Scale Infiltration Basin <sup>(a)</sup>	80	Yes	Yes	2
Small-Scale Sand Filter	80	Yes	Yes	2

Vegetative Filter Strip	60-80	No	No	--
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(Notes corresponding to annotations <sup>(a)</sup> through <sup>(g)</sup> are found after Table 1, 2, and 3)

<b>Table 2</b> <b>Green Infrastructure BMPs for Stormwater Runoff Quantity</b> <b>(or for Groundwater Recharge and/or Stormwater Runoff Quality</b> <b>with a Waiver or Variance from N.J.A.C. 7:8-5.3)</b>				
Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Bioretention System	80 or 90	Yes	Yes <sup>(b)</sup> No <sup>(e)</sup>	2 <sup>(b)</sup> 1 <sup>(e)</sup>
Infiltration Basin	80	Yes	Yes	2
Sand Filter <sup>(b)</sup>	80	Yes	Yes	2
Standard Constructed Wetland	90	Yes	No	N/A
Wet Pond <sup>(d)</sup>	50-90	Yes	No	N/A

(Notes corresponding to annotations <sup>(b)</sup> through <sup>(d)</sup> are found after Table 1, 2, and 3)

<b>Table 3</b> <b>BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or</b> <b>Stormwater Runoff Quantity</b> <b>only with a Waiver or Variance from N.J.A.C. 7:8-5.3</b>				
Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Blue Roof	0	Yes	No	N/A
Extended Detention Basin	40-60	Yes	No	1
Manufactured Treatment Device <sup>(h)</sup>	50 or 80	No	No	Dependent upon the device
Sand Filter <sup>(c)</sup>	80	Yes	No	1
Subsurface Gravel Wetland	90	No	No	1
Wet Pond	50-90	Yes	No	N/A

(Notes corresponding to annotations <sup>(b)</sup> through <sup>(d)</sup> are found after Table 1, 2, and 3)

- Notes to Tables 1, 2, and 3:
- (a) subject to the applicable contributory drainage area limitation specified at Section IV.O.2;
  - (b) designed to infiltrate into the subsoil;
  - (c) designed with underdrains;
  - (d) designed to maintain at least a 10-foot wide area of native vegetation along at least 50 percent of the shoreline and to include a stormwater runoff retention component designed to capture stormwater runoff for beneficial reuse, such as irrigation;
  - (e) designed with a slope of less than two percent;
  - (f) designed with a slope of equal to or greater than two percent;
  - (g) manufactured treatment devices that meet the definition of green infrastructure at Section II;
  - (h) manufactured treatment devices that do not meet the definition of green infrastructure at Section II.

G. An alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate may be used if the design engineer demonstrates the capability of the proposed alternative stormwater management measure and/or the validity of the alternative rate or method to the municipality. A copy of any approved alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate shall be provided to

the Department in accordance with Section VI.B. Alternative stormwater management measures may be used to satisfy the requirements at Section IV.O only if the measures meet the definition of green infrastructure at Section II. Alternative stormwater management measures that function in a similar manner to a BMP listed at Section O.2 are subject to the contributory drainage area limitation specified at Section O.2 for that similarly functioning BMP. Alternative stormwater management measures approved in accordance with this subsection that do not function in a similar manner to any BMP listed at Section O.2 shall have a contributory drainage area less than or equal to 2.5 acres, except for alternative stormwater management measures that function similarly to cisterns, grass swales, green roofs, standard constructed wetlands, vegetative filter strips, and wet ponds, which are not subject to a contributory drainage area limitation. Alternative measures that function similarly to standard constructed wetlands or wet ponds shall not be used for compliance with the stormwater runoff quality standard unless a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Section IV.D is granted from Section IV.O.

- H. Whenever the stormwater management design includes one or more BMPs that will infiltrate stormwater into subsoil, the design engineer shall assess the hydraulic impact on the groundwater table and design the site, so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table, so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems or other subsurface structures within the zone of influence of the groundwater mound, or interference with the proper functioning of the stormwater management measure itself.
- I. Design standards for stormwater management measures are as follows:
  - 1. Stormwater management measures shall be designed to take into account the existing site conditions, including, but not limited to, environmentally critical areas; wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability, and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone);
  - 2. Stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure, as appropriate, and shall have parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third the width of the diameter of the orifice or one-third the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of Section VIII.C;
  - 3. Stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement;
  - 4. Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at Section VIII; and
  - 5. The size of the orifice at the intake to the outlet from the stormwater management BMP shall be a minimum of two and one-half inches in diameter.
- J. Manufactured treatment devices may be used to meet the requirements of this subchapter, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department. Manufactured treatment devices that do not meet the definition of green infrastructure at Section II may be used only under the circumstances described at Section IV.O.4.
- K. Any application for a new agricultural development that meets the definition of major development at Section II shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at Sections IV.O, P, Q and R and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For purposes of this subsection, "agricultural development" means land uses normally associated with the production of food, fiber, and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacture of agriculturally related products.
- L. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section IV.P, Q and R shall be met in each drainage area, unless the runoff from the drainage areas converge onsite and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.
- M. Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the Office of the Clerk of the County of Monmouth. A form of deed notice shall be submitted to the municipality for approval prior to filing. The deed notice shall contain a description of the stormwater management measure(s) used to meet the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section IV.O, P, Q and R and shall identify the location of the stormwater management measure(s) in NAD 1983 State Plane New Jersey FIPS 2900 US Feet or Latitude and

Longitude in decimal degrees. The deed notice shall also reference the maintenance plan required to be recorded upon the deed pursuant to Section X.B.5. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality. Proof that the required information has been recorded on the deed shall be in the form of either a copy of the complete recorded document or a receipt from the clerk or other proof of recordation provided by the recording office. However, if the initial proof provided to the municipality is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the municipality within 180 calendar days of the authorization granted by the municipality.

N. A stormwater management measure approved under the municipal stormwater management plan or ordinance may be altered or replaced with the approval of the municipality, if the municipality determines that the proposed alteration or replacement meets the design and performance standards pursuant to Section IV of this ordinance and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the municipality for approval and subsequently recorded with the Office of the Clerk of the County of Monmouth and shall contain a description and location of the stormwater management measure, as well as reference to the maintenance plan, in accordance with M above. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality in accordance with M above.

O. Green Infrastructure Standards

1. This subsection specifies the types of green infrastructure BMPs that may be used to satisfy the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards.
2. To satisfy the groundwater recharge and stormwater runoff quality standards at Section IV.P and Q, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at Section IV.F. and/or an alternative stormwater management measure approved in accordance with Section IV.G. The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

Best Management Practice	Maximum Contributory Drainage Area
Dry Well	1 acre
Manufactured Treatment Device	2.5 acres
Pervious Pavement Systems	Area of additional inflow cannot exceed three times the area occupied by the BMP
Small-scale Bioretention Systems	2.5 acres
Small-scale Infiltration Basin	2.5 acres
Small-scale Sand Filter	2.5 acres

3. To satisfy the stormwater runoff quantity standards at Section IV.R, the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with Section IV.G.
4. If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Section IV.D is granted from the requirements of this subsection, then BMPs from Table 1, 2, or 3, and/or an alternative stormwater management measure approved in accordance with Section IV.G may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section IV.P, Q and R.
5. For separate or combined storm sewer improvement projects, such as sewer separation, undertaken by a government agency or public utility (for example, a sewerage company), the requirements of this subsection shall only apply to areas owned in fee simple by the government agency or utility, and areas within a right-of-way or easement held or controlled by the government agency or utility; the entity shall not be required to obtain additional property or property rights to fully satisfy the requirements of this subsection. Regardless of the amount of area of a separate or combined storm sewer improvement project subject to the green infrastructure requirements of this subsection, each project shall fully comply with the applicable groundwater recharge, stormwater runoff quality control, and stormwater runoff quantity standards at Section IV.P, Q and R, unless the project is granted a waiver from strict compliance in accordance with Section IV.D.

P. Groundwater Recharge Standards

1. This subsection contains the minimum design and performance standards for groundwater recharge as follows:
2. The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at Section V, either:

- i. Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or
  - ii. Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the projected 2-year storm, as defined and determined pursuant to Section V.D of this ordinance, is infiltrated.
- 3. This groundwater recharge requirement does not apply to projects within the “urban redevelopment area,” or to projects subject to 4 below.
- 4. The following types of stormwater shall not be recharged:
  - i. Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than “reportable quantities” as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan approved pursuant to the Administrative Requirements for the Remediation of Contaminated Sites rules, N.J.A.C. 7:26C, or Department landfill closure plan and areas; and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and
  - ii. Industrial stormwater exposed to “source material.” “Source material” means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

Q. Stormwater Runoff Quality Standards

- 1. This subsection contains the minimum design and performance standards to control stormwater runoff quality impacts of major development. Stormwater runoff quality standards are applicable when the major development results in an increase of one-quarter acre or more of regulated motor vehicle surface.
- 2. Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff generated from the water quality design storm as follows:
  - i. Eighty percent TSS removal of the anticipated load, expressed as an annual average shall be achieved for the stormwater runoff from the net increase of motor vehicle surface.
  - ii. If the surface is considered regulated motor vehicle surface because the water quality treatment for an area of motor vehicle surface that is currently receiving water quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant is to be modified or removed, the project shall maintain or increase the existing TSS removal of the anticipated load expressed as an annual average.
- 3. The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollutant Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. Every major development, including any that discharge into a combined sewer system, shall comply with 2 above, unless the major development is itself subject to a NJPDES permit with a numeric effluent limitation for TSS or the NJPDES permit to which the major development is subject exempts the development from a numeric effluent limitation for TSS.
- 4. The water quality design storm is 1.25 inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 4, below. The calculation of the volume of runoff may take into account the implementation of stormwater management measures.

Table 4 - Water Quality Design Storm Distribution

Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)
1	0.00166	41	0.1728	81	1.0906
2	0.00332	42	0.1796	82	1.0972
3	0.00498	43	0.1864	83	1.1038
4	0.00664	44	0.1932	84	1.1104
5	0.00830	45	0.2000	85	1.1170
6	0.00996	46	0.2117	86	1.1236
7	0.01162	47	0.2233	87	1.1302
8	0.01328	48	0.2350	88	1.1368
9	0.01494	49	0.2466	89	1.1434
10	0.01660	50	0.2583	90	1.1500
11	0.01828	51	0.2783	91	1.1550
12	0.01996	52	0.2983	92	1.1600
13	0.02164	53	0.3183	93	1.1650
14	0.02332	54	0.3383	94	1.1700
15	0.02500	55	0.3583	95	1.1750
16	0.03000	56	0.4116	96	1.1800
17	0.03500	57	0.4650	97	1.1850
18	0.04000	58	0.5183	98	1.1900
19	0.04500	59	0.5717	99	1.1950
20	0.05000	60	0.6250	100	1.2000
21	0.05500	61	0.6783	101	1.2050
22	0.06000	62	0.7317	102	1.2100
23	0.06500	63	0.7850	103	1.2150
24	0.07000	64	0.8384	104	1.2200
25	0.07500	65	0.8917	105	1.2250
26	0.08000	66	0.9117	106	1.2267
27	0.08500	67	0.9317	107	1.2284
28	0.09000	68	0.9517	108	1.2300
29	0.09500	69	0.9717	109	1.2317
30	0.10000	70	0.9917	110	1.2334
31	0.10660	71	1.0034	111	1.2351
32	0.11320	72	1.0150	112	1.2367
33	0.11980	73	1.0267	113	1.2384
34	0.12640	74	1.0383	114	1.2400
35	0.13300	75	1.0500	115	1.2417
36	0.13960	76	1.0568	116	1.2434
37	0.14620	77	1.0636	117	1.2450
38	0.15280	78	1.0704	118	1.2467
39	0.15940	79	1.0772	119	1.2483
40	0.16600	80	1.0840	120	1.2500

5. If more than one BMP in series is necessary to achieve the required 80 percent TSS reduction for a site, the applicant shall utilize the following formula to calculate TSS reduction:

$$R = A + B - (A \times B) / 100,$$

Where

R = total TSS Percent Load Removal from application of both BMPs, and  
A = the TSS Percent Removal Rate applicable to the first BMP  
B = the TSS Percent Removal Rate applicable to the second BMP.

6. Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include green infrastructure BMPs that optimize nutrient removal while still achieving the performance standards in Section IV.P, Q and R.
7. In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.
8. The Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-4.1(c)1 establish 300-foot riparian zones along Category One waters, as designated in the Surface Water Quality Standards at N.J.A.C. 7:9B, and certain upstream tributaries to Category One waters. A person shall not undertake a major development that is located within or discharges into a 300-foot riparian zone without prior authorization from the Department under N.J.A.C. 7:13.

9. Pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-11.2(j)3.i, runoff from the water quality design storm that is discharged within a 300-foot riparian zone shall be treated in accordance with this subsection to reduce the post-construction load of total suspended solids by 95 percent of the anticipated load from the developed site, expressed as an annual average.
10. The stormwater runoff quality standards do not apply to the construction of one individual single-family dwelling, provided that it is not part of a larger development or subdivision that has received preliminary or final site plan approval prior to December 3, 2018, and that the motor vehicle surfaces are made of permeable material(s) such as gravel, dirt, and/or shells.

#### R. Stormwater Runoff Quantity Standards

1. This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.
2. In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at Section V, complete one of the following:
  - i. Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the current and projected 2-, 10-, and 100-year storm events, as defined and determined in Section V.C and D, respectively, of this ordinance, do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;
  - ii. Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the current and projected 2-, 10-, and 100-year storm events, as defined and determined pursuant to Section V.C and D, respectively, of this ordinance, and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;
  - iii. Design stormwater management measures so that the post-construction peak runoff rates for the current and projected 2-, 10-, and 100-year storm events, as defined and determined in Section V.C and D, respectively, of this ordinance, are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or
  - iv. In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with 2.i, ii and iii above is required unless the design engineer demonstrates through hydrologic and hydraulic analysis that the increased volume, change in timing, or increased rate of the stormwater runoff, or any combination of the three will not result in additional flood damage below the point of discharge of the major development. No analysis is required if the stormwater is discharged directly into any ocean, bay, inlet, or the reach of any watercourse between its confluence with an ocean, bay, or inlet and downstream of the first water control structure.
3. The stormwater runoff quantity standards shall be applied at the site's boundary to each abutting lot, roadway, watercourse, or receiving storm sewer system.

### Section V. Calculation of Stormwater Runoff and Groundwater Recharge:

#### A. Stormwater runoff shall be calculated in accordance with the following:

1. The design engineer shall calculate runoff using ~~one of~~ the following methods:

The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in Chapters 7, 9, 10, 15 and 16 *Part 630, Hydrology National Engineering Handbook*, incorporated herein by reference as amended and supplemented. This methodology is additionally described in *Technical Release 55 - Urban Hydrology for Small Watersheds* (TR-55), dated June 1986, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the Natural Resources Conservation Service website at:

<https://directives.sc.egov.usda.gov/viewerFS.aspx?hid=21422>

or at United States Department of Agriculture Natural Resources Conservation Service, New Jersey State Office.

2. For the purpose of calculating curve numbers and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "curve number" applies to the NRCS methodology above at Section V.A.1. A curve number or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption

prior to the time of application. If more than one land cover has existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).

3. In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.
  4. In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS *Technical Release 55 – Urban Hydrology for Small Watersheds* or other methods may be employed.
  5. If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.
- B. Groundwater recharge may be calculated in accordance with the following:

The New Jersey Geological Survey Report GSR-32: A Method for Evaluating Groundwater-Recharge Areas in New Jersey, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the New Jersey Stormwater Best Management Practices Manual; at the New Jersey Geological Survey website at:

<https://www.nj.gov/dep/njgs/pricelst/gsreport/gsr32.pdf>

or at New Jersey Geological and Water Survey, 29 Arctic Parkway, PO Box 420 Mail Code 29-01, Trenton, New Jersey 08625-0420.

- C. The precipitation depths of the current two-, 10-, and 100-year storm events shall be determined by multiplying the values determined in accordance with items 1 and 2 below:
1. The applicant shall utilize the National Oceanographic and Atmospheric Administration (NOAA), National Weather Service’s Atlas 14 Point Precipitation Frequency Estimates: NJ, in accordance with the location(s) of the drainage area(s) of the site. This data is available at:  
  
[https://hdsc.nws.noaa.gov/hdsc/pfds/pfds\\_map\\_cont.html?bkmrk=nj](https://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html?bkmrk=nj); and
  2. The applicant shall utilize Table 5: Current Precipitation Adjustment Factors below, which sets forth the applicable multiplier for the drainage area(s) of the site, in accordance with the county or counties where the drainage area(s) of the site is located. Where the major development lies in more than one county, the precipitation values shall be adjusted according to the percentage of the drainage area in each county. Alternately, separate rainfall totals can be developed for each county using the values in the table below.

**Table 5: Current Precipitation Adjustment Factors**

County	Current Precipitation Adjustment Factors		
	2-year Design Storm	10-year Design Storm	100-year Design Storm
Atlantic	1.01	1.02	1.03
Bergen	1.01	1.03	1.06
Burlington	0.99	1.01	1.04
Camden	1.03	1.04	1.05
Cape May	1.03	1.03	1.04
Cumberland	1.03	1.03	1.01
Essex	1.01	1.03	1.06
Gloucester	1.05	1.06	1.06
Hudson	1.03	1.05	1.09
Hunterdon	1.02	1.05	1.13
Mercer	1.01	1.02	1.04
Middlesex	1.00	1.01	1.03



Monmouth	1.00	1.01	1.02
Morris	1.01	1.03	1.06
Ocean	1.00	1.01	1.03
Passaic	1.00	1.02	1.05
Salem	1.02	1.03	1.03
Somerset	1.00	1.03	1.09
Sussex	1.03	1.04	1.07
Union	1.01	1.03	1.06
Warren	1.02	1.07	1.15

- D. Table 6: Future Precipitation Change Factors provided below sets forth the change factors to be used in determining the projected two-, 10-, and 100-year storm events for use in this chapter, which are organized alphabetically by county. The precipitation depth of the projected two-, 10-, and 100-year storm events of a site shall be determined by multiplying the precipitation depth of the two-, 10-, and 100-year storm events determined from the National Weather Service’s Atlas 14 Point Precipitation Frequency Estimates pursuant to (c)1 above, by the change factor in the table below, in accordance with the county or counties where the drainage area(s) of the site is located. Where the major development and/or its drainage area lies in more than one county, the precipitation values shall be adjusted according to the percentage of the drainage area in each county. Alternately, separate rainfall totals can be developed for each county using the values in the table below.

**Table 6: Future Precipitation Change Factors**

County	Future Precipitation Change Factors		
	2-year Design Storm	10-year Design Storm	100-year Design Storm
Atlantic	1.22	1.24	1.39
Bergen	1.20	1.23	1.37
Burlington	1.17	1.18	1.32
Camden	1.18	1.22	1.39
Cape May	1.21	1.24	1.32
Cumberland	1.20	1.21	1.39
Essex	1.19	1.22	1.33
Gloucester	1.19	1.23	1.41
Hudson	1.19	1.19	1.23
Hunterdon	1.19	1.23	1.42
Mercer	1.16	1.17	1.36
Middlesex	1.19	1.21	1.33
Monmouth	1.19	1.19	1.26
Morris	1.23	1.28	1.46
Ocean	1.18	1.19	1.24
Passaic	1.21	1.27	1.50
Salem	1.20	1.23	1.32
Somerset	1.19	1.24	1.48
Sussex	1.24	1.29	1.50
Union	1.20	1.23	1.35
Warren	1.20	1.25	1.37

**Section VI. Sources for Technical Guidance:**

- A. Technical guidance for stormwater management measures can be found in the documents listed below, which are available to download from the Department’s website at:
- <https://dep.nj.gov/stormwater/bmp-manual/>.
- Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended and supplemented. Information is provided on stormwater management measures such as, but not limited to, those listed in Tables 1, 2, and 3.

2. Additional maintenance guidance is available on the Department's website at:

<https://dep.nj.gov/stormwater/maintenance-guidance/>.

- B. Submissions required for review by the Department should be mailed to:

The Division of Watershed Protection and Restoration, New Jersey Department of Environmental Protection, Mail Code 501-02A, PO Box 420, Trenton, New Jersey 08625-0420.

#### **Section VII. Solids and Floatable Materials Control Standards:**

- A. Site design features identified under Section IV.F above, or alternative designs in accordance with Section IV.G above, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section VII.A.2 below.

1. Design engineers shall use one of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
  - i. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or
  - ii. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater system floors used to collect stormwater from the surface into a storm drain or surface water body.

- iii. For curb-opening inlets, including curb-opening inlets in combination inlets, the clear space in that curb opening, or each individual clear space if the curb opening has two or more clear spaces, shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.
2. The standard in A.1. above does not apply:
  - i. Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine (9.0) square inches;
  - ii. Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;
  - iii. Where flows from the water quality design storm as specified in N.J.A.C. 7:8 are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
    - a. A rectangular space four and five-eighths (4.625) inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or
    - b. A bar screen having a bar spacing of 0.5 inches.

Note that these exemptions do not authorize any infringement of requirements in the Residential Site Improvement Standards for bicycle safe grates in new residential development (N.J.A.C. 5:21-4.18(b)2 and 7.4(b)1).

- iv. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1 inch) spacing between the bars, to the elevation of the Water Quality Design Storm as specified in N.J.A.C. 7:8; or
  - v. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

#### **Section VIII. Safety Standards for Stormwater Management Basins:**

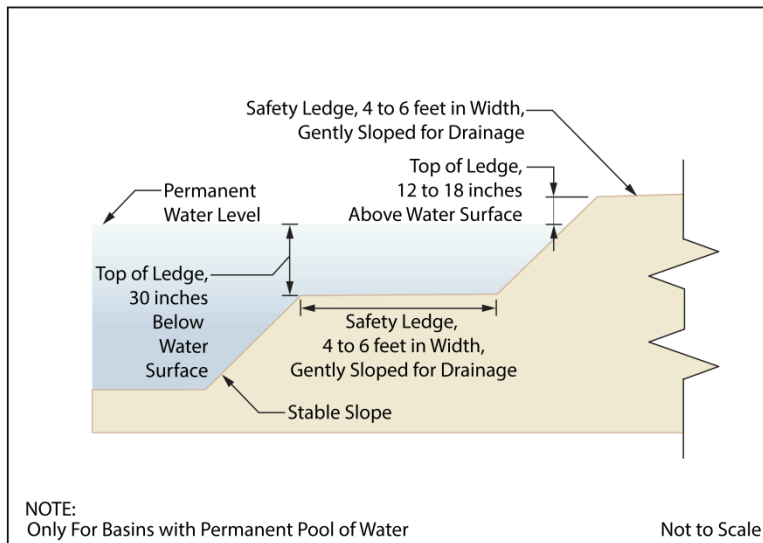
- A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management basins. This section applies to any new stormwater management basins and/or BMPs.
- B. The provisions of this section are not intended to preempt more stringent municipal or county safety requirements for new or existing stormwater management basins and/or BMPs. Municipal and county stormwater management plans and ordinances may, pursuant to their authority, require existing stormwater management basins and/or BMPs to be retrofitted to meet one or more of the safety standards in Section VIII.C.1, VIII.C.2, and VIII.C.3 for trash racks, overflow grates, and escape provisions at outlet structures.
- C. Requirements for Trash Racks, Overflow Grates and Escape Provisions
1. A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the Stormwater management basin and/or BMPs to ensure proper functioning of the basin outlets in accordance with the following:
    - i. The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;
    - ii. The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;
    - iii. The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack; and
    - iv. The trash rack shall be constructed of rigid, durable, and corrosion resistant material and designed to withstand a perpendicular live loading of 300 pounds per square foot.
  2. An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:
    - i. The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
    - ii. The overflow grate spacing shall be no greater than two inches across the smallest dimension
    - iii. The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.
  3. Stormwater management basins and/or BMPs shall include escape provisions as follows:
    - i. If a stormwater management basins and/or BMPs has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions include the installation of permanent ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management basins and/or BMPs. With the prior approval of the municipality pursuant to VIII.C, a free-standing outlet structure may be exempted from this requirement;
    - ii. Safety ledges shall be constructed on the slopes of all new stormwater management basins and/or BMPs having a permanent pool of water deeper than two and one-half feet. Safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and one-half feet below the permanent water surface, and the second step shall be located one to one and one-half feet above the permanent water surface. See VIII.E for an illustration of safety ledges in a stormwater management basin and/or BMP; and
    - iii. In new stormwater management basins and/or BMPs, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical.

D. Variance or Exemption from Safety Standard

A variance or exemption from the safety standards for stormwater management basin and/or BMP may be granted only upon a written finding by the municipality that the variance or exemption will not constitute a threat to public safety.

E. Safety Ledge Illustration

Elevation View –Basin Safety Ledge Configuration



## Section IX. Requirements for a Site Development Stormwater Plan:

### A. Submission of Site Development Stormwater Plan

1. Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at Section IX.C below as part of the submission of the application for approval.
2. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.
3. The applicant shall submit the specified number of copies of the materials listed in the checklist for site development stormwater plans in accordance with Section IX.C of this ordinance.

### B. Site Development Stormwater Plan Approval

The applicant's Site Development project shall be reviewed as a part of the review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the municipality's review engineer to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this ordinance.

### C. Submission of Site Development Stormwater Plan

The following information shall be required:

#### 1. Topographic Base Map

The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of 1"=200' or greater, showing 2-foot contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.

#### 2. Environmental Site Analysis

A written and graphic description of the natural and man-made features of the site and its surroundings should be submitted. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.

#### 3. Project Description and Site Plans

A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations will occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high groundwater elevations. A written description of the site plan and justification for proposed changes in natural conditions shall also be provided.

#### 4. Land Use Planning and Source Control Plan

This plan shall provide a demonstration of how the goals and standards of Sections III through

V are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

#### 5. Stormwater Management Facilities Map

The following information, illustrated on a map of the same scale as the topographic base map, shall be included:

- i. Total area to be disturbed, paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.
- ii. Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.

#### 6. Calculations

- i. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in Section IV of this ordinance.
- ii. When the proposed stormwater management control measures—depend on the hydrologic properties of soils or require certain separation from the seasonal high water table, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

#### 7. Maintenance and Repair Plan

The design and planning of the stormwater management facility shall meet the maintenance requirements of Section X.

#### 8. Waiver from Submission Requirements

The municipal official or board reviewing an application under this ordinance may, in consultation with the municipality's review engineer, waive submission of any of the requirements in Section IX.C.1 through IX.C.6 of this ordinance when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

### **Section X. Maintenance and Repair:**

#### A. Applicability

Projects subject to review as in Section I.C of this ordinance shall comply with the requirements of Section X.B and X.C.

#### B. General Maintenance

1. The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.
2. The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). The plan shall contain information on BMP location, design, ownership, maintenance tasks and frequencies, and other details as specified in Chapter 8 of the NJ BMP Manual, as well as the tasks specific to the type of BMP, as described in the applicable chapter containing design specifics.
3. If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.
4. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.

5. If the party responsible for maintenance identified under Section X.B.3 above is not a public agency, the maintenance plan and any future revisions based on Section X.B.7 below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
6. Preventative and corrective maintenance shall be performed to maintain the functional parameters (storage volume, infiltration rates, inflow/outflow capacity, etc.) of the stormwater management measure, including, but not limited to, repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of non-vegetated linings.
7. The party responsible for maintenance identified under Section X.B.3 above shall perform all of the following requirements:
  - i. maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders;
  - ii. evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and
  - iii. retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by Section X.B.6 and B.7 above.
8. The requirements of Section X.B.3 and B.4 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department.

*Note: It may be appropriate to delete requirements in the maintenance and repair plan that are not applicable if the ordinance requires the facility to be dedicated to the municipality. If the municipality does not want to take this responsibility, the ordinance should require the posting of a two year maintenance guarantee in accordance with N.J.S.A. 40:55D-53. Maintenance and inspection guidance can be found on the Department's website at:*

<https://dep.nj.gov/stormwater/maintenance-guidance/>.

9. In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill may result in a lien on the property.
- C. Nothing in this subsection shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53

#### **Section XI. Penalties:**

Any person(s) who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this ordinance shall be subject to the following penalties as outlined in the Neptune Township General Code Section 1.5 – General Penalties.

#### **Section XII. Severability:**

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

#### **Section XIII. Effective Date:**

This Ordinance shall be in full force and effect from and after its adoption and any publication as required by law.

Ordinance 25-13 was Introduced on First reading on the following vote: AYE: York, Jones, Stroud, McMillan and Lane; NAY: none.

#### **CONSENT AGENDA**

Mayor Lane asked if anyone member of the Committee wanted a separate vote on any of the

resolutions. Committeeman Stroud asked for a separate vote on Res. 25-151.  
Committeeman McMillian offered a motion to adopt the resolutions of the Consent Agenda, seconded by Committeeman Jones.

**RESOLUTION 25-137**

**AUTHORIZING THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE TO EXECUTE CHANGE ORDER #1 FOR \$31,629.50 WITH DUTCHMAN CONTRACTING, INC. FOR “IMPROVEMENTS TO THE PUBLIC WORKS FACILITY PHASE II- POLE BARN CONSTRUCTION” FOR A NEW CONTRACT TOTAL OF \$2,396,874.50**

**WHEREAS**, on April 29, 2024, the Township Committee adopted Resolution #24-119, which awarded an agreement to Dutchman Contracting, Inc., in the amount of \$2,365,245.00 in connection with Improvements to the Public Works Facility Phase II- Pole Barn Construction, and;

**WHEREAS**, Change Order #1 reflects a total contract amount change of \$31,629.50, which reflects:

- Additional steel bollards and beam guide rails.
- Additional gas space heaters and supplemental electrical service improvements.
- A deduction for the waste oil heating system.

**WHEREAS**, the Township of Neptune, pursuant to N.J.A.C. 5:30-11.99, desires to amend its contract with to reflect those changes, and;

**WHEREAS**, Change Order #1 accounts for a change in amount of \$31,629.50 has been prepared to reflect an increase in the contract quantities and is a 1.34% change in original contract price, and;

**WHEREAS**, the Township’s attorney has reviewed the project and Change Order #1 and recommends the Township Execute Change Order #1, and;

**WHEREAS**, the total new contract price shall be \$2,396,874.50, after Change Order #1 has been accepted and executed by the Township.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Committee of the Township of Neptune, County of Monmouth, State of New Jersey that:

1. Change Order #1, which increases the contract amount by \$31,629.50 for the contract between the Township of Neptune and Dutchman Contracting, Inc., be executed thereby increasing the new total contract price for the project to \$2,396,874.50.
2. All Township officials, including, but not limited to, the Mayor, Business Administrator, Engineer, and Municipal Clerk are hereby authorized and directed to take such ministerial actions as are necessary to effectuate the provisions of this resolution.

**RESOLUTION 25-142**

**AUTHORIZING 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:

**March 24, 2025, BILL LIST**

Current Fund	\$794,388.90
Grant Fund	\$68,225.37
Trust Other	\$11,797.00
General Capital	\$2,617.60
Sewer Operating Fund	\$10,904.79
Sewer Capital Fund	
Marina Operating Fund	\$12,274.96
Marina Capital Fund	
Dog Trust	\$33.60
Library Trust	140.00
UDAG Reciprocal Trust	



Payroll Fund

Bill List Total \$900,382.22

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

List of Bills - (All Funds)				
Meeting Date: 03/24/2025 For bills from 03/11/2025 to 03/19/2025				
Vendor	Description	Account	PO Payment	Check Total
Current Fund				
10186 - 3205 NEPTUNE LLC	PO 40124 3205 NEPTUNE, LLC, C/O ZIPP & TANNENBAUM	6,060.65	6,060.65	6,060.65
4861 - A & J PRODUCE	PO 39887 PRODUCE, FRUIT, ETC.		115.78	
01-201-28-372-020 Senior Citizens Programs OE		115.78		115.78
146 - ALLIANCE COMMERCIAL PEST INC	PO 40130 PEST-MONTHLY SERVICE		1,005.00	
01-201-26-310-020 Buildings and Grounds OE		1,005.00		1,005.00
152 - ALLIED FIRE & SAFETY EQP INC.	PO 40022 PROPOSAL #AFS11276		790.00	
01-201-28-372-020 Senior Citizens Programs OE		790.00		
	PO 40037 Open PO for dry chem recharge		400.00	
01-201-25-240-020 Police Department OE		400.00		1,190.00
10190 - ALLISON S MOORE	PO 40148 ALLISON S MOORE, 161 MAIN ST, NEW FALTZ,	2,497.84	2,497.84	2,497.84
211 - AMERICAN WATER SHARED SERVICES CENT	PO 39861 2025 CHARGES		9,897.25	
01-201-31-445-020 Water OE		9,897.25		9,897.25
9725 - APPLE BOOKS	PO 40031 Children's Titles		45.90	
01-201-29-390-020 Education Municipal Library OE		45.90		45.90
326 - ATLANTIC BUSINESS PRODUCTS	PO 39792 IM c3510 - MAILROOM		3,042.00	
01-201-22-195-020 Uniform Construction Code OE		1,733.00		
01-201-22-200-020 Oth Code Enf Functions OE		576.00		
01-201-20-100-020 General Admin OE		733.00		3,042.00
10020 - ATLANTIC COAST RECYCLING OF OCEAN CTY	PO 39966 2025 Single-Stream Recycling		12,409.47	
01-201-32-465-020 Solid Waste Disposal OE		12,409.47		12,409.47
2089 - BARBARA BENNETT	PO 40097 2024 MEDICARE PART B REIMBURSEMENT		873.50	
01-203-23-220-020 (2024) Employee Group Insurance OE		873.50		873.50
8805 - BETTY ANDREWS	PO 39274 2024 MEDICARE PART B REIMBURSEMENT		2,096.40	
01-203-23-220-020 (2024) Employee Group Insurance OE		2,096.40		2,096.40
5868 - BRUNO'S PIZZA	PO 39817 Storm Meals		121.94	
01-201-26-290-020 Streets and Road Maintenance OE		121.94		121.94
9488 - CABLEVISION LIGHTPATH	PO 39784 2025 CHARGES		928.98	
01-201-31-450-020 Telecommunications Costs OE		928.98		928.98
10193 - CARL SPOSATO	PO 40160 CARLSPOSATO & JAYME KLEIN, 45 ROOSEVELT	2,312.55	2,312.55	2,312.55
2522 - CAVENDISH SQUARE	PO 40034 Children's Titles		204.44	
01-201-29-390-020 Education Municipal Library OE		204.44		204.44



**List of Bills - (All Funds)**

Meeting Date: 03/24/2025 For bills from 03/11/2025 to 03/19/2025

Vendor	Description	Account	PO Payment	Check Total
1471 - CENGAGE LEARNING/GALE	PO 40032 Adult titles, multiple invoices		1,397.01	
01-201-29-390-020 Education Municipal Library OE		1,397.01		1,397.01
663 - CENTRAL JERSEY REGISTRAR'S ASSOC	PO 39921 CENTRAL JERSEY REGISTRAR ASSOCIATION MEM		40.00	
01-201-27-330-020 Public Health Services OE		40.00		40.00
9642 - CINTAS CORPORATION	PO 39877 2025 SUPPLIES		1,464.96	
01-201-26-310-020 Buildings and Grounds OE		1,079.37		
01-201-26-305-020 Solid Waste Collection OE		338.04		
01-201-26-300-020 Other Public Works Functions OE		47.55		
	PO 39877 2025 SUPPLIES		765.71	
01-201-26-310-020 Buildings and Grounds OE		356.82		
01-201-26-305-020 Solid Waste Collection OE		361.34		
01-201-26-300-020 Other Public Works Functions OE		47.55		
	PO 40089 2025 MEDICINE CABINET REFILLS		510.28	
01-201-26-300-020 Other Public Works Functions OE		118.75		
01-201-20-100-020 General Admin OE		43.44		
01-201-22-195-020 Uniform Construction Code OE		118.54		
01-201-20-165-020 Engineering Services OE		41.92		
01-201-28-372-020 Senior Citizens Programs OE		80.36		
01-201-25-240-020 Police Department OE		107.27		2,740.95
9922 - CLIMATE CONTROL HEATING AND COOLING CORP	PO 39644 SRH FIRST AID SERVICE CALL		375.00	
01-203-26-310-020 (2024) Buildings and Grounds OE		375.00		375.00
6451 - CONSTELLIS, LLC	PO 39808 2025 VEHICLE MAINTENANCE - CONTRACT		122,760.25	
01-201-26-315-020 Public Works Vehicle Maintenance OE		122,760.25		122,760.25
9352 - CORY ZARRELLA	PO 39926 Reimbursement for NJRPA conference expen		561.22	
01-201-28-370-020 Recreation Services and Programs OE		561.22		561.22
6244 - COUNTY OF MONMOUTH	PO 39733 Liquid Brine - Per Gallon		509.50	
01-201-26-290-020 Streets and Road Maintenance OE		509.50		509.50
1012 - DAWN THOMPSON	PO 39923 Reimbursement for NJRPA Conference expen		477.02	
01-201-28-370-020 Recreation Services and Programs OE		477.02		477.02
1041 - DEMCO	PO 39660 Replacement library book carts		2,084.60	
01-203-29-390-020 (2024) Education Municipal Library OE		2,084.60		
	PO 40027 Book carts and labels		3,754.13	
01-201-29-390-020 Education Municipal Library OE		3,754.13		5,838.73
10150 - DEREL STROUD	PO 39930 NJLDM Meal reimbursement		175.99	
01-201-20-100-020 General Admin OE		175.99		175.99
8284 - EAST COAST EMERGENCY LIGHTING, INC.	PO 39542 new vehicles outfitting		16,816.63	
01-203-25-240-020 (2024) Police Department OE		11,991.23		
01-203-26-315-020 (2024) Public Works Vehicle Maintenance OE		4,825.40		16,816.63
10187 - ESTATE OF NANCY R LYSKO	PO 40132 ESTATE OF NANCY R. LYSKO, SUZANNE MCGUIR		2,589.48	
		2,589.48		2,589.48

# List of Bills - (All Funds)

Meeting Date: 03/24/2025 For bills from 03/11/2025 to 03/19/2025

Vendor	Description	Account	PO Payment	Check Total
9811 - GENERAL PLUMBING SUPPLY INC 01-201-28-375-020 Maintenance of Parks OE	PO 39736 Draw down for materials - plumbing repai	50.27	50.27	50.27
9838 - GRAINGER INC 01-201-26-310-020 Buildings and Grounds OE	PO 39820 Lightbulbs Buffer Pads, Misc	225.60	225.60	225.60
8751 - GRANITE TELECOMMUNICATIONS 01-201-31-450-020 Telecommunications Costs OE	PO 39858 2025 CHARGES	4,316.99	4,316.99	4,316.99
1623 - GREEN GROVE SCHOOL 01-276-55 ELECTION EXPENSES	PO 39945 2024 POLLING PLACE	400.00	400.00	400.00
1658 - HAMILTON FIRE COMPANY 01-276-55 ELECTION EXPENSES	PO 39946 2024 POLLING PLACE	400.00	400.00	400.00
6317 - HOME DEPOT CREDIT SERVICES 01-201-26-310-020 Buildings and Grounds OE	PO 39737 Drawdown for Supplies 2025	393.89	393.89	
01-201-26-310-020 Buildings and Grounds OE	PO 39737 Drawdown for Supplies 2025	842.06	842.06	1,235.95
6317 - HOME DEPOT CREDIT SERVICES 01-201-26-290-020 Streets and Road Maintenance OE	PO 39821 Drawdown for Supplies	50.83	50.83	50.83
5786 - INDEPENDENCE CONSTRUCTORS 01-201-31-460-020 Gasoline OE	PO 39819 2025 UST Monthly Inspections & Certifica	2,780.00	2,780.00	2,780.00
1829 - INTERFAITH NEIGHBORS 01-201-28-372-020 Senior Citizens Programs OE	PO 39889 FOOD SUPPLIES FOR MENS/WOMENS BREAKFAST/	240.00	240.00	240.00
5895 - J. RANDY BISHOP 01-201-28-372-020 Senior Citizens Programs OE	PO 40105 REIMBURSE FOR MATERIALS AND SUPPLIES	53.98	53.98	53.98
10191 - JENNIFER LINDSAY GROZA	PO 40143 JENNIFER LINDSAY GROZA, 385 ARGYLE RD, B	1,544.81	1,544.81	1,544.81
1964 - JERSEY CENTRAL POWER & LIGHT 01-201-31-435-020 Street Lighting OE	PO 39742 2025 STREET LIGHTING	4,470.64	4,470.64	
01-201-31-430-020 Electricity OE	PO 39743 2025 ELECTRICITY CHARGES	9,887.00	9,887.00	14,357.64
9313 - JOHN GUIRE SUPPLY 01-201-26-290-020 Streets and Road Maintenance OE	PO 40021 Rundown for partsfor repairs to saws and	165.25	165.25	
01-201-26-290-020 Streets and Road Maintenance OE	PO 40021 Rundown for partsfor repairs to saws and	884.06	884.06	1,049.31
2159 - KARSON FOOD SERVICE 01-201-28-372-020 Senior Citizens Programs OE	PO 39885 FOOD SUPPLIES, PAPER GOODS, ETC.	383.00	383.00	383.00
10196 - KATHERINE F BURKE	PO 40162 KATHERINE F BURKE, 250 FRANKFORT AVE, NE	1,718.81	1,718.81	1,718.81

List of Bills - (All Funds)

Meeting Date: 03/24/2025 For bills from 03/11/2025 to 03/19/2025

Vendor	Description	Account	PO Payment	Check Total
2183 - KEMPTON FLAG SUPPLY	PO 39734 Drawdown for Flags/Hardware 2025		300.00	
01-201-28-375-020 Maintenance of Parks OE		300.00		300.00
8728 - KINEMATIC CONSULTANTS INC	PO 40121 FFD EXAM ACCOUNT 185688-ALC - BT		6,300.00	
01-201-20-105-020 Human Resources OE		6,300.00		6,300.00
10185 - LANICE & DIANNA HENRICKSON	PO 40125 LANCE & DIANNA HENRICKSON, 4 NORTH BARNE		1,577.74	
		1,577.74		1,577.74
8108 - MANNA & SON FOOD SERVICE	PO 39888 PRODUCE, FRUIT, ETC.		69.70	
01-201-28-372-020 Senior Citizens Programs OE		69.70		69.70
2528 - MARVEL ATKINSON	PO 39276 2024 MEDICARE PART B REIMBURSEMENT		2,096.40	
01-203-23-220-020 (2024) Employee Group Insurance OE		2,096.40		2,096.40
7625 - MHC	PO 39678 Employee Assistance Program Jan, Feb, Ma		1,465.56	
01-203-20-105-020 (2024) Human Resources OE		1,465.56		1,465.56
10145 - MM HOME SERVICE LLC	PO 39682 MOVE SWITCHES		1,534.00	
01-203-25-240-020 (2024) Police Department OE		1,054.00		
01-203-44-997-020 (2024) Capital Outlay - Public Safety		480.00		
	PO 39683 Replace ceiling fixture with new LED fix		5,580.00	
01-203-26-300-020 (2024) Other Public Works Functions OE		5,580.00		
	PO 40102 Electrical Workflow		635.00	
01-201-26-310-020 Buildings and Grounds OE		635.00		7,749.00
2734 - MONICA C. KOWALSKI	PO 38105 HOWE, MARTIN, FABIAN		5,967.00	
01-203-20-155-020 (2024) Legal Services OE		5,967.00		
	PO 38105 HOWE, MARTIN, FABIAN		13,468.00	
01-203-20-155-020 (2024) Legal Services OE		13,468.00		
	PO 40166 2025 LEGAL SERVICES		78.00	
01-201-20-155-020 Legal Services OE		78.00		19,513.00
6454 - MONMOUTH COUNTY FINANCE DEPARTMENT	PO 39967 2025 Landfill & Tipping Costs		78,740.16	
01-201-32-465-020 Solid Waste Disposal OE		76,146.06		
01-201-24-465-020 Recycling Tax on Landfill Costs		2,594.10		78,740.16
8757 - MOTOROLA SOLUTIONS, INC.	PO 39852 MONTHLY SERVICE FOR WAVE BROADAND RADIOS		245.00	
01-201-28-372-020 Senior Citizens Programs OE		245.00		245.00
2907 - N J GRAVEL & SAND CO	PO 40100 Drawdown for landscape materials		1,015.56	
01-201-28-375-020 Maintenance of Parks OE		1,015.56		
	PO 40100 Drawdown for landscape materials		434.84	
01-201-28-375-020 Maintenance of Parks OE		434.84		1,450.40
10148 - NATIONAL ASSOC OF EMS EDUCATORS	PO 39750 Vendor: National Association of EMS Educ		775.00	
01-201-25-253-020 EMS OE		775.00		775.00
2999 - NEPTUNE FIRE DIST 1	PO 39738 2025 LEVY		305,257.88	
01-210-55 SPECIAL DISTRICT TAXES PAYABLE		305,257.88		305,257.88

# List of Bills - (All Funds)

Meeting Date: 03/24/2025 For bills from 03/11/2025 to 03/19/2025

Vendor	Description	Account	PO Payment	Check Total
4523 - NEPTUNE TOWNSHIP HOUSING AUTHORITY 01-276-55	PO 39949 2024 POLLING PLACE ELECTION EXPENSES	400.00	400.00	400.00
3161 - NJ NATURAL GAS 01-201-31-446-020	PO 39860 2025 CHARGES Natural Gas OE	2,330.36	2,330.36	2,330.36
3169 - NJ RECREATION & PARK 01-201-28-370-020	PO 39919 Registration to NJ Rec & Park Annual Con Recreation Services and Programs OE	555.00	555.00	
01-201-28-370-020	PO 39922 Registration to NJ Rec & Park Annual Con Recreation Services and Programs OE	425.00	425.00	980.00
10189 - NJ WORLD TITLE LLC	PO 40149 NU WORLD TITLE, LLC, 656 SHREWSBURY AVE, 1,630.18	1,630.18	1,630.18	1,630.18
8311 - NJ-IAAO 01-201-20-150-020	PO 39850 Dawn - NJ-IAAO Membership Renewal Tax Assessment Admin OE	80.00	80.00	80.00
5938 - NJEMA 01-201-25-252-020	PO 40080 2025 NJEMA MEMBERSHIP DUES - MICHAEL BAS Office of Emergency Management OE	375.00	375.00	375.00
3285 - OCEAN GROVE CAMP MEETING 01-276-55	PO 39948 2024 POLLING PLACE ELECTION EXPENSES	400.00	400.00	400.00
3292 - OCEAN GROVE FIRE DIST 01-210-55	PO 39739 2025 LEVY SPECIAL DISTRICT TAXES PAYABLE	70,413.95	70,413.95	70,413.95
580 - OPTIMUM 01-201-31-450-020	PO 39780 2025 CHARGES Telecommunications Costs OE	1,973.44	1,973.44	1,973.44
3420 - PEDRONI FUEL CO. 01-201-31-460-020	PO 39760 2025 FUEL Gasoline OE	11,110.14	11,110.14	11,110.14
7446 - FMC ASSOCIATES INC 01-201-25-240-020	PO 39978 TM Standard Microphone TDMA Police Department OE	388.00	388.00	388.00
3511 - PREVENTION SPECIALISTS INC. 01-201-20-105-020	PO 39997 DOT Random Drug Screen January 2025 Human Resources OE	375.00	375.00	
01-201-20-105-020	PO 39998 Annual Fee for Randomization Services 20 Human Resources OE	470.00	470.00	
01-201-20-105-020	PO 40065 NON DOT Drug Tests January 2025 Human Resources OE	520.00	520.00	1,365.00
3591 - QUICK CHEK FOOD STORES 01-201-25-240-020	PO 40045 Prisoner meals Police Department OE	5.88	5.88	5.88
9588 - RAINONE, COUGHLIN, MINCHELLO LAW FIRM 01-201-20-155-020	PO 40173 PROFESSIONAL SERVICES SAVAGE V KEZMARSKY Legal Services OE	10,499.00	10,499.00	10,499.00
10155 - RCR INC 01-201-30-412-020	PO 39959 FULL PAGE AD IN MONMOUTH COUNTY TOURISM Publicity & Tourism OE	1,200.00	1,200.00	1,200.00

## List of Bills - (All Funds)

Meeting Date: 03/24/2025    For bills from 03/11/2025 to 03/19/2025

Vendor	Description	Account	PO Payment	Check Total
9126 - READY REFRESH BY NESTLE	PO 39782 2025 WATER COOLER RENTALS		504.50	
01-201-26-310-020 Buildings and Grounds OE		504.50		504.50
9500 - RIVERSIDE CONSTRUCTION MATERIALS INC	PO 39433 Monmouth County Co-op F-85-2024		1,922.22	
01-203-26-290-020 (2024) Streets and Road Maintenance OE		1,922.22		
	PO 39985 Treated Road Salt Monmouth County Co-op		16,460.87	
01-201-26-290-020 Streets and Road Maintenance OE		16,460.87		18,383.09
8692 - RUTGERS, THE STATE UNIVERISTY OF NJ	PO 39697 Leone CPWM Classes start date of 1/14/25		944.00	
01-201-26-300-020 Other Public Works Functions OE		944.00		
	PO 39779 Leone CPWM classes start date 2/10/25		760.00	
01-201-26-300-020 Other Public Works Functions OE		760.00		
	PO 39840 Leone CPWM Classes start date 2/25/25		575.00	
01-201-26-300-020 Other Public Works Functions OE		575.00		2,279.00
10163 - SCOTT LOGAN	PO 40020 Scott Logan		42.00	
01-201-26-305-020 Solid Waste Collection OE		42.00		42.00
9462 - SCOTT FACE LPC	PO 39933 NON DOT Positive Drug Screen Evaluation		850.00	
01-201-20-105-020 Human Resources OE		850.00		850.00
3922 - SEABOARD WELDING	PO 39745 2025 Oxygen		1,293.55	
01-201-25-253-020 EMS OE		1,293.55		1,293.55
3989 - SHOPRITE	PO 39883 FOOD SUPPLIES, PAPER GOODS, ETC.		271.76	
01-201-28-372-020 Senior Citizens Programs OE		271.76		271.76
10184 - ST OF NJ	PO 40129 BOILER STATE INSPECTION FEE WELL-MCLAIN		160.00	
01-201-26-310-020 Buildings and Grounds OE		160.00		160.00
4133 - STAVOLA ASPHALT CO	PO 39801 Draw for Asphalt		902.55	
01-201-26-290-020 Streets and Road Maintenance OE		902.55		
	PO 39801 Draw for Asphalt		153.63	
01-201-26-290-020 Streets and Road Maintenance OE		153.63		1,056.18
4173 - SUMMERFIELD SCHOOL	PO 39951 2024 POLLING PLACE		400.00	
01-276-55 ELECTION EXPENSES		400.00		400.00
4521 - TWP. OF NEPTUNE BOARD OF EDUCATION	PO 40005 2025 BHM CELEBRATION - PERSONENEL FEES		1,680.00	
01-201-30-420-020 Celebration of Public Events OE		1,680.00		1,680.00
5112 - UPS	PO 39859 2025 CHARGES		13.83	
01-201-20-130-020 Financial Admin OE		13.83		13.83
4604 - VERIZON WIRELESS	PO 39857 2025 CELL PHONE CHARGES		7,653.70	
01-201-31-440-020 Telephone OE		7,653.70		7,653.70
10154 - VICTORIA FAHY	PO 39957 NEPTUNE AD CREATION AND REVISION		150.00	
01-201-30-412-020 Publicity & Tourism OE		150.00		150.00



List of Bills - (All Funds)

Meeting Date: 03/24/2025 For bills from 03/11/2025 to 03/19/2025

Vendor	Description	Account	PO Payment	Check Total
4886 - W.B. MASON CO. INC.	PO 38843 Open PO ie, pens, paper, ink, etc		474.96	
01-203-25-240-020 (2024) Police Department OE		474.96		
	PO 39649 Quality Park Catalog Mailing Envelopes,		21.62	
01-203-20-120-020 (2024) Municipal Clerk OE		21.62		
	PO 39730 General office supplies, pens, paper, in		1,999.78	
01-201-25-240-020 Police Department OE		1,999.78		
	PO 39832 2025 OFFICE SUPPLIES		549.58	
01-201-20-100-020 General Admin OE		549.58		
	PO 40001 General office supplies, ie, pens, paper		398.96	
01-201-25-240-020 Police Department OE		398.96		
	PO 40001 General office supplies, ie, pens, paper		991.20	
01-201-25-240-020 Police Department OE		991.20		
	PO 40013 Open PO for Department Office Supplies		80.94	
01-201-28-370-020 Recreation Services and Programs OE		80.94		4,517.04
4701 - WB LAW & SON, INC.	PO 39886 COFFEE, COCOA, TEA & SUPPLIES		32.25	
01-201-28-372-020 Senior Citizens Programs OE		32.25		32.25
4725 - WESTERN TERMITE & PEST	PO 39827 MONTHLY PEST CONTROL SERVICE - ACCOUNT #		55.58	
01-201-26-310-020 Buildings and Grounds OE		55.58		55.58
5866 - WILLIAM ROSEN	PO 39876 2024 EMS Conference- Hotel Cost		464.96	
01-203-25-253-020 (2024) EMS OE		464.96		464.96
Grant Fund				
9204 - ALL ABOUT WRITING	PO 38828 Monthly Prevention Articles (as per gran		375.00	
02-213-41-711-600 Community Awareness & Events		375.00		375.00
9921 - MARTURANO RECREATION	PO 39226 PLAYGROUND EQUIPMENT AND INSTALLATION N		67,850.37	
02-213-41-796-020 Local Recreation Improvement Grant		67,850.37		67,850.37
TRUST OTHER				
3313 - AL APFLEGATE	PO 39906 LANDSCAPING, MULCHING, ETC.		250.00	
		250.00		250.00
10197 - LANDEX NURSERY	PO 40165 3 GALLON SKYPENCIL HOLLY		3,097.00	
		3,097.00		3,097.00
10147 - MUNIPILOT SOLUTIONS	PO 39880 PROPOSAL FOR ANALYSIS AND CONSULTAION OF		5,000.00	
03-299-55-16 Reserve For Municipal Escrow		5,000.00		5,000.00
3011 - NEPTUNE LITTLE LEAGUE	PO 39521 Rebuild of Jumping Brook Ball Field 4 pi		1,000.00	
		1,000.00		1,000.00
3988 - SHOPRITE	PO 39884 \$5.00 GIFT CARDS (BINGO)		250.00	
		250.00		250.00
3988 - SHOPRITE	PO 40151 VOLUNTEER LUNCHEON 2025 GIFT CARDS		2,200.00	
		2,200.00		2,200.00

List of Bills - (All Funds)

Meeting Date: 03/24/2025 For bills from 03/11/2025 to 03/19/2025

Vendor	Description	Account	PO Payment	Check Total
General Capital				
2322 - LEON S. AVAKIAN, INC.	PO 38199 PROFESSIONAL SERVICES FOR 2024 NJDOT MA		650.00	
04-215-55-922-020	Ord 24-07 Improvements to Myrtle Ave	650.00		
	PO 38199 PROFESSIONAL SERVICES FOR 2024 NJDOT MA		975.00	
04-215-55-922-020	Ord 24-07 Improvements to Myrtle Ave	975.00		
	PO 39066 LIVING SHORE PERMIT MODIFICATION REQUIRE		455.00	
04-215-55-985-020	Ord 19-02 Living Shoreline Flood Mit	455.00		2,080.00
6001 - OPEN SYSTEMS INTEGRATERS, INC	PO 39862 NEPTUNE OEM/DPW BUILDING ADDITIONAL ACCE		537.60	
04-215-55-935-020	Ord 24-27 Improv to Munic Fac/Aquis of Furnit	537.60		537.60
Sewer Operating Fund				
1993 - JACK DOHENY COMPANIES, INC	PO 40152 EU-600080 BULLDOG ANTIBLAST 80 Nozzle		4,050.00	
07-201-55-501-020	Utility Operating OE	4,050.00		4,050.00
9371 - JESCO	PO 40025 Equipment for CCTV system		6,793.48	
07-201-55-501-020	Utility Operating OE	6,793.48		6,793.48
9126 - READY REFRESH BY NESTLE	PO 39782 2025 WATER COOLER RENTALS		61.31	
07-201-55-501-020	Utility Operating OE	61.31		61.31
Marina Operating Fund				
877 - COOPER POWER SYSTEMS	PO 39931 EMERGENT GENERATOR REPAIR		2,500.67	
09-201-55-501-020	Utility Operating OE	2,500.67		
	PO 40122 YEARLY MAINTENANCE KOHLER 80REC2JF SERIA		5,800.02	
09-201-55-501-020	Utility Operating OE	5,800.02		8,300.69
9003 - MARINE EQUIPMENT AND SUPPLY	PO 39721 Replacement Life Rings		1,259.32	
09-201-55-501-020	Utility Operating OE	1,259.32		1,259.32
10188 - MARINE TRAVELIFT	PO 40147 12-B-11.0-0-0.0-N-0-Y SLING HALF,NY,12"X		2,256.98	
09-201-55-501-020	Utility Operating OE	2,256.98		2,256.98
8756 - MARINE TRAVELIFT - MID ATLANTIC, LLC	PO 40158 1010609 ELEMENT, FILTER, OIL		457.97	
09-201-55-501-020	Utility Operating OE	457.97		457.97
DOG TRUST				
3128 - NJ DEPT OF HEALTH AND SENIOR SERVIC	PO 39700 MONTHLY DOG LICENSE - DEC 2024		33.60	
		33.60		33.60
Library Trust				
9376 - NEW JERSEY LIBRARY TRUSTEE ASSOC	PO 40033 Annual Trustee Renewal		140.00	
		140.00		140.00
TOTAL				900,382.22
Total to be paid from Fund 01 Current Fund		794,388.90		
Total to be paid from Fund 02 Grant Fund		60,225.37		

List of Bills - (All Funds)

Meeting Date: 03/24/2025 For bills from 03/11/2025 to 03/19/2025

Vendor	Description	Account	PO Payment	Check Total
Total to be paid from Fund 03 TRUST OTHER				
	11,797.00			
Total to be paid from Fund 04 General Capital				
	2,617.60			
Total to be paid from Fund 07 Sewer Operating Fund				
	10,904.79			
Total to be paid from Fund 09 Marina Operating Fund				
	12,274.96			
Total to be paid from Fund 12 DOG TRUST				
	33.60			
Total to be paid from Fund 29 Library Trust				
	140.00			
				900,382.22

## **RESOLUTION 25-143**

### **A RESOLUTION AUTHORIZING DEVELOPER'S AGREEMENT WITH GSZ REALTY, LLC (A/K/A VSV REALTY, LLC) BLOCK 808, LOTS 5, 6, 7 & 8, LOCATED AT THE WEST SIDE OF STATE HIGHWAY 35 BETWEEN MONROE AVENUE AND WEST BANGS AVENUE, NEPTUNE TOWNSHIP, NEW JERSEY**

**WHEREAS**, GSZ REALTY, LLC (A/K/A VSV REALTY, LLC) is the Developer of property subject to Major Site Plan Approval by the Neptune Township Zoning Board of Adjustment seeking to make certain improvements to property located at Monroe Avenue, State Highway 35 and West Bangs Avenue, Block 808 , Lots 5, 6, 7 & 8, on the Tax Map of the Township of Neptune, by developing said property by construction of a 4-story, 49,195 sq. ft. mixed use development on the site consisting of 33 residential units and approximately 4,100 sq. ft. of commercial space, with the residential component consisting of 18 one-bedroom units and 15 two-bedroom units, along with 79 parking spaces, lighting, landscaping, stacked bike storage, stormwater management and related site improvements; and

**WHEREAS**, GSZ REALTY, LLC (A/K/A VSV REALTY, LLC) has agreed to enter into a Developer's Agreement with the Township of Neptune to guarantee the faithful performance of the obligations and representations associated with the application before the Zoning Board of Adjustment of Neptune Township; and

**WHEREAS**, it is in the best interest of the citizens of the Township of Neptune to enter this Developer's Agreement with GSZ REALTY, LLC (A/K/A VSV REALTY, LLC), to ensure the proper compliance and guaranteed performance of items and improvements made on said parcel.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey, that the Mayor and Clerk are hereby authorized to execute the aforesaid Developer's Agreement with GSZ REALTY, LLC (A/K/A VSV REALTY, LLC) a true copy of which is attached hereto as Exhibit "A" for compliance with the Zoning Board of Adjustment of Neptune Township's Resolution ZBA #22-12, and representations upon submission and approval of all conditions arising from the aforesaid Resolution, and return the same to the Township Attorney for recording in the Clerk's office of Monmouth County.

## **RESOLUTION 25-144**

### **AMENDMENT TO RESOLUTION AUTHORIZING RAINONE, COUGHLIN, MINCHELLO LLC TO REPRESENT THE TOWNSHIP OF NEPTUNE IN THE THIRD PARTY COMPLAINT IN THE CASE OF SAVAGE V. KEZMARSKY V. NEPTUNE TOWNSHIP FILED IN THE SUPERIOR COURT OF NEW JERSEY, LAW DIVISION, MONMOUTH COUNTY, UNDER DOCKET NO. MON-L-2588-21**

**WHEREAS**, on November 14, 2022, the Township adopted resolution 22-492 "Resolution Authorizing Rainone, Coughlin, Minchello LLC To Represent The Township Of Neptune In The Third Party Complaint In The Case Of Savage V. Kezmarsky V. Neptune Township Filed In The Superior Court Of New Jersey, Law Division, Monmouth County, Under Docket No. Mon-L-2588-21," and;

**WHEREAS**, on May 22, 2023, the Township adopted resolution 23-217 "Amendment To Resolution Authorizing Rainone, Coughlin, Minchello LLC To Represent The Township Of Neptune In The Third Party Complaint In The Case Of Savage V. Kezmarsky V. Neptune Township Filed In The Superior Court Of New Jersey, Law Division, Monmouth County, Under Docket No. Mon-L-2588-21," and;

**WHEREAS**, on March 6, 2024, the Township adopted resolution 24-150 "Amendment To Resolution Authorizing Rainone, Coughlin, Minchello LLC To Represent The Township Of Neptune In The Third Party Complaint In The Case Of Savage V. Kezmarsky V. Neptune Township Filed In The Superior Court Of New Jersey, Law Division, Monmouth County, Under Docket No. Mon-L-2588-21," and;

**WHEREAS**, former Police Officer Savage filed a lawsuit against expert Kezmarsky, who as the expert of the Police Department advised the Township that Savage was not fit for duty, and as a result, Plaintiff Savage is now suing Kezmarsky for lost wages and malpractice, and Defendant Kezmarsky is suing Defendant, Township of Neptune, who retained her originally for her expert opinion; and

**WHEREAS**, the JIF has denied coverage to the Township in the Third Party Complaint against the Township; and

**WHEREAS**, Special Counsel needs to be appointed to represent the Township in the Third Party Complaint, and it is the opinion of the Township Committee that Rainone, Coughlin, Minchello LLC prior Special Counsel and Labor Counsel appointed to the Township, should be appointed to represent the Township privately with regard to the Third Party Complaint at the normal municipal rate of \$130.00 per hour; exclusive of costs and disbursements; and

**WHEREAS**, this contract was awarded through a "non-fair and open process" pursuant to N.J.S.A. 19:44A-20.5;

**WHEREAS**, it is necessary to increase the appropriation by \$20,000.00 due to continued litigation, and;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey, that the governing body hereby authorizes Raione, Coughlin, Minchello LLC to represent Neptune Township as Special Counsel with regard to the Third Party Complaint in the lawsuit of Savage v. Kezmarsky v. Neptune Township, under Docket No. MON-L-2588-21, filed in the Superior Court of New Jersey, Monmouth County, Law Division; subject monitoring by the Municipal Attorney.

**BE IT FURTHER RESOLVED**, that the Mayor and Township Committee authorizes additional legal fees not to exceed



twenty thousand dollars (\$20,000.00) for a total of \$70,000.00 without additional approval for the purpose of this litigation.

**RESOLUTION 25-145**

**RESOLUTION AUTHORIZING THE EXECUTION OF A SUBLEASE AGREEMENT WITH THE OCEAN GROVE CHAMBER OF COMMERCE TO OPERATE A TOURISM BUREAU IN A PORTION OF 39 PILGRIM PATHWAY, OCEAN GROVE, NEW JERSEY**

**WHEREAS**, the Township of Neptune operates a Tourism Bureau during the summer months at 39 Pilgrim Pathway, Ocean Grove, New Jersey, through a Sublease Agreement with the Ocean Grove Chamber of Commerce; and,

**WHEREAS**, the Township of Neptune desires to renew said Sublease for a portion of 39 Pilgrim Pathway, Ocean Grove, New Jersey for the 2025 summer season; and,

**WHEREAS**, the Township agrees to pay the Chamber of Commerce a total of \$5,550.00; or \$925.00 per month, for use of the office space from April 15, 2025 to October 15, 2025; and,

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey, that the Mayor and Clerk are hereby authorized to execute the aforesaid Sublease Agreement with the Ocean Grove Chamber of Commerce for use of a portion of space located at 39 Pilgrim Pathway in Ocean Grove, New Jersey from April 15, 2025 to October 15, 2025; a true copy of which shall be available for review in the Clerk’s Office of Neptune Township.

**BE IT FURTHER RESOLVED**, that a copy of this resolution be forwarded to the Chief Financial Officer, and the Administrator and the Ocean Grove Chamber of Commerce.

**RESOLUTION 25-146**

**AUTHORIZE THE REFUND OF A DEPOSIT FOR SUMMER DOCKAGE FEE AT THE MUNICIPAL MARINA**

**WHEREAS**, payments in the amount listed below were made for 2025 Summer Dockage; and,

**WHEREAS**, due to unforeseen personal circumstances, the individuals listed herein will no longer utilize their boat and has no need for the slips; and,

**WHEREAS**, the Harbor Master recommends that refunds be authorized,

**THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Neptune, that the Harbor Master be and hereby is authorized the following refunds of 2025 Summer Dockage fees:

Elaine Conover, 134 Steiner Ave, Neptune City - \$589.00  
Nick Gatarz, 1007 Curtis Ave., Wall - \$600.00

**BE IT FURTHER RESOLVED**, that a copy of this resolution be forwarded to the Harbor Master, Deputy Tax Collector, Assistant Purchasing Agent and Auditor.

**RESOLUTION 25-147**

**AUTHORIZE SETTLEMENT BETWEEN THE TOWNSHIP OF NEPTUNE AND FAIR SHARE HOUSING CENTER, IN THE MATTER OF THE APPLICATION OF THE TOWNSHIP OF NEPTUNE, DOCKET NO. MON-L-477-25 VIA THE AFFORDABLE HOUSING DISPUTE RESOLUTION PROGRAM ESTABLISHED PURSUANT TO N.J.S.A. 52:27D-313.2**

**WHEREAS**, the Township of Neptune adopted Resolution 25-115 “RESOLUTION OF THE TOWNSHIP OF NEPTUNE, COUNTY OF MONMOUTH, IN COMPLIANCE WITH THE AMENDED FAIR HOUSING ACT ADJUSTING ITS PROSPECTIVE NEED CALUCATION FOR ITS FOURTH ROUND AFFORDABLE HOUSING OBLIGATION” on February 10, 2025 accepting the New Jersey Department of Community Affairs Fourth Round Present Need of 97 units and Fourth Round Prospective Need of zero (0) units; and

**WHEREAS**, Fair Share Housing Center, located at 510 Park Boulevard, Cherry Hill, NJ 08002, objected to the resolution on February 28, 2025; and,

**WHEREAS**, the parties have engaged in the mediation process provided by the Program Affordable Housing Dispute Resolution Program (“Program”) established pursuant to N.J.S.A. 52:27D-313.2, and conferred and reached an accord setting forth Neptune’s Fourth Round Prospective Need obligations, without either party admitting the validity of the others’ claims;

**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 authorizes the Settlement Agreement between Fair Share Housing Center and Neptune Township, a true copy of which is attached hereto and made

a part hereof as Exhibit “A.”; and,

**BE IT FURTHER RESOLVED**, by the Mayor and Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey, the Township of Neptune’s Fourth Round Fair Share shall be Present Need of 97 units and Prospective Needs of 160 units.

**BE IT FURTHER RESOLVED**, by the Mayor and Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey, that the governing body authorizes the execution of the aforesaid Settlement Agreement by the Municipal Attorney on behalf of the Mayor and Township Committee of Neptune Township; and,

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution be forwarded to the Township Attorney.

**RESOLUTION 25-148**

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE ACCEPTING RESIGNATIONS**

**WHEREAS**, the Human Resources Director has received notification from employee(s) that they will be resigning their position; and,

**THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Neptune that the resignation(s) of noted below are hereby accepted.

<u>NAME</u>	<u>DEPARTMENT</u>	<u>POSITION</u>	<u>DATE OF NOTIFICATION</u>	<u>EFFECTIVE DATE OF RESIGNATION</u>
Gina	Administration	Business	3/10/2025	3/10/2025
LaPlaca	Department	Administrator		

**BE IT FURTHER RESOLVED**, that a copy of this resolution be forwarded to the respective departments, Business Administrator and Human Resources Director.

**RESOLUTION 25-149**

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE ACCEPTING RESIGNATIONS**

**WHEREAS**, the Human Resources Director has received notification from employee(s) that they will be resigning their position; and,

**THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Neptune that the resignation(s) of noted below are hereby accepted.

<u>NAME</u>	<u>DEPARTMENT</u>	<u>POSITION</u>	<u>DATE OF NOTIFICATION</u>	<u>EFFECTIVE DATE OF RESIGNATION</u>
Joshua	Police	Police Officer	3/14/2025	3/14/2025
James	Department			
Tiffany	Department of	Departmental	3/18/2025	3/28/2025
DeCresci	Public Works			

**BE IT FURTHER RESOLVED**, that a copy of this resolution be forwarded to the respective departments, Business Administrator and Human Resources Director.

**RESOLUTION 25-152**

**AUTHORIZE MODIFICATION TO RILEY ROAD POLE BARN**

**WHEREAS**, the Township of Neptune constructed a Pole Barn at 118 New York Road; and,

**WHEREAS**, the Township of Neptune is desirous to reduce the length of the pole barn to improve the sight triangle at the intersection of New York and Riley roads; and

**WHEREAS**, the Township of Neptune is desirous to make further improvements to the building’s façade and its landscaping to better incorporate the structure into the surround residential neighborhood; and,

**THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Neptune, authorizes the removal of a portion of the pole barn to eliminate one vehicle bay and reducing the length of the structure by approximately 12 linear feet

and that said reduction shall come from the western side (Riley Road) of the existing building.

**BE IT FURTHER RESOLVED**, that façade changes, additional plantings and pedestrian improvements are also authorized.

**RESOLUTION 25-153**  
**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE AWARDING A CONTRACT FOR INTERIM CERTIFIED MUNICIPAL FINANCE OFFICER SERVICES**

**WHEREAS**, there exists the need for Interim Certified Municipal Finance Officer services for the Township of Neptune for the year 2025; and,

**WHEREAS**, pursuant to N.J.S.A. 19:44a-1, et seq, the Township accepted Requests for Proposals for said position on March 5, 2025; and,

**WHEREAS**, the Local Public Contracts law, N.J.S.A. 40A:11-1 et seq requires that a resolution of appointment for professional services be publicly advertised; and,

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

1. The Mayor and Township Clerk be and are hereby authorized and directed to engage the services of:
- | Term   | Position                                    | Professional  | Price Range                         |
|--------|---|---|-------------------------------------|
| 1 Year | Interim Certified Municipal Finance Officer | Holman Frenia Allison P.C.<br>1985 Cedar Bridge Ave., Suite 3<br>Lakewood, NJ 08701 | Not to exceed \$12,500.00 per month |
2. This award is being made without competitive bidding because they involve members of recognized professions licensed and regulated by law and are, therefore, specifically exempt pursuant to N.J.S.A. 40:11-5.
3. A copy of this resolution shall be published in the official newspaper as required by law within ten (10) days of its passage.
4. That all Township officials including, but not limited to, the Mayor, Business Administrator, Chief Financial Officer and the Municipal Clerk, are hereby authorized and directed to take such ministerial actions as are necessary to effectuate the provisions of this resolution.

**RESOLUTION 25-154**  
**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE TO EXTEND OFFER OF EMPLOYMENT FOR THE POSITION OF PART-TIME PLUMBING SUB-CODE OFFICIAL**

**WHEREAS**, there is a need in the Construction Department for a part-time Plumbing Sub-Code Official to ensure uninterrupted processing of construction permits; and,

**WHEREAS**, the Construction Official recommends the employment of a licensed individual to serve in this capacity; and,

**THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Neptune hereby extends an offer of employment to Peter Kneute for the position of part-time Plumbing Sub-Code Officer, in the absence of the appointed Township Plumbing Sub-Code Official, pending favorable results of the required physical, effective April 1, 2025, at an hourly rate of \$38.40, and,

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

**RESOLUTION 25-155**  
**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE AMENDING THE 2025 RATES FOR THE MUNICIPAL MARINA**

**BE IT RESOLVED**, that the Township Committee of the Township of Neptune hereby approves the following Amended Marina Rate Schedule effective for the 2025 Calendar Year and in effect until

otherwise amended by subsequent resolution of the Township Committee:

**a. Summer Dockage (April 1<sup>st</sup> to December 1<sup>st</sup>)**

Slip Size	Season Rate	Length Overage Rate
18’	\$1,719.00	\$82.50/ft over 18 ft but less than 23 ft
20’	\$1,910.00	\$82.50/ft over 20 ft but less than 23 ft
21’	\$2,006.00	\$82.50/ft over 21 ft but less than 23 ft
23’	\$2,356.00	\$88.50/ft over 23 ft but less than 26 ft
25’	\$2,561.00	\$92.00/ft over 25 ft but less than 30 ft
28’	\$2,982.00	\$92.00/ft over 28 ft but less than 30 ft
30’	\$3,334.00	\$96.00/ft over 30 ft but less than 37 ft

- i. 25% deposit is due no later than December 15<sup>th</sup> of the prior season.
- ii. If deposits are not received by December 15<sup>th</sup>, the slip will be considered vacant and available for lease.
- iii. Payment in full is due no later than March 15<sup>th</sup>.
- iv. A late fee of 1.5% per month will be charged starting on March 16th.
- v. If payment in full is not received by April 15th, the contract is hereby cancelled and the hold on the slip will be released. All deposit monies are forfeited and will not be returned.”
- vi. One Bathroom Access Card is issued and permitted per slip rental.
  - (a) Lost or Stolen cards will be replaced for \$15.00.

**b. Extended Season (December 1-December 10)**

- i. \$250.00 per slip
- ii. Must be paid in full by November 30th.
- iii. Failure to pay by November 30th, will result in the customer being charged per ‘Wet Storage Overdue Fees’.

**c. Boat ramp**

- i. Daily - \$10.00 single use/\$20.00 round trip
- ii. Annual (paid on or before March 15<sup>th</sup>)/ \$170.00 unlimited use
  - (a) One Ramp Access Card is issued at time of purchase
  - (b) Lost or Stolen cards will be replaced for \$15.00
- iii. Annual (after March 15<sup>th</sup>) \$215.00 unlimited use
  - (a) One Ramp Access Card is issued at time of purchase
  - (b) Lost or Stolen cards will be replaced for \$15.00
- iv. Ramp fees will not be prorated.

**d. Dry Winter storage**

- i. Dry winter storage (September 15<sup>th</sup> to May 15<sup>th</sup>) with customer trailer -\$25.00 per foot (plus sales tax.)
- ii. If the travel lift is utilized, the rate will be \$35.00 per foot (plus sales tax) to include hauling, blocking, power washing, and spring launch.
- iii. A 25% deposit is due upon execution of the winter storage contract.
- iv. Full payment is due no later than 24 hours prior to service being provided.
- v. Boats will not be accepted for storage until all fees are paid in full.
- vi. Boats that are not removed by May 15 may be relocated by marina personnel at the expense of the boat owner and will be subject to a daily fee of \$8.00 per foot.

**e. Wet winter storage**

- i. Wet winter storage (December 1<sup>st</sup> to March 15<sup>th</sup>)/ \$25.00 per foot.
- ii. 25% deposit due upon execution of customer contract.
- iii. Full payment is due no later than November 30<sup>th</sup>.
- iv. Late fee charged after December 1st.

**f. Miscellaneous fees**

- i. Dry Land Storage (on trailer with ramp access) from April 1<sup>st</sup> to December 1st - \$37.00 per foot.
- ii. Slip Transfer Fee (after April 1<sup>st</sup>) - \$50.00
- iii. Trailer Storage - \$250.00 per season from April 1<sup>st</sup> to December 1<sup>st</sup>.
  - (a) All trailers must register with the Marina Office and have the issued permit sticker displayed.
  - (b) All trailers must be removed by December 1<sup>st</sup>. Trailers not removed by December 1 shall be subject to relocation by marina personnel and a \$15.00 per day fee
- iv. Power Washing of Exterior Hull- \$6.00 per foot

**g. Winter Storage Overdue Fees**

Any boat in the water after December 1<sup>st</sup> without a wet winter storage contract OR an executed agreement for extended summer dockage will be charged \$8.00 per foot per day.

**h. Launching/Haul-out fees (based on length overall)**

- i. Launch from trailer/haul-out to trailer - \$6.50 per foot
- ii. Short haul-out (slings) – (24 hour max) \$5.00 per foot
- iii. Haul-out and blocking (including re-launch) - \$12.00 per foot
- iv. Emergency haul-out/blocking - \$17.00 per foot

**i. Land Storage**

- i. Short-term land storage (up to 14 days) - \$20.00 per day
- ii. Short-term land storage (15 to 30 days) - \$25.00 per day
- iii. Daily land storage (more than 30 days) - \$5.00 per foot/per day
- iv. Kayak/Canoe/Paddleboard Storage Payment Due January 1
  - Double spot \$300.00 annually
  - Single spot \$250.00 annually

**j. Late fees**

Any balance due after the deadline date for storage and dockage will be charged a late fee at an annualized rate of 18% (1.5% per month) and may result in loss of access to Neptune Township Marina facilities and services.

**k. Prorated fees**

- i. Prorated fees shall be offered to **NEW CUSTOMERS ONLY** and are calculated daily based upon the number of days remaining in the season.
- ii. The season is defined as April 1 through December 1, consisting of 245 days for Summer Dockage Slips and 365 days for Kayak/Canoe Storage.
- iii. Prorated fees will apply to Summer Dockage Slips, Kayak/Canoe/Paddleboard Storage only.

**l. Insurance Requirements**

- i. Proof of Current up-to-date and Proper Liability insurance **MUST** be provided to the Marina Office prior to engaging in any services with the exception of kayak/canoe/paddle board storage.
- ii. Failure to comply will result in your slip/services being revoked and future slip rental/services suspended.

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution be forwarded to the Harbor Master, Township Chief Financial Officer, Township Business Administrator, Township Assistant C.F.O. and Township Clerk.

**DELL TECHNOLOGIES UNDER NEW JERSEY STATE CONTRACT #24-TELE-71883  
IN AN AMOUNT NOT TO EXCEED \$399,695.71**

**WHEREAS**, the Township of Neptune wishes to enter an agreement for hardware and software products for municipal and police workstation upgrades with Dell Marketing L.P. “Dell Technologies” (with offices at One Dell Way, Round Rock, TX 78682) under New Jersey State Contract #24-TELE-71883 in an amount not to exceed \$399,695.71; and,

**WHEREAS**, N.J.S.A.40A:11-12 permits the purchase of goods and services without advertising for bids when purchased under contract for goods or services entered on behalf of the State by the Division of Purchase and Property in the Department of the Treasury.

- NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Neptune that:
- 1. Agreement for hardware and software products for municipal and police workstation upgrades with Dell Marketing L.P. “Dell Technologies” (with offices at One Dell Way, Round Rock, TX 78682) under New Jersey State Contract #24-TELE-71883 in an amount not to exceed \$399,695.71 is hereby approved.
  - 2. All Township officials, including, but not limited to, the Mayor, Business Administrator, and Municipal Clerk are hereby authorized and directed to take such ministerial actions as are necessary to effectuate the provisions of this resolution.
  - 3. That a certified copy of this resolution be forwarded to the Chief Financial Officer, Assistant C.F.O., and Business Administrator.

**RESOLUTION 25-157  
RESCIND RESOLUTION 25-138**

**WHEREAS**, Resolution 25-138 was adopted by the Neptune Township Committee on March 10, 2025; and,

**WHEREAS**, the application process was not yet completed to allow for formal action by the governing body; and,

**THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Neptune, that Resolution 25-138 is hereby rescinded and declared void.

**RESOLUTION 25-158  
A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE AWARDING A  
CONTRACT FOR ENGINEERING SERVICES FOR 2024 ROAD IMPROVEMENT PROGRAM**

**WHEREAS**, there exists the need for Engineering services for the Township of Neptune for the year 2025 in connection with the 2024 Road Improvement Program; and,

**WHEREAS**, pursuant to N.J.S.A. 19:44a-1, et seq, the Township accepted Requests for Proposals for said position on March 17, 2025; and,

**WHEREAS**, the Local Public Contracts law, N.J.S.A. 40A:11-1 et seq requires that a resolution of appointment for professional services be publicly advertised; and,

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

- 1. The Mayor and Township Clerk be and are hereby authorized and directed to engage the services of:

Position	Professional	Price Range
Engineering Services for 2024 Road Program	ARH Associates 215 Bellevue Ave. Hammonton, NJ 08037	\$69,267.36

- 2. This award is being made without competitive bidding because they involve members of recognized professions licensed and regulated by law and are, therefore, specifically exempt pursuant to N.J.S.A. 40:11-5.
- 3. A copy of this resolution shall be published in the official newspaper as required by law within ten (10) days of its passage.

4. That all Township officials including, but not limited to, the Mayor, Business Administrator, Chief Financial Officer and the Municipal Clerk, are hereby authorized and directed to take such ministerial actions as are necessary to effectuate the provisions of this resolution.

**RESOLUTION 25-159**  
**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE**  
**APPOINTING AN ACTING BUSINESS ADMINISTRATOR**

**WHEREAS**, Section 2-5.1 of the Neptune Township Municipal Code creates the office of Business Administrator pursuant to the provisions of N.J.S.A. 40A:9-136, et seq.; and

**WHEREAS**, Section 2-5.3 (a) of the Neptune Township Municipal Code provides that the Acting Business Administrator is appointed by a majority of the Township Committee; and

**WHEREAS**, there is a vacancy in the position of Business Administrator effective March 24, 2025; and

**WHEREAS**, the Township Committee desires to appoint an Acting Business Administrator; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey, that Stephanie Oppegard is hereby appointed as Acting Business Administrator for the Township of Neptune, effective March 24, 2025 at a yearly stipend of \$20,000.00, retroactive to March 10, 2025; and

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

The resolution was adopted on the following vote: AYE: York, Jones, Stroud, McMillan, and Lane; Nay: None.

**SEPARATED RESOLUTIONS**

Mayor Lane was offered a Motion to Adopt Resolution 25-151 from Committeeman McMillan, seconded by Committeeman Jones.

**RESOLUTION 25-151**  
**WAIVE MUNICIPAL PORTION OF CONSTRUCTION PERMIT FEES**  
**FOR THE ALPERT GROUP PROJECT AT 1130 HECK AVENUE**

**WHEREAS**, The Neptune Township Housing Authority in cooperation with The Alpert Group of Fort Lee, NJ is completing a project at 1130 Heck Avenue that requires various uniform construction code permits; and,

**WHEREAS**, the Township of Neptune Housing Authority is developing Neptune Court, a 70-unit affordable housing apartment building at 1130 Heck Ave, Block 304, Lot 1.02.

**THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Neptune hereby waives the municipal portion of the construction fee permits for the Neptune Township Housing Authority project Neptune Court at 1130 Heck Avenue, block 304, lot 1.02 for the reason as stated herein; and,

**BE IT FURTHER RESOLVED**, that this resolution does not waive the requirement to obtain applicable construction permits and the performance of construction inspections; and,

**BE IT FURTHER RESOLVED**, that a copy of this resolution be forwarded to the Construction Department, the Neptune Township Housing Authority and The Alpert Group.

Committeeman Jones asked what is the amount in fees that are being waived. Township Clerk Bray stated he didn't have the figure and the state DCA fees are cannot be waived.

The resolution was adopted on the following vote: AYE: Jones McMillan, and Lane; Nay: None, ABSTAIN: York and Stroud.

**2025 MUNICIPAL BUDGET**

Mayor Lane was offered a Motion to Adopt Resolution 25-150 from Committeeman McMillan, seconded by Committeeman Jones.

**RESOLUTION #25-150**  
**INTRODUCTION OF THE 2025 MUNICIPAL BUDGET**

**BE IT RESOLVED**, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2025; and,

**BE IT FURTHER RESOLVED**, that said Budget be published in The Coaster in the issue of March 27, 2025:

<b><u>General Appropriations</u></b>	
Appropriations Within “CAPS” for Municipal Purposes	\$43,199,895.25
Appropriations Excluded from “CAPS” for Municipal Purposes	\$10,510,104.75
Reserve for Uncollected Taxes Based on Estimated 97.56% of Tax Collections	\$ 2,850,000.00
<b>Total General Appropriations</b>	<b>\$56,560,000.00</b>
<b><u>General Revenues</u></b>	
Anticipated Revenues other than Current Property Tax	\$19,981,774.00
Amount to be Raised for Taxes for Support of Municipal Budget	\$34,350,000.00
Minimum Library Tax	\$ 2,228,226.00
<b>Total General Revenues</b>	

Notice is hereby given that the Budget and Tax Resolution was approved by the Township Committee of the Township of Neptune, County of Monmouth, on March 24, 2025. A hearing on the Budget and Tax Resolution will be held at the Neptune Township Department of Senior Services, 1607 Corlies Avenue, Neptune NJ on April 28, 2025, at 7:00 P.M. at which time and place objections to said Budget and Tax Resolution for the year 2024 may be presented by taxpayers or other interested persons.

The resolution was adopted on the following vote: AYE: York, Jones, Stroud, McMillan, and Lane; Nay: None.

**PRIVILEGE OF THE FLOOR/PUBLIC COMMENTS**

Mayor Lane asked for public comments. The public was permitted to speak one time with a limit of five minutes. Comments were as follows:

Richard Schlossbach, 101 Broadway – Asked if the township received the grants awarded in the proposed bond ordinance and said he is concerned if we will, considering the current issues in Washington DC. He expressed concerns regarding rising property taxes. Mayor Lane responded that the municipal tax rate will fall this year and the average homeowner will see a \$229 reduction in their municipal portion of their property taxes.

Dr. James Brown, 107 Lakewood Road – It’s wonderful the township is repairing the Wesley Lake bridge. Property values will continue to rise with the influx of the entertainment industry. The township’s senior center is a great resource for and benefit to area seniors.

Chris Robinson 215 Hillside Dr. – Asked about the house at 401 Overlook being suspended by Airbnb and what are the township’s plasn to respond to more problems due to short term renting when it resumes. Did the county recently buy a house to create a new park on South Riverside. Mayor Lane said the county is looking to do something in the area. Committeeman Stroud stated this property owner was in court recently and the committee will discuss its next moves.

Nancy Clark, 47 Embury Ave. – She is also concerned about future federal funding for projects, programs and schools. Why is the meeting not being streamed online. Mayor Lane said it wasn’t fiscally responsible to outfit the senior center for streaming due to the limited meetings held there.

Joyce Klien, 105 Mt. Hermon Way - There should be extra microphones for these meetings. They Ocean Grove Community Association had a great meeting with the DPW. The township should help the camp meeting association collect and dispose of dead birds found on the beach.

Rich Williams, 1 Abbot Ave – Great job with the pickleball courts. Can the township create seating at the courts? Stop locking the gates to Asbury Park.

Robert DelGado 7 Seagirt Ave. – Why doesn’t Asbury Park contribute to bridge maintenance and



care. Both bridges need repairs, can the township use the money leftover in the grant for the other bridge.

Gary Brown, Cardinal Rd. – After over two years the homeless encampment is being cleaned up. The staff doing the cleanup have given me updates and they collected over 700 syringes in 7 days. The health department picked them up. The township worked to help and house the people in the encampment. Mayor Lane said the township will continue to have the site cleaned.

Randy Bishop, Directors of the Department of Senior Services – The anti-scam event is a tremendous resource for the community's seniors and it will be live streamed to reach the widest audience possible. There are several important federal programs that are being cut that will have large impact on several programs available to area seniors.

Ed Yasser, 21 Waterview Ct. – The Vietnam Parade is welcomed and long overdue. He is concerned about the changes to the pole barn and would like something done about the lighting to shield his adjacent property. What are the hours of operation? What is the next step on the pole barn changes. Mayor Lane said the building is being reduced in length to improve driver's line of sight and lighting changes will be made.

Donny Yasser, 21 Waterview Ct – Expressed concerns about the pole barn and its height wanted to see the proposed changes on a plan to review and monitor. Mayor Lane said the height cannot change, the building is higher due to flood regulations and the township is working to address the neighborhood's concerns.

Mayor Lane closed public comments.

#### CLOSING COMMITTEE COMMENTS

Mayor Lane asked if anyone on the Committee wanted to make closing remarks.

Committeewoman York – Not at this time.

Committeeman Jones – The township will honor the VFW Women's Auxiliary, and both American Legion Women's Auxiliaries, the high school and middle school girls basketball teams later in the spring for Women's History month.

Committeeman Stroud – Happy Women's History Month. Very stressful working in federal government working since the start of the current administration. Call your representatives to let them know your concerns about cuts to programs.

Committeeman McMillan – Nothing at this time.

Mayor Lane – Come out and support your local Vietnam Vets. It's the third year for the Home Town Hero banner program, only \$100 to honor our local veteran. Information on the website or at Township Hall.

Mayor Lane was offered a motion to adjourn from Committeeman Stroud, seconded by Committeeman McMillan. The Motion was adopted by unanimous voice vote by all members present. The Township Committee adjourned at 8:33 p.m.

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William Bray, RMC, CRM  
Township Clerk

Submitted April 7, 2025