

TOWNSHIP COMMITTEE WORKSHOP MEETING – JANUARY 10, 2011

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

<u>ROLL CALL</u>	<u>PRESENT/ABSENT</u>
J. Randy Bishop	_____
Dr. Michael Brantley	_____
Eric J. Houghtaling	_____
Mary Beth Jahn	_____
Kevin B. McMillan	_____

Also present: Philip D. Huhn, Business Administrator; Michael J. Bascom, Chief Financial Officer; Gene Anthony, Township Attorney; and Richard J. Cuttrel, Municipal Clerk.

Mayor Jahn announces 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 January 6, 2011, posting the notice on the Board in the Municipal Complex, and filing a copy of said notice with the Municipal Clerk. A revised notice regarding the postponement of the meeting was posted on the Township's web site and notification sent to the Asbury Park Press and the Coaster.

ITEMS FOR DISCUSSION IN OPEN SESSION

1. Discussion – Amendments to RV/boat storage ordinance. (PW)

2. Discussion – HPC recommendation for amendments to the Architectural Design Guidelines for exterior siding, finishes, facings and materials. (PW)

3. Outstanding parking lot items. (PW)

Res. # 11-58 – Authorize an Executive Session as authorized by the Open Public Meetings Act.

Offered by:_____ Seconded by:_____

Vote: Bishop, _____; Brantley, _____; Houghtaling, _____; Jahn, _____; McMillan, _____.

TOWNSHIP COMMITTEE MEETING – JANUARY 10, 2011

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

<u>ROLL CALL</u>	<u>PRESENT/ABSENT</u>	<u>PRESS REPRESENTATIVES</u>
J. Randy Bishop	_____	Don Stine The Coaster
Dr. Michael Brantley	_____	
Eric J. Houghtaling	_____	Michelle Gladden Asbury Park Press
Mary Beth Jahn	_____	
Kevin B. McMillan	_____	

Also present at the dais: Gene Anthony, Township Attorney; Philip D. Huhn, Business Administrator; Michael J. Bascom, Chief Financial Officer; and Richard J. Cuttrel, Municipal Clerk

Silent Prayer and Flag Salute

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

Mayor McMillan announces 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 January 6, 2011, posting the notice on the Board in the Municipal Complex, and filing a copy of said notice with the Municipal Clerk. In addition, the meeting agenda, resolutions and ordinances are posted online at www.neptunetownship.org.

APPROVAL OF MINUTES

Motion offered by _____, seconded by _____, to approve the minutes of the meeting held on November 22nd and December 6th.

REPORT OF THE CLERK

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

Notice of public hearing on an amendment to the Ocean Township Land Development Ordinance.

Tax Collector's monthly statements for November and December.

Senior Beacon for January.

Thank you note from Larry and Mary Huggins to the Senior Center staff.

Notification from the County of Monmouth that the Township has been awarded \$250,000 in funding for the Wesley Lake wall reconstruction.

COMMENTS FROM THE DAIS

The Mayor will now request comments from the Dais regarding business on this agenda or any reports on recent events in their respective departments.

PUBLIC COMMENTS ON RESOLUTIONS

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

APPOINT DEPUTY CHIEF OF POLICE

Res. # 11-59 – Promote William Bailey to Deputy Chief of Police.

Offered by: _____ Seconded by: _____
Vote: Bishop, _____; Brantley, _____; Houghtaling, _____; Jahn, _____; McMillan, _____.

ORDINANCES

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

ORDINANCE NO. 11-01 - An ordinance to amend Volume I, Chapter II, Section 2-67 of the Code of the Township of Neptune to amend the existing responsible contractor requirements – First Reading

Explanatory Statement: This ordinance clarifies the existing responsible contractors ordinance by indicating that all contractors and sub-contractors are subject to the provision of the ordinance if they perform work valued in excess of the bidding threshold. Also, the ordinance defines apprenticeship program as participation in a United States Department of Labor Registered Apprenticeship Program.

Offered by: _____ Seconded by: _____
Vote: Bishop, _____; Brantley, _____; Houghtaling, _____; Jahn, _____; McMillan, _____.

ORDINANCE NO. 11-02 - Bond Ordinance providing for various improvements to the Senior Citizens Center, by and in the Township of Neptune, in the County of Monmouth, State of New Jersey; appropriating \$600,000 therefor (including a \$176,765 grant from the Community Development Block Grant Program) and authorizing the issuance of \$403,075 bonds or notes of the Township to finance part of the cost thereof. – First Reading

Explanatory Statement: This ordinance provides for various improvements to the Senior Citizens Center, including but not limited to, as applicable, parking lot reconstruction, the acquisition and installation, as applicable, of various ADA accessibility improvements, the acquisition and installation, as applicable, of various site lighting, curbing, sidewalks and other similar site work, the acquisition and installation of various security systems, including all necessary related equipment and apparatus thereof, and the replacement of the telephone and communications system

Offered by: _____ Seconded by: _____
Vote: Bishop, _____; Brantley, _____; Houghtaling, _____; Jahn, _____; McMillan, _____.

ORDINANCE NO. 11-03 - Bond Ordinance providing for various improvements to the Shark River Marina, by and in the Township of Neptune, in the County of Monmouth, State of New Jersey; appropriating \$300,000 therefor and authorizing the issuance of \$285,000 in bonds or notes to finance the cost thereof – First Reading

Explanatory Statement: This ordinance provides for various improvements to the Shark River Municipal Marina, including but not limited to, the construction of docks, acquisition and installation of various lighting, various plumbing improvements, acquisition, installation and utilization, as applicable, of alternative energy resources, various facility improvements, and other related, pertinent improvements

Offered by: _____ Seconded by: _____
Vote: Bishop, _____; Brantley, _____; Houghtaling, _____; Jahn, _____; McMillan, _____.

ORDINANCE NO. 11-04 - Bond Ordinance providing for the South Riverside Drive Flood Mitigation Project – Phase I, by and in the Township of Neptune, in the County of Monmouth, State of New Jersey; appropriating \$700,000.00 therefor (including a \$508,441.50 grant from the Federal Emergency Management Agency) and authorizing the issuance of \$182,433.00 bonds or notes of the Township to finance part of the cost thereof – First Reading

Explanatory Statement: This ordinance provides for the South Riverside Drive Flood Mitigation Project – Phase I, which includes but is not limited to, as applicable, the construction of various bulkheads, the construction and reconstruction various storm water management infrastructure along South Riverside Drive

Offered by: _____ Seconded by: _____
Vote: Bishop, _____; Brantley, _____; Houghtaling, _____; Jahn, _____; McMillan, _____.

ORDINANCE NO. 11-05 - Bond Ordinance providing for the Concourse/Seaview Island Flood Mitigation Project, by and in the Township of Neptune, in the County of Monmouth, State of New Jersey; appropriating \$650,000.00 therefor (including a \$430,176.75 grant from the Federal Emergency Management Agency) and authorizing the issuance of \$209,353.00 bonds or notes of the Township to finance part of the cost thereof – First Reading

Explanatory Statement: This ordinance provides for the Concourse / Seaview Island Flood Mitigation Project, which includes but is not limited to, as applicable, the construction of various bulkheads, the construction and reconstruction various storm water management infrastructure along South Concourse, Concourse, and on Seaview Island

Offered by: _____ Seconded by: _____
Vote: Bishop, _____; Brantley, _____; Houghtaling, _____; Jahn, _____; McMillan, _____.

ORDINANCE NO. 11-06 - Bond Ordinance providing for the acquisition and the payment of the purchase price of real property being designated as Block 217, Lot 58 on the official tax map of the Township of Neptune and various improvements thereof, by and in the Township of Neptune, in the County of Monmouth, State of New Jersey; appropriating \$300,000 therefor and authorizing the issuance of \$285,000 bonds or notes of the Township to finance part of the cost thereof – First Reading

Explanatory Statement: This ordinance authorizes the acquisition and the payment of the purchase price of real property, a lawful public purpose, such real property being designated as Block 217, Lot 58 on the Official Tax Map of the Township, with a street address of 1700 West Lake Avenue, including but not limited to, as applicable, demolition of existing structures, various site remediation and restoration, including any renovations and improvements thereto.

Offered by: _____ Seconded by: _____
Vote: Bishop, _____; Brantley, _____; Houghtaling, _____; Jahn, _____; McMillan, _____.

ORDINANCE NO. 11-07 - An ordinance authorizing condemnation of 1700 West Lake Avenue, Neptune, New Jersey also known as tax Block 217, Lot 58-61 of the tax map of Neptune Township – First Reading

Explanatory Statement: This ordinance authorizes the Municipal Attorney to commence condemnation proceedings and seek possession and title to the property located at 1700 West Lake Avenue, Neptune, and authorizes that the amount of \$215,000.00 be posted with the Court, based on the Township's appraisal, towards the acquisition of the property.

Offered by: _____ Seconded by: _____

Vote: Bishop, _____; Brantley, _____; Houghtaling, _____; Jahn, _____; McMillan, _____.

The Public Hearings on Ordinances 11-01 through 11-07 will be held on Monday, January 24, 2011.

CONSENT AGENDA

Res. # 11-60 – Accept the resignation of Charles Leyton as a member of the Planning Board.

Res. # 11-61 – Authorize The Passion Group to coordinate and conduct a Township festival in Fall, 2011.

Res. # 11-62 – Authorize the execution of an Agreement and consent to allow municipal enforcement of Title 39 (traffic) violations at Eldridge Mobile Home Park.

Res. # 11-63 – Authorize the refund of taxes as a result of an overpayment.

Res. # 11-64 – Employ seasonal/on-call Drivers in the Department of Public Works for snow plowing.

Res. # 11-65 – Waive fee for dumpster rental for Washington Fire Company.

Res. # 11-66 – Authorize the execution of an agreement with Interfaith Neighbors, Inc. to provide congregate meals at the Neptune Senior Center.

Res. # 11-67 – Authorize the execution of a lease agreement with Interfaith Neighbors, Inc. for use of the Neptune Senior Center.

Res. # 11-68 – Accept performance guarantee filed by Locations XVII, Inc. for site improvements at Dunkin Donuts (corner of Routes 33 & 35)

Res. # 11-69 – Establish an hourly fee schedule for services performed by the Engineering and Land Use Department.

Res. # 11-70 – Appoint Historic Preservation Commission Attorney.

Res. # 11-71 – Authorize stand-by duty payment to Office of Emergency Management personnel.

Res. # 11-72 – Accept a grant from the Hazardous Discharge Site Remediation Fund Municipal Program through the New Jersey Economic Development Authority and the Department of Environmental Protection.

Res. # 11-73 – Authorize execution of a Clarification of Sublease Terms with the State of New Jersey for the lease of office space at 1820 West Lake Avenue.

CONSENT AGENDA Offered by: _____ Seconded by: _____

Vote: Bishop, _____; Brantley, _____; Houghtaling, _____; Jahn, _____; McMillan, _____.

Res. # 11-74 – Authorize Birdsall Services Group to perform remedial investigation at the former Chidnese property (1825 West Bangs Avenue)

Offered by: _____ Seconded by: _____

Vote: Bishop, _____; Brantley, _____; Houghtaling, _____; Jahn, _____; McMillan, _____.

Res. # 11-75 – Authorize the purchase of a Chevrolet Tahoe for the Police Department under the New Jersey State Cooperative Purchasing System.

Offered by: _____ Seconded by: _____

Vote: Bishop, _____; Brantley, _____; Houghtaling, _____; Jahn, _____; McMillan, _____.

Res. # 11-76 – Accept grant funding from the County of Monmouth and authorize purchase of residential recycling containers through the Monmouth County Cooperative Contract Purchasing System.

Offered by:_____ Seconded by:_____
Vote: Bishop, _____; Brantley, _____; Houghtaling, _____; Jahn, _____; McMillan, _____.

Res. # 11-77 – Authorize the purchase of Police Officer Scheduling Software under the New Jersey State Cooperative Purchasing System.

Offered by:_____ Seconded by:_____
Vote: Bishop, _____; Brantley, _____; Houghtaling, _____; Jahn, _____; McMillan, _____.

Res. # 11-78 – Authorize the payment of bills.

Offered by:_____ Seconded by:_____
Vote: Bishop, _____; Brantley, _____; Houghtaling, _____; Jahn, _____; McMillan, _____.

PRIVILEGE OF THE FLOOR/PUBLIC COMMENTS

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

ADJOURNMENT

ORDINANCE NO. 11-01

AN ORDINANCE TO AMEND VOLUME I, CHAPTER II, SECTION 2-67 OF THE CODE OF THE TOWNSHIP OF NEPTUNE TO AMEND THE EXISTING RESPONSIBLE CONTRACTOR REQUIREMENTS

WHEREAS, the Township Committee of the Township of Neptune regularly undertakes significant construction projects for the good and betterment of the citizens of the Township of Neptune; and

WHEREAS, the Township recognizes that there is a need to insure that all work on significant public construction projects and maintenance contracts are performed by responsible, qualified firms with the capacity, expertise, personnel, qualifications and resources necessary to successfully perform public contracts in a timely, reliable and cost effective manner; and

WHEREAS, the Township Committee approved the Ordinance 09-18 entitled "An Ordinance Amending the Code in the Township of Neptune to Implement a Responsible Contractor Policy" on May 11, 2009; and

WHEREAS, in order to efficiently and properly implement the aforesaid contractor policy the Township has determined certain amendments that are needed to better clarify the requirements of the original Ordinance,

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Neptune, County of Monmouth, in the State of New Jersey that Volume I, Chapter II, Section 2-67 of the Code of the Township of Neptune (originally adopted as Ordinance #09-18), is hereby amended as follows:

SECTION 1

2-67.1 Responsible Contractor Requirements – is hereby amended as follows:

2-67.1(a). All contractors or subcontractors that perform work valued in excess of the bidding threshold as established by the State of New Jersey and modified by the Governor of the State of New Jersey on any public facility or public works project, including construction, alteration, renovation, repair, service or maintenance work shall meet the requirements of this Ordinance. It is understood that a general contractor whose contract proposal in total is valued in excess of the bidding threshold must comply with requirements of this Ordinance. However, if subcontractors within the same contract are providing goods and/or services not valued in excess of the bidding threshold, those subcontractors are not subject to the requirements of this Ordinance. In such a case, the general contractor must provide a certification as to which subcontractors are providing services not in excess of the bidding threshold in the general contractor's bid proposal. The requirements of this Ordinance are intended to supplement, not replace, existing contractor qualifications and performance standards or criteria currently required by law, public policy or contracting documents.

SECTION 2

2-67.2 Responsible Contractor Certifications – is hereby amended as follows:

2-67.2(b)5. That the contractor and all subcontractors participate in a United States Department of Labor Registered Apprenticeship Program which is an approved apprentice/training program pursuant to the standards established under the Department of Labor and Industry Act of 1984 (N.J.S.A. 34:1A-34 et seq.) by submitting with the contractor and/or subcontractor's bid package a Certificate of Registration of Apprenticeship Program issued by the Office of Apprenticeship, United States Department of Labor or equivalent certification or documents demonstrating participation in the apprenticeship/training program aforesaid as of the time of the submission of the bid proposal. The failure to submit such proof of participation at the time of the submission of the bid proposal shall not be curable.

SECTION 3

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

SECTION 4

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

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

Richard J. Cuttrell,
Municipal Clerk

Kevin B. McMillan,
Mayor

ORDINANCE NO. 11-02

BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS TO THE SENIOR CITIZENS CENTER, BY AND IN THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$600,000 THEREFOR (INCLUDING A \$176,765 GRANT FROM THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM) AND AUTHORIZING THE ISSUANCE OF \$403,075 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 improvement or purpose described in Section 3 of this bond ordinance is hereby authorized as a general improvement or purpose to be undertaken by the Township of Neptune, in the County of Monmouth, State of New Jersey (the "Township"). For the said improvement or purpose stated in Section 3, there is hereby appropriated the sum of \$600,000.00, which sum includes a \$176,765 Community Development Block Grant received or expected to be received from the Community Development Block Grant Program (the "Grant") and the down payment for said improvement or purpose required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law") in the amount of \$20,160. The \$20,160 down payment is now available therefor from the general capital improvement fund by virtue of a provision or provisions in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the portion of the \$600,000 appropriation not provided for by application hereunder of the Grant or said down payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$403,075 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in a principal amount not exceeding \$403,075 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 the purposes for the financing of which said obligations are to be issued are for various improvements to the Senior Citizens Center, including but not limited to, as applicable, parking lot reconstruction, the acquisition and installation, as applicable, of various ADA accessibility improvements, the acquisition and installation, as applicable, of various site lighting, curbing, sidewalks and other similar site work, the acquisition and installation of various security systems, including all necessary related equipment and apparatus thereof, and the replacement of the telephone and communications system, and also including all engineering and design work, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and also including all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$403,075.

(c) The estimated cost of said improvements or purposes is \$600,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefore, is the down payment for said improvements or purposes in the amount of \$20,160 and, upon receipt by the Township, the Grant in the amount of \$176,765.

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

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

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

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

(a) The improvements or purposes described in Section 3 of this bond ordinance are not a current expense and are improvements which the Township may lawfully undertake as general improvements, 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 9.55 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 \$403,075 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 \$100,000 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the purpose or improvement hereinbefore described.

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

SECTION 9. The Township reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Township's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations §1.150-2. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the Township for costs of the improvements or purposes described in Section 3 hereof, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of any bonds or notes authorized herein or another issue of debt obligations of the Township other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1). The bonds or notes authorized herein to reimburse the Township for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed \$403,075. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of section 150 of the Code. All reimbursement allocations will occur not later than eighteen (18) months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized herein is paid, or (ii) the date the improvements or purposes described in Section 3 hereof is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than three (3) years after the expenditure is paid.

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

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

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

Richard J. Cuttrell,
Municipal Clerk

Kevin B. McMillan,
Mayor

ORDINANCE NO. 11-03

BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS TO THE SHARK RIVER MARINA, BY AND IN THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$300,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$285,000 IN BONDS OR NOTES TO FINANCE 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 Marina Utility 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, there is hereby appropriated the sum of \$300,000, said sum being inclusive of a down payment in the aggregate amount of \$15,000 for said improvements or purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). The \$15,000 down payment is now available therefor from the marina 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 portion of the \$300,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$285,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in a principal amount not exceeding \$285,000 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 various improvements to the Shark River Municipal Marina, including but not limited to, the construction of docks, acquisition and installation of various lighting, various plumbing improvements, acquisition, installation and utilization, as applicable, of alternative energy resources, various facility improvements, and other related, pertinent improvements, such improvements or purposes shall also include the following, as applicable, engineering and design work, preparation of plans and specifications, permits, bid documents, contract administration and also all work, materials, equipment, labor and appurtenances as necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$285,000.

(c) The estimated cost of said improvements or purposes is \$300,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefore, is the down payment in the amount of \$15,000.

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

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

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

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

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements or purposes which the Township may lawfully undertake as a Marina Utility general improvement, 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 said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is thirty-five (35) 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 \$7,500,000 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 \$60,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement hereinbefore described.

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

SECTION 9. The Township reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Township's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations §1.150-2. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the Township for costs of the improvements or purposes described in Section 3 hereof, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of any bonds or notes authorized herein or another issue of debt obligations of the Township other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1). The bonds or notes authorized herein to reimburse the Township for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed \$60,000. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of section 150 of the Code. All reimbursement allocations will occur not later than eighteen (18) months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized herein is paid, or (ii) the date the improvements or purposes described in Section 3 hereof is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than three (3) years after the expenditure is paid.

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

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

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

Richard J. Cuttrell,
Municipal Clerk

Kevin B. McMillan,
Mayor

ORDINANCE NO. 11-04

BOND ORDINANCE PROVIDING FOR THE SOUTH RIVERSIDE DRIVE FLOOD MITIGATION PROJECT – PHASE I, BY AND IN THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$700,000.00 THEREFOR (INCLUDING A \$508,441.50 GRANT FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY) AND AUTHORIZING THE ISSUANCE OF \$182,433.00 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 improvement or purpose described in Section 3 of this bond ordinance is hereby authorized as a general improvement or purpose to be undertaken by the Township of Neptune, in the County of Monmouth, State of New Jersey (the “Township”). For the said improvement or purpose stated in Section 3, there is hereby appropriated the sum of \$700,000.00, which sum includes a \$508,441.50 Pre-Disaster Mitigation Grant received or expected be received from the Federal Emergency Management Agency (the “Grant”) and the down payment for said improvement or purpose required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the “Local Bond Law”) in the amount of \$9,125.50. The \$9,125.50 down payment is now available therefor from the general capital improvement fund by virtue of a provision or provisions in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvement or purpose described in Section 3 hereof and to meet the portion of the \$700,000.00 appropriation not provided by the said down payment or Grant, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$182,433.00 pursuant to the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the “Local Bond Law”). In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Township in a principal amount not exceeding \$182,433.00 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. (a) The improvement hereby authorized and purpose for the financing of which said bonds or notes are to be issued is the South Riverside Drive Flood Mitigation Project – Phase I (the “Project”), including but not limited to, as applicable, the construction of various bulkheads, the construction and reconstruction various storm water management infrastructure along South Riverside Drive, and also including, as applicable, all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for said improvement or purpose is \$182,433.00.

(c) The estimated cost of said improvement or purpose is \$700,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefore, is the down payment in the amount of \$9,125.50 and the Grant in the amount of \$508,441.50.

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

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

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

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

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense and is an improvement which the Township may lawfully undertake as a general improvement, 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 improvement or purpose 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 \$182,433.00 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 \$100,000 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the purpose or improvement hereinbefore described.

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

SECTION 9. The Township reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Township's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations §1.150-2. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the Township for costs of the improvements or purposes described in Section 3 hereof, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of any bonds or notes authorized herein or another issue of debt obligations of the Township other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1). The bonds or notes authorized herein to reimburse the Township for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed \$182,433.00. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of section 150 of the Code. All reimbursement allocations will occur not later than eighteen (18) months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized herein is paid, or (ii) the date the improvements or purposes described in Section 3 hereof is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than three (3) years after the expenditure is paid.

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

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

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

Richard J. Cuttrell,
Municipal Clerk

Kevin B. McMillan,
Mayor

ORDINANCE NO. 11-05

BOND ORDINANCE PROVIDING FOR THE CONCOURSE/SEAVIEW ISLAND FLOOD MITIGATION PROJECT, BY AND IN THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$650,000.00 THEREFOR (INCLUDING A \$430,176.75 GRANT FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY) AND AUTHORIZING THE ISSUANCE OF \$209,353.00 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 improvement or purpose described in Section 3 of this bond ordinance is hereby authorized as a general improvement or purpose to be undertaken by the Township of Neptune, in the County of Monmouth, State of New Jersey (the "Township"). For the said improvement or purpose stated in Section 3, there is hereby appropriated the sum of \$650,000.00, which sum includes a \$430,176.75 Flood Mitigation Assistance Grant received or expected to be received from the Federal Emergency Management Agency (the "Grant") and the down payment for said improvement or purpose required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law") in the amount of \$10,470.25. The \$10,470.25 down payment is now available therefor from the general capital improvement fund by virtue of a provision or provisions in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvement or purpose described in Section 3 hereof and to meet the portion of the \$650,000.00 appropriation not provided by the down payment or the Grant, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$209,353.00 pursuant to the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Township in a principal amount not exceeding \$209,353.00 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. (a) The improvement hereby authorized and purpose for the financing of which said bonds or notes are to be issued is the Concourse / Seaview Island Flood Mitigation Project (the "Project"), including but not limited to, as applicable, the construction of various bulkheads, the construction and reconstruction various storm water management infrastructure along South Concourse, Concourse, and on Seaview Island, and also including, as applicable, all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for said improvement or purpose is \$209,353.00.

(c) The estimated cost of said improvement or purpose is \$650,000.00, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefore, is the down payment in the amount of \$10,470.25 and the Grant in the amount of \$430,176.75.

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

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

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

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

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense and is an improvement which the Township may lawfully undertake as a general improvement, 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 improvement or purpose 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 \$209,353.00 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 \$100,000 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the purpose or improvement hereinbefore described.

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

SECTION 9. The Township reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Township's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations §1.150-2. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the Township for costs of the improvements or purposes described in Section 3 hereof, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of any bonds or notes authorized herein or another issue of debt obligations of the Township other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1). The bonds or notes authorized herein to reimburse the Township for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed \$209,353.00. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of section 150 of the Code. All reimbursement allocations will occur not later than eighteen (18) months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized herein is paid, or (ii) the date the improvements or purposes described in Section 3 hereof is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than three (3) years after the expenditure is paid.

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

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

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

Richard J. Cuttrell,
Municipal Clerk

Kevin B. McMillan,
Mayor

ORDINANCE NO. 11-06

BOND ORDINANCE PROVIDING FOR THE ACQUISITION AND THE PAYMENT OF THE PURCHASE PRICE OF REAL PROPERTY BEING DESIGNATED AS BLOCK 217, LOT 58 ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF NEPTUNE AND VARIOUS IMPROVEMENTS THEREOF, BY AND IN THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$300,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$285,000 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 improvement or purpose described in Section 3 of this bond ordinance is hereby authorized as a general improvement or purpose to be undertaken by the Township of Neptune, in the County of Monmouth, State of New Jersey (the "Township"). For the said improvement or purpose stated in Section 3, there is hereby appropriated the sum of \$300,000, which sum includes \$15,000 as the amount of down payment for said improvement or purpose required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). Said down payment is now available 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 improvement or purpose described in Section 3 hereof and to meet the part of said \$300,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$285,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Township in a principal amount not exceeding \$285,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. (a) The improvement hereby authorized and purpose for the financing of which said bonds or notes are to be issued is the acquisition and the payment of the purchase price of real property, a lawful public purpose, such real property being designated as Block 217, Lot 58 on the Official Tax Map of the Township, with a street address of 1700 West Lake Avenue (the "West Lake Avenue Property"), including but not limited to, as applicable, demolition of existing structures at the West Lake Avenue Property, various site remediation and restoration of the West Lake Avenue Property, including any renovations and improvements thereto, and also including, all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for said improvement or purpose is \$285,000.

(c) The estimated cost of said improvement or purpose is \$300,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the down payment for said improvement or purpose in the amount of \$15,000.

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

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

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

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

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense and is an improvement which the Township may lawfully undertake as a general improvement, 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 improvement or purpose 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 \$285,000 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 \$100,000 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the purpose or improvement hereinbefore described.

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

SECTION 9. The Township is hereby authorized to acquire the West Lake Avenue Property and to negotiate an agreement of sale for the aforesaid acquisition. The Mayor, Business Administrator, Chief Financial Officer, Township Attorney and the Township Clerk 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 West Lake Avenue Property.

SECTION 10. 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 10 is intended to be and hereby is a declaration of the Township's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations §1.150-2. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the Township for costs of the improvements or purposes described in Section 3 hereof, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of any bonds or notes authorized herein or another issue of debt obligations of the Township other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1). The bonds or notes authorized herein to reimburse the Township for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed \$285,000. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of section 150 of the Code. All reimbursement allocations will occur not later than eighteen (18) months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized herein is paid, or (ii) the date the improvements or purposes described in Section 3 hereof is

“placed in service” (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than three (3) years after the expenditure is paid.

SECTION 11. The Township covenants to maintain the exclusion from gross income under section 103(a) of the Code of the interest on all bonds and notes issued under this ordinance.

SECTION 12. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption as provided by the Local Bond Law.

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

Richard J. Cuttrell,
Municipal Clerk

Kevin B. McMillan,
Mayor

ORDINANCE NO. 11-07

AN ORDINANCE AUTHORIZING CONDEMNATION OF 1700 WEST LAKE AVENUE, NEPTUNE, NEW JERSEY ALSO KNOWN AS TAX BLOCK 217, LOT 58-61 OF THE TAX MAP OF NEPTUNE TOWNSHIP

WHEREAS, property located at 1700 West Lake Avenue, Block 217, Lot 58-61 is presently owned by the Estate of Clara Bowens; and

WHEREAS, it is in the best interest of the Township of Neptune to obtain title to the aforesaid property and use the same for public purposes; and

WHEREAS, the Township of Neptune performed an appraisal on the subject property and determined that the aforesaid property's market value is \$215,000.00 per appraisal of August 12, 2010 and the same was offered to the Estate of Clara Bowens, which did not respond within the time period prescribed by law,

NOW, THEREFORE BE IT ORDAINED, that the Township Committee of the Township of Neptune, County of Monmouth, State of New Jersey, hereby authorizes the Municipal Attorney, Gene J. Anthony, Esq., to commence condemnation proceedings and seek possession and title to the property located at Block 217, Lot 58-61 on the Tax Map of the Township of Neptune, also known as 1700 West Lake Avenue, Neptune, New Jersey 07753 and hereby further authorizes that \$215,000.00 be posted with the Court based on the aforesaid appraisal towards the acquisition of the aforesaid property; and,

BE IT FURTHER ORDAINED that the Township Committee authorizes legal fees in the amount not to exceed \$10,000.00 towards the condemnation proceedings, the availability of which is set forth by a certification of availability of funds by the Chief Financial Officer; and,

BE IT FURTHER ORDAINED that this Ordinance shall go into effect upon adoption and advertisement according to the law; and,

BE IT FURTHER ORDAINED, that all Ordinances or parts of Ordinances which are inconsistent herewith are repealed, but only to the extent of such inconsistency.

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

Richard J. Cuttrell,
Municipal Clerk

Kevin B. McMillan,
Mayor

RESOLUTION #11-58 – 1/10/11

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:

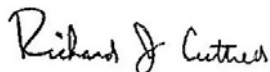
Real Estate negotiations – Offer to sell property adjacent to Welsh Farms property
Potential Litigation – Sampler Inn property subdivision
Real Estate negotiations – Street vacation

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.

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 01/10/2011



Richard J. Cuttrel, R.M.C., Municipal Clerk

RESOLUTION #11-59 - 1/10/11

PROMOTE WILLIAM H. BAILEY TO DEPUTY CHIEF OF POLICE

WHEREAS, due to the promotion of Robert Adams to the position of Chief of Police, there is a need to fill the position of Deputy Chief of Police; and,

WHEREAS, the Business Administrator has made his recommendation; and,

WHEREAS, funds will be provided for the first three months of 2011 in the 2011 Temporary Budget and funds for the balance of 2011 will be provided in the Budget for the year 2011, when finally adopted, and the Chief Financial Officer has so certified in writing,

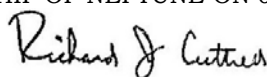
THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that William H. Bailey be and is hereby promoted to the position of Deputy Chief of Police in the Township of Neptune effective January 10, 2011; and,

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to execute an Employment Agreement with Deputy Chief Bailey, a copy of which is on file in the Office of the Municipal Clerk; and,

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 01/10/2011



Richard J. Cuttrel, R.M.C., Municipal Clerk

RESOLUTION #11-60 - 1/10/11

ACCEPT THE RESIGNATION OF CHARLES LAYTON AS A
MEMBER OF THE PLANNING BOARD

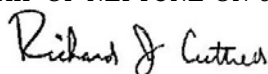
WHEREAS, the Township Committee has received a letter from Charles Layton resigning as a member of the Planning Board effective December 13, 2010,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Charles Layton as a member of the Planning Board is hereby accepted effective December 13, 2010; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Administrative Officer to the Planning Board.

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 01/10/2011



Richard J. Cuttrel, R.M.C., Municipal Clerk

RESOLUTION #11-61 - 1/10/11

AUTHORIZE THE PASSION GROUP TO COORDINATE AND CONDUCT
A TOWNSHIP FESTIVAL IN THE FALL OF 2011

WHEREAS, the Township of Neptune desires to hold a Township festival in October, 2011 in lieu of the annual Neptune Day event; and,

WHEREAS, the Passion Group, 600 Cookman Avenue, Asbury Park, has submitted a proposal to coordinate and conduct the event; and,

WHEREAS, compensation to the Passion Group for these services will come from registration and vendor fees for the event; and,

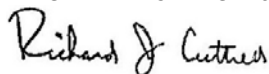
WHEREAS, the Township will receive a portion of these fees which is estimated to be between \$3,000 and \$4,000,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes execution of an agreement with The Passion Group to organize, coordinate and conduct a Township Festival in October, 2011 in accordance with the terms as outlined in the Passion Group proposal dated November 19, 2010; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Chief Financial Officer, Business Administrator, Chief of Police, Director of Public Works and Recreation Director.

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 01/10/2011



Richard J. Cuttrel, R.M.C., Municipal Clerk

RESOLUTION #11-62 - 1/10/11

AUTHORIZE EXECUTION OF AN AGREEMENT AND CONSENT TO
ALLOW MUNICIPAL ENFORCEMENT OF TITLE 39 (TRAFFIC)
VIOLATIONS AT ELDRIDGE MOBILE HOME PARK

WHEREAS, Garden State Homes Management Corporation is the managing agent and Third Garden Park Limited Partnership is the owner of the Eldridge Mobile Homes Park on State Highway 33; and,

WHEREAS, a complaint and counterclaim was filed by Garden State Homes Management Corporation and Third Garden Park Limited Partnership and Neptune Township in Monmouth County Superior Court in January 2009 in order to resolve certain property issues; and,

WHEREAS, a Stipulation of Settlement was entered into in Monmouth County Superior Court on August 5, 2010, which provides among other conditions, that Garden State Homes Management Corporation and Third Garden Park Limited Partnership will provide the Township of Neptune with a "Title 39 Agreement" which permits the Township to enforce the provisions of the State of New Jersey traffic statutes; and,

WHEREAS, the Township will be considering an ordinance in January, 2011 which outlines and authorizes specific traffic regulations including, but not limited to, no parking zones, stop signs and speed limits,

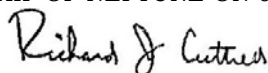
THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the execution of an Agreement, a copy of which is on file with the Municipal Clerk to consent to allow municipal enforcement of Title 39 (Traffic) regulations at Eldridge Mobile Home Park; and,

BE IT FURTHER RESOLVED, that said Township Committee will consider adoption of an ordinance in January, 2011 to outline and authorize specific traffic control regulations and signage at Eldridge Mobile Home Park; and,

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 01/10/2011



Richard J. Cuttrel, R.M.C., Municipal Clerk

RESOLUTION #11-63 - 1/10/11

AUTHORIZE THE REFUND OF TAXES
AS A RESULT OF AN OVERPAYMENT

WHEREAS, the properties listed below reflect overpayments; and,

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

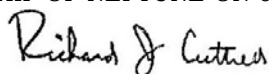
THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth, State of New Jersey, that the Tax Collector be and is hereby authorized to refund the taxes as stated herein; and,

BLOCK	LOT	ASSESSED TO	ADDRESS	YEAR	AMOUNT
15	760	CHEN	13 BROADWAY #1	2010	1,256.84
481	32	MCCUDDEN	27 S RIVERSIDE DR	2010	829.00
266.08	173	LAINÉ	2010 GREENWOOD A	2010	1,643.44
9032	4	ECHOLS	5 COLUMBIA RD	2010	2,812.95
10000.01	7	ROBINSON	212 FAIRWAY LN	2010	137.16
443	29	MASCARELLI	341 CLAYTON AVE	2010	1,882.94
172	20	REO MAX	1227 11 TH AVE	2010	747.41
563.02	4	BUZZA	407 CAPTAINS WY	2010	1,577.39
3023	5	OGLESBY	1108 FORDHAM RD	2010	1,397.84
3023	9	TIRONE	817 WAKEFIELD RD	2010	1,415.33
2001	9	TIRONE	2225 W LAKE AVE	2010	979.45

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 01/10/2011



Richard J. Cuttrel, R.M.C., Municipal Clerk

RESOLUTION #11-64 - 1/10/11

EMPLOY SEASONAL/ON-CALL DRIVERS IN THE DEPARTMENT OF
PUBLIC WORKS FOR SNOW PLOWING

WHEREAS, the Township desires to create a pool of individuals with commercial drivers license who would be called upon during major snowfalls to operate snow plows as a supplement to the full-time Public Works staff; and,

WHEREAS, the Director of Public Works has conducted interviews and has forwarded his recommendations to employ eight workers for this purpose; and,

WHEREAS, funds for this purpose are available in the appropriation entitled DPW S&W, known as Account No. 290-010 and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the following individuals be and are hereby employed in the Department of Public Works as Casual Employees on an on-call basis only for snow plowing during major snow/ice events during the 2010-2011 winter season at an hourly rate of \$25.00; and,

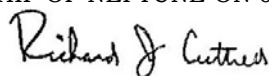
Raymond Koepfel
Michael Finer
Fred Kern, Jr.
Donald Diebert

Nelson Fenimore, Jr.
William Burge
James Vandervort, Jr.
Russell Brown

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Chief Financial Officer, Assistant C.F.O., Business Administrator, Mandy To, Carina Santos and the Director of Public Works.

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 01/10/2011



Richard J. Cuttrel, R.M.C., Municipal Clerk

RESOLUTION #11-65 - 1/10/11

WAIVE FEE FOR DUMPSTER RENTAL FOR WASHINGTON FIRE COMPANY

WHEREAS, the Washington Fire Company is undertaking a renovation project that requires the Township's 11 cubic yard dumpster for construction waste at their fire house located at 50 Olin Street; and,

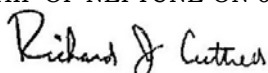
WHEREAS, the building is owned by the Ocean Grove Fire District, a political subdivision of the State of New Jersey and the Washington Fire Company is a non-profit volunteer organization providing fire suppression services to the Township of Neptune,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby waives the rental fee for the Township's 11 cubic yard dumpster for renovations at the Washington Fire Company, located at 50 Olin Street for the reason as stated herein; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Director of Public Works and Washington Fire Company.

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 01/10/2011



Richard J. Cuttrel, R.M.C., Municipal Clerk

RESOLUTION #11-66 - 1/10/11

AUTHORIZE THE EXECUTION OF AN AGREEMENT WITH INTERFAITH NEIGHBORS,
INC. TO PROVIDE CONGREGATE MEALS AT THE NEPTUNE SENIOR CENTER

WHEREAS, Interfaith Neighbors, Inc., provides noon-time meal services to senior citizens at the Neptune Senior Center; and,

WHEREAS, Interfaith Neighbors, Inc., wishes to continue the engagement of services of Neptune Township and Neptune Township wishes to continue to provide services to Interfaith Neighbors and to the senior citizens who participate in this program at the Neptune Senior Center; and,

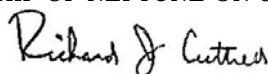
WHEREAS, Interfaith Neighbors, Inc. will provide payment to the Township of Neptune in the amount of \$1,365.00 per month for kitchen staff,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Mayor and Clerk are hereby authorized to execute an agreement with Interfaith Services, Inc. to provide payment in the amount of \$1,365.00 per month to the Township of Neptune for noon-time meals to senior citizens at the Neptune Senior Center for the year 2011; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Senior Center Director, Chief Financial Officer and Business Administrator.

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 01/10/2011



Richard J. Cuttrel, R.M.C., Municipal Clerk

RESOLUTION #11-67 - 1/10/11

AUTHORIZE THE EXECUTION OF A LEASE AGREEMENT WITH INTERFAITH
NEIGHBORS, INC. FOR USE OF THE NEPTUNE SENIOR CENTER FACILITY

WHEREAS, Interfaith Neighbors, Inc., provides noon-time meal services to senior citizens at the Neptune Senior Center; and,

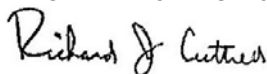
WHEREAS, Interfaith Neighbors, Inc., wishes to continue the engagement of services of Neptune Township and Neptune Township wishes to continue to provide the Senior Center kitchen and dining area for this service from 8:30 A.M. to 3:30 P.M. during normal operating days,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Mayor and Clerk are hereby authorized to execute a lease agreement with Interfaith Neighbors, Inc. for space at the Neptune Senior Center at a rate of \$700.00 per month payable to the Township of Neptune for the year 2011; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Senior Center Director, Chief Financial Officer and Business Administrator.

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 01/10/2011



Richard J. Cuttrel, R.M.C., Municipal Clerk

RESOLUTION #11-68 - 1/10/11

ACCEPT PERFORMANCE GUARANTEE FILED BY LOCATIONS XVII, INC.
FOR SITE IMPROVEMENTS AT DUNKIN DONUTS (CORNER OF ROUTES 33 & 35)

WHEREAS, Locations XVII, Inc. has filed a cash performance guarantee in the amount of \$44,000.00, guaranteeing site improvements at the proposed project known as Dunkin Donuts located at the intersection of Routes 33 & 35 (Block 212, Lots 1.01, 4.01 and 13.01); and,

WHEREAS, the required inspection fee escrow has been posted; and,

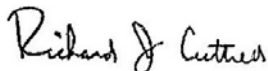
WHEREAS, the acceptance of this Performance Guarantee does not authorize the issuance of any licenses or permits by the Construction Department but serves as certification to the Planning Board/Board of Adjustment that compliance with the Land Development Ordinance of the Township of Neptune has been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

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

1. The Performance Guarantee as stated above be and is hereby accepted.
2. The Mayor and Clerk be and are hereby authorized to execute a Developer's Agreement for the above referenced project.
3. A copy of this resolution shall be forwarded to the Township Engineer, Planning Board, Construction Department, Director of Engineering and Planning, Chief Financial Officer and the Developer.

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 01/10/2011



Richard J. Cuttrel, R.M.C., Municipal Clerk

RESOLUTION #11-69 - 1/10/11

ESTABLISH AN HOURLY FEE SCHEDULE FOR SERVICES PERFORMED
BY THE ENGINEERING AND LAND USE DEPARTMENTS

WHEREAS, from time to time, developers of property in the Township of Neptune require the services of Township staff for engineering and land use plan reviews, permit document reviews and site inspections; and

WHEREAS, the Township desires to establish an hourly rate for these services which will be paid through escrow funds posted by the developer or entity requesting said services; and,

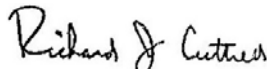
THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the following shall constitute a rate schedule for Township staff in the Engineering/Planning and Land Use Departments for the year 2011:

<u>TITLE</u>	<u>HOURLY RATE</u>
Professional Engineer	\$ 152.00
Land Use Director	146.00
Engineering Technician	82.00
Field Technician	75.00
Administrative Staff	48.00

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Land Use Administrator, Director of Engineering/Planning, Chief Financial Officer, Assistant C.F.O. and Business Administrator.

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 01/10/2011



Richard J. Cuttrel, R.M.C., Municipal Clerk

RESOLUTION #11-70 - 1/10/11

APPOINT HISTORIC PRESERVATION COMMISSION ATTORNEY

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

WHEREAS, the Township accepted Requests for Proposals for said position on December 7, 2010 and will make a selection from the proposals received; and,

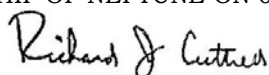
WHEREAS, funds will be provided for the first three months of 2011 in the 2011 Temporary Budget and funds for the balance of 2011 will be provided in the Budget for the year 2011, when finally adopted, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the execution of a contract to engage the services of Wesley Kain as Attorney to the Historic Preservation Commission for the year 2011 at the terms as indicated in said contract on file in the Office of the Municipal Clerk; and,

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 01/10/2011



Richard J. Cuttrel, R.M.C., Municipal Clerk

RESOLUTION #11-71 - 1/10/11

AUTHORIZE STAND-BY DUTY PAYMENT TO OFFICE OF
EMERGENCY MANAGEMENT PERSONNEL

WHEREAS, volunteer personnel in the Office of Emergency Management were placed on stand-by duty as a result of the blizzard and resulting snow emergency declared on December 26, 2010; and,

WHEREAS, overtime payment at the rate of \$10.00 per hour is authorized by resolution of the Township Committee to be paid to said personnel in the event of a long duration situation such as storm or disaster which requires readiness and staffing; and,

WHEREAS, funds will be provided for the first three months of 2011 in the 2011 Temporary Budget in the appropriation entitled OEM S&W known as Account No. 252-010 and funds for the balance of 2011 will be provided in the Budget for the year 2011, when finally adopted, and the Chief Financial Officer has so certified in writing; and,

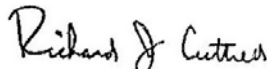
THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that stand-by duty payment at the rate of \$10.00 per hour be and is hereby authorized to the following Office of Emergency Management staff for the hours indicated as a result of the snow emergency on December 26, 2010 through December 31, 2010:

Anthony Devlin	82 hours
Jeffrey Devlin	104 hours
Kenneth Sprague	116 hours
Edward Sims	63 hours
Daryn Moure	103 hours
George Waterman	50 hours
Salvador Galvan	47 hours
Michael Bonfonte	27 hours
Skip Rochovsky	26 hours
Chris Devlin	19 hours
Thomas Francis	65 hours
James Harbour	56 hours
William Van Meter	40 hours
Michelle Grace	12 hours

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 01/10/2011



Richard J. Cuttrel, R.M.C., Municipal Clerk

RESOLUTION #11-72 - 1/10/11

ACCEPT A GRANT FROM THE HAZARDOUS DISCHARGE SITE REMEDIATION FUND
MUNICIPAL PROGRAM THROUGH THE NEW JERSEY ECONOMIC DEVELOPMENT
AUTHORITY AND THE DEPARTMENT OF ENVIRONMENTAL PROTECTION

WHEREAS, the Township of Neptune has applied for and has been awarded a grant in the amount of \$60,524.00 from the Hazardous Discharge Site Remediation Fund Municipal Grant Program through the Department of Environmental Protection and the New Jersey Economic Development Authority for site investigation at the former Chidnese Property at 1825 West Lake Avenue,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the above referenced grant is hereby accepted and the Mayor is hereby authorized to execute grant documents as an authorized representative thereunder, as the representative for the Township of Neptune; and,

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to the New Jersey Economic Development Authority, the Chief Financial Officer, Business Administrator and Administrative Assistant to the C.F.O.

Date Adopted by Committee: January 10, 2011

(seal)

Attest:

Kevin B. McMillan, Mayor

Richard J. Cuttrel, Clerk

RESOLUTION #11-73 - 1/10/11

AUTHORIZE EXECUTION OF A CLARIFICATION OF SUBLEASE TERMS WITH THE STATE OF NEW JERSEY FOR THE LEASE OF OFFICE SPACE AT 1820 WEST LAKE AVENUE

WHEREAS, the State of New Jersey and the Township of Neptune entered into a Sublease, dated August 28, 2008, for the rental of real property located at 1820 West Lake Avenue, Neptune, New Jersey; and,

WHEREAS, pursuant the provisions, terms and conditions of said Lease, the parties agreed to clarify certain terms of the Lease, such as commencement and expiration dates, final measurements of the premises, rents and State's share of occupancy, at such time as these issues were known and finalized; and,

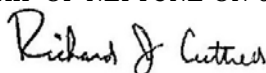
WHEREAS, the parties are now in a position of clarify the above mentioned terms of the Lease,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the execution of a Clarification of Sublease Terms, a copy of which is on file with the Municipal Clerk, with the State of New Jersey, Department of the Treasury, Division of Property and Management and Construction for the rental of property located at 1820 West Lake Avenue, Neptune; and,

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 01/10/2011



Richard J. Cuttrel, R.M.C., Municipal Clerk

RESOLUTION #10-74 - 1/10/11

AUTHORIZE BIRDSALL SERVICES GROUP TO PERFORM REMEDIAL INVESTIGATION
AT THE FORMER CHIDNESE PROPERTY (1825 WEST BANGS AVENUE)

WHEREAS, the Township desires to engage the services of Birdsall Services Group to perform remedial investigation at the former Chidnese property at 1825 West Lake Avenue; and,

WHEREAS, Birdsall Services Group has previously completed two remediations on this site and the NJDEP is requiring additional remediation work; and,

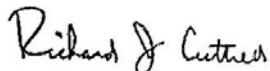
WHEREAS, funds for this purpose will be provided through a Hazardous Discharge Site Remediation Grant in the amount of \$60,524.00 and through the first three months of 2011 in the 2011 Temporary Budget in the amount of \$5,828.05 which will be provided in the Budget for the year 2011, when finally adopted, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes Birdsall Services Group to perform the services as stated herein at an amount not to exceed \$66,352.05; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Chief Financial Officer, Assistant C.F.O., Birdsall Services Group, Director of Engineering and Planning, and the Business Administrator.

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 01/10/2011



Richard J. Cuttrel, R.M.C., Municipal Clerk

RESOLUTION #11-75 - 1/10/11

AUTHORIZE THE PURCHASE OF A CHEVROLET TAHOE FOR THE POLICE DEPARTMENT
UNDER THE NEW JERSEY STATE COOPERATIVE PURCHASING PROGRAM

WHEREAS, the Neptune Township Police Department wishes to purchase a 2011 Chevrolet Tahoe SSV under the State of New Jersey Cooperative Purchasing Program 1-NJCP; and,

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

WHEREAS, Day Chevrolet has been awarded New Jersey State Contract No. A73849 for this vehicle; and,

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

WHEREAS, the cost of the vehicle shall not exceed \$28,297.10; and,

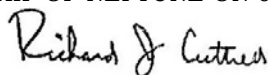
WHEREAS, funds will be provided from insurance refunds and in the 2011 Temporary Budget and funds for the balance of 2011 will be provided in the Budget for the year 2011, when finally adopted, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the purchase of a 2011 Chevrolet Tahoe SSV through the New Jersey Cooperative Purchasing Program for the Neptune Township Police Department be and is hereby authorized at an amount not to exceed \$28,297.10; and,

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 01/10/2011



Richard J. Cuttrel, R.M.C., Municipal Clerk

RESOLUTION #11-76 - 1/10/11

ACCEPT GRANT FUNDING FROM THE COUNTY OF MONMOUTH AND AUTHORIZE
PURCHASE OF RESIDENTIAL RECYCLING CONTAINERS THROUGH THE
MONMOUTH COUNTY COOPERATIVE CONTRACT PURCHASING SYSTEM

WHEREAS, the Township of Neptune desires to purchase 20,000 residential curbside recycling containers for Township residents through the Monmouth County Cooperative Contract Purchasing System; and,

WHEREAS, the County of Monmouth has agreed to provide a matching grant to offset a portion of the cost of said containers; and,

WHEREAS, funding for the Township's portion of the cost is available in the Recycling Tonnage Grant Program and the Clean Communities Program and the Chief Financial Officer has so certified in writing; and,

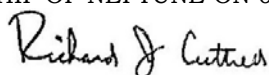
THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby accepts grant funding in the amount of \$119,850.00 from the Monmouth County Solid Waste Advisory Council towards the purchase of residential recycling containers; and

BE IT FURTHER RESOLVED, that the purchase of 20,000 residential recycling containers at the total cost of \$239,350.00 is hereby authorized through the Monmouth County Cooperative Contract Purchasing System; and,

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 01/10/2011



Richard J. Cuttrell, R.M.C., Municipal Clerk

RESOLUTION #11-77 - 1/10/11

AUTHORIZE THE PURCHASE OF POLICE OFFICER SCHEDULING SOFTWARE
UNDER THE NEW JERSEY STATE COOPERATIVE PURCHASING PROGRAM

WHEREAS, the Neptune Township Police Department wishes to purchase Police Officer Scheduling Software from an authorized vendor under the State of New Jersey Cooperative Purchasing Program 1-NJCP; and,

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

WHEREAS, Dell Marketing, LP has been awarded New Jersey State Contract No. A77003 for this equipment; and,

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

WHEREAS, the amount of the computer software shall not exceed \$39,240.00; and,

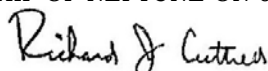
WHEREAS, funds for this purpose are available in Ordinance No. 07-37, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the purchased of Police Officer Scheduling Software through the New Jersey Cooperative Purchasing Program for the Neptune Township Police Department be and is hereby authorized at an amount not to exceed \$39,240.00; and,

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 01/10/2011



Richard J. Cuttrell, R.M.C., Municipal Clerk

RESOLUTION #11-78 – 1/10/11

AUTHORIZE THE PAYMENT OF BILLS

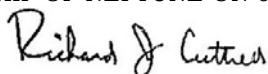
BE IT RESOLVED, That the following bills be paid if properly certified:

CURRENT FUND	2,520,400.11
FEDERAL & STATE GRANT FUND	5,416.64
TRUST OTHER	21,861.95
GENERAL CAPITAL FUND	127,013.02
SEWER OPERATING FUND	227,527.87
MARINA OPERATING FUND	20,158.97
DOG TRUST	7,330.70
U.D.A.G. TRUST	750.00
LIBRARY TRUST	1,862.71
BILL LIST TOTAL	\$2,932,321.97

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 01/10/2011



Richard J. Cuttrel, R.M.C., Municipal Clerk