

TOWNSHIP COMMITTEE WORKSHOP MEETING – FEBRUARY 14, 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 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.

ITEMS FOR DISCUSSION IN OPEN SESSION

1. Discussion – Amendments to RV/boat storage ordinance. (PW)
2. Discussion – Township Facebook page.
3. Discussion – Novadebt seminars.
4. Outstanding parking lot items. (PW)

Res. # 11-92 – 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 – FEBRUARY 14, 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. Cuttrell, Municipal Clerk

Silent Prayer and Flag Salute

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

REPORT OF THE CLERK

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

Senior Beacon for January.

Annual Environmental/Shade Tree Commission Accomplishment Report.

Letter from Clark Cate thanking the Public Works Department staff for their work throughout the year.

Notice of public hearing on an amendment to the Borough of Tinton Falls Land Use Ordinance.

Notice from the NJDOT that the Township received a Transportation Trust Fund grant in the amount of \$279,060 for improvements to Green Grove Road.

Thank you notes from Nicholas Napolitano and Elaine Bennett to the Senior Center staff.

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.

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. 11-08 - An ordinance making the provisions of Subtitle 1 of Title 39 with various traffic regulations applicable to “Eldridge Trailer Park” also known as “Eldridge Mobile Home Park”, Block 266, Lot 10 on the tax map of the Township of Neptune regulating the use of said roadways, streets, driveways and parking areas used by motor vehicles – Final Reading

Public Hearing:

Explanatory Statement: This ordinance authorizes the Township to enforce traffic regulations such as stop intersections, no parking zones and speed limits within Eldridge Mobile Home Park.

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

ORDINANCE NO. 11-09 - An ordinance to amend Volume I, Chapter VII of the Code of the Township of Neptune by adding a handicapped parking zone on Stockton Avenue. - Final Reading

Public Hearing:

Explanatory Statement: This ordinance authorizes a handicapped parking stall on the public roadway in front of 144 Stockton Avenue

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

ORDINANCE NO. 11-10 - An ordinance to add Volume I, Chapter XXI, Section 21-10 of the Code of the Township of Neptune by requiring that refuse containers and dumpsters be covered at all times and prohibiting the discharge of contents into the storm water system – Final Reading

Public Hearing:

Explanatory Statement: This ordinance requires dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times and prohibits the spilling, dumping, leaking, or otherwise discharge of liquids, semi-liquids or solids from the containers to the municipal separate storm sewer system(s) operated by the Township and/or the waters of the State.

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

ORDINANCE NO. 11-11 - An ordinance to amend Section 528 of the Land Development Ordinance of the Township of Neptune by requiring the retrofitting of existing storm drain inlets in direct contact with private property undergoing an infrastructure change or alteration. – Final Reading

Public Hearing:

Explanatory Statement: An ordinance requiring the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, or resurfacing or alterations of facilities on private property, to prevent the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and other litter) to the municipal storm sewer system operated by the Township.

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

ORDINANCE NO. 11-12 - An ordinance to amend Section 1001 of the Land Development Ordinance of the Township of Neptune by amending the Affordable Housing Contribution requirements and procedures in accordance with Council on Affordable Housing regulations – Final Reading

Public Hearing:

Explanatory Statement: This ordinance establishes standards for the collection, maintenance, and expenditure of development fees pursuant to Council on Affordable Housing's regulations. Fees collected pursuant to this ordinance shall be used for the sole purpose of providing low-and moderate-income housing. This ordinance shall be interpreted within the framework of COAH's rules on development fees, codified at N.J.A.C. 5:97-8.

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

ORDINANCE NO. 11-13 - An ordinance to amend Volume I, Chapter XVI of the Code of the Township of Neptune by amending the schedule of rates and rate regulations for annual sewer rent – First Reading

Explanatory Statement: This ordinance amends the annual sewer rental rates for 2011 and 2012 for the Neptune Sewer Utility (does not apply to Ocean Grove) and clarifies the responsible department for making usage calculations for certain commercial uses.

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

ORDINANCE NO. 11-14 - An ordinance authorizing the Township of Neptune to exceed the 2% cola rate appropriation limit for purposes of introducing the 2011 municipal budget – First Reading

Explanatory Statement: This ordinance permits the introduction of the annual municipal budget with a maximum appropriations increase of 3.5%. This ordinance does not amend or change the 2% tax levy cap.

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

ORDINANCE NO. 11-15 - An ordinance to amend Volume I, Chapter XV, Section 15-2 of the Code of the Township of Neptune to amend the Uniform Fire Safety Fees for the Ocean Grove Fire District – First Reading

Explanatory Statement: This ordinance amends the annual inspection fees for commercial establishments and multiple dwellings with the Ocean Grove Fire District.

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

The Public Hearings on Ordinances 11-13, 11-14 and 11-15 will be held on Monday, February 28, 2011.

CONSENT AGENDA

Res. # 11-93 – Authorize renewal of optional dental insurance plan.

Res. # 11-94 – Authorize the cancellation of a mortgage in connection with a Façade Improvement Grant awarded to Selective Auto Sales (443 Highway 35).

Res. # 11-95 – Appoint members to the Recreation Committee.

Res. # 11-96 – Accept the resignation of Mary Ditri as a Trustee to the Economic Development Corporation.

Res. # 11-97 – Accept the resignation of Kathleen Kocen as a Senior Kitchen Aide in the Senior Center.

Res. # 11-98 – Renew Commodity Resale System for the resale of gasoline and diesel fuel.

Res. # 11-99 – Authorize Amendment #1 to the Interlocal Services Agreement with the Borough of Neptune City for public safety emergency communications services.

Res. # 11-100 – Employ seasonal/on-call Drivers in the Department of Public Works for snow plowing.

Res. # 11-101 – Authorize the refund of taxes as a result of an overpayment.

Res. # 11-102 – Authorize the cancellation of sewer rent (211 Highway 35 South).

Res. # 11-103 – Approve selection of legal counsel to represent police office in depositions in connection with a lawsuit against the State of New Jersey.

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

Res. # 11-104 – Authorize purchase of equipment and services to provide connectivity between the Borough of Neptune City and the Township Communications Center.

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

Res. # 11-105 – Authorize Birdsall Engineering to perform construction administration for improvements to the Pennsylvania Avenue Pumping Station.

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

Res. # 11-106 – Reclassify employee to the position of Departmental Secretary in the Land Use Department.

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

Res. # 11-107 – Terminate employee.

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

Res. # 11-108 – Authorize the payment of bills.

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

Res. # 11-109 – Approve selection of legal counsel to represent police officer in lawsuit for punitive damages.

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. 11-13

AN ORDINANCE TO AMEND VOLUME I, CHAPTER XVI OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY AMENDING THE SCHEDULE OF RATES AND RATE REGULATIONS FOR ANNUAL SEWER RENT

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

SECTION 1

Volume I, Chapter XVI, Section 16-2.1 – Schedule of Rates and Section 16-3.4 Sewer Fees; Annual Rent, are hereby amended in its entirety to read as follows:

	Effective 1/1/11	Effective 1/1/12
Single Family private dwelling with no rental rooms	\$430.00	\$440.00
Single Family private dwelling and garage apartment with no rental rooms or apartments	\$860.00	\$880.00
Single Family with Mother/Daughter unit with common Entry door	\$860.00	\$880.00
Two Family private dwelling with no rental rooms or apartments	\$860.00	\$880.00
Two Family private dwelling and garage apartment with no rental rooms or apartments	\$1,290.00	\$1,320.00
Multi-family (more than two) dwellings with no rental rooms or apartments - each family unit	\$430.00	\$440.00
Structures with apartment – each apartment	\$430.00	\$440.00
Hotels and Motels plus \$335.00 for each rental room with bar – up to 100 occupancy each additional 100 or fraction thereof	\$430.00 \$1,835.00 \$430.00	\$440.00 \$1,880.00 \$440.00
Rooming House plus \$335.00 for each rental room	\$430.00	\$440.00
Barber and Beauty Shop plus \$335.00 for each chair	\$430.00	\$440.00
Commercial Business One toilet	\$430.00	\$440.00
Each additional four (4) toilets or fractions thereof	\$430.00	\$440.00

	Effective 1/1/11	Effective 1/1/12
Industrial (Exclusive of Industrial Wastes)		
One toilet	\$860.00	\$880.00
Each additional four (4) toilets or fractions thereof	\$430.00	\$440.00
Churches	\$430.00	\$440.00
Service Stations	\$860.00	\$880.00
Automotive Repair / No Fuel	\$860.00	\$880.00
Service Station with garage	\$1,290.00	\$1,320.00
Service Station and garages with wash rack	\$1,720.00	\$1,760.00
Bar – up to 100 occupancy	\$1,835.00	\$1,880.00
each additional 100 or fraction thereof	\$430.00	\$440.00
Nursing Homes (including convalescent centers, etc.) plus \$316.00 for each hospital or nursing home bed	\$430.00	\$440.00
Restaurant /No Bar		
First 25 occupancy	\$860.00	\$880.00
Each additional 25 occupancy or fraction thereof	\$430.00	\$440.00
Restaurant with Bar		
Up to 100 occupancy	\$1,835.00	\$1,880.00
Each additional 100 or fraction thereof	\$430.00	\$440.00
Laundries	\$430.00	\$440.00
Plus \$6.65 per 1,000 gallons or fraction thereof based on 65% of water gallonage consumed		
Laundromats	\$430.00	\$440.00
Plus \$6.65 per 1,000 gallons or fraction thereof based on 65% of water gallonage consumed		
Hospitals (including extended care facilities)	\$430.00	\$440.00
Plus \$6.65 per 1,000 gallons or fraction thereof based on 65% of water gallonage consumed		
Soda Bottling Companies	\$430.00	\$440.00
plus \$6.65 per 1,000 gallons or fraction thereof		
Schools (Public, Parochial, etc.)	\$430.00	\$440.00
Plus \$8.05 per student based on average daily enrollment on November 30 of prior year. All charges based on each individual school building so occupied		

	Effective 1/1/11	Effective 1/1/12
Automatic Car Wash plus \$6.65 per 1,000 gallons of water used or fraction thereof	\$430.00	\$440.00
Car Wash with Recycling System plus \$3.25 per 1,000 gallons of water used or fraction thereof	\$430.00	\$440.00
Utility plus \$10.00 per 1,000 gallons of metered flow into sewer system plus costs of calibration and reading of meter	\$3,440.00	\$3,520.00
Buildings or facilities used by various non-profit, public, private and civic organizations, including but not limited to fire companies, first aid squads, veterans' organizations, Social clubs, lodges and fraternal organizations, etc. (per annum)	\$430.00	\$440.00
Said organizations holding a liquor license an additional sum of:	\$860.00	\$880.00

SECTION 2

Volume I, Chapter XVI, Section 16-2.2 – Additional Rate Regulations, is hereby amended in its entirety to read as follows:

Section 16-2.2 – Additional Rate Regulations

- a. Where the annual rate to be paid for use of the sewer system is based on the number of gallons of water consumed then said annual rate is to be determined by the number of gallons of water used up to and including December 31 of the preceding year.

The number of gallons used in the preceding year is to be certified by the user to the Township on or before January 15 of each year.

Whenever the certification required by this subsection is not given by the user to the Township by January 15, the Tax Collector may estimate the basis for this calculation at a rate of 150% of the previous year certification, in addition to assessing a penalty for failure to submit certification in the amount of \$100.00 which shall be added as a service charge to the sewer bill of that particular user.

- b. Where the annual rate to be paid for the use of the sewer system is based on the number of beds contained in a particular hospital, nursing home and/or convalescent center, the number of beds is to be certified to the Township by the hospital, nursing home or convalescent center involved on or before January 15. When the certification is not obtained on or before January 15, the Tax Collector may estimate the basis for this calculation at a rate of 150% of the previous year certification, in addition to assessing a penalty for failure to submit certification in the amount of \$100.00 which shall be added as a service charge to the sewer bill of the particular user.
- c. Where the annual rate to be paid for use of the sewer system is based on the number of pupils the rate is determined by the average number of pupils located in an individual school building on November 30 of the preceding year. The number of pupils is to be certified to the Township on or before January 15. When the certification is not received by January 15, the Tax Collector may estimate the basis for this calculation at a rate of 150% of the previous

year certification, in addition to assessing a penalty for failure to submit certification in the amount of \$100.00 which shall be added as a service charge to the sewer bill of that particular school building.

- d. The sewer charge, in all cases not covered by this section or where the use of property is not permitted by the Zoning Ordinance of the Township or where a special use permit is required or for any industrial use which produces a waste material to be discharged to the sewer system, shall be established by the Township Committee by separate contract and in such amount as would be proportionate to its use of the sanitary sewer system.
- e. All use charges set by this section shall be reviewed and revised periodically to reflect the actual costs of the treatment works operation.
- f. The terms and conditions of any agreement or contract between the Township and a sewer user that pertains to the reservation of capacity or to the charges to be collected that are inconsistent with Federal regulations shall be disregarded and shall be of no legal effect.
- g. The cost of operation and maintenance for the flow not attributable to the user (that is, due to infiltration and/or inflow, if any), shall be distributed among the various classes of users and shall be included in the charges set by this section.

SECTION 3

Volume I, Chapter XVI, Section 16-2.3 – Payment of Charges; When Due; Partial Charges, is hereby amended in its entirety as follows:

Section 16-2.3 – Payment of Charges; When Due, Partial Charges

- a. The sewer rental shall be payable to the Collector of Taxes; semi-annually in advance, on or before March 1 and September 1 of each year.
- b. If the sewer rental imposed hereby is not paid within thirty (30) days from the date due, the same shall become delinquent and shall bear interest thereon at the same rate charged against delinquent taxes in the Township and shall become a lien on the property and shall be collectible as in the case of other municipal taxes, charges or liens.*
- c. Whenever sewer service to any property begins after the first day or terminates before the last day of any semi-annual period, the charge will be for that portion of the period during which the property is served. Sewer service charges are effective as of the date of issuance of the original Certificate of Occupancy or Temporary Certificate of Occupancy.
- d. Upon termination or change of sewer service as a result of demolition of a structure or the abandonment or change of use, sewer rent shall be payable for the balance of the semi-annual period in effect as of the date of confirmation of service termination or change by the Neptune Township Sewer Department to the Neptune Township Tax Collection Department. It is incumbent upon the property-owner to schedule an inspection with the Neptune Township Sewer Department to confirm termination or change of service. Failure to attain this inspection will result in continued charges until an inspection is conducted.

SECTION 4

All ordinances or parts of ordinances of the Township of Neptune, in conflict or inconsistent with this ordinance, are hereby repealed, but only, however, to the extent of such conflict or inconsistency; it being the legislative intent that all other ordinances, or parts of ordinances, now

existing and in effect, unless the same be in conflict or inconsistent with any of the provisions of this ordinance, shall remain in full force and effect.

SECTION 5

This ordinance shall become effective immediately upon its adoption and publication according to law.

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

Richard J. Cuttrel,
Municipal Clerk

Kevin
Mayor

B. McMillan,

ORDINANCE NO. 11-14

AN ORDINANCE AUTHORIZING THE TOWNSHIP OF NEPTUNE
TO EXCEED THE 2% COLA RATE APPROPRIATION LIMIT FOR
PURPOSES OF INTRODUCING THE 2011 MUNICIPAL BUDGET

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Committee of the Township of Neptune in the County of Monmouth finds it advisable and necessary to increase its CY 2011 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Committee hereby determines that a 3.5% increase in the budget for said year, amounting to \$ 432,798.69 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Township Committee of the Township of Neptune hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years,

THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Neptune, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2011 budget year the final appropriations of the Township of Neptune shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$1,009,863.61 and that the CY 2011 municipal budget for the Township of Neptune be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

APPROVED ON FIRST READING:

APPROVED, PASSED AND ADOPTED:

VOTE ON ADOPTION:

ATTEST:

Richard J. Cuttrel, Clerk

Kevin McMillan, Mayor

ORDINANCE NO. 11-15

AN ORDINANCE TO AMEND VOLUME I, CHAPTER XV,
SECTION 15-2 OF THE CODE OF THE TOWNSHIP OF
NEPTUNE TO AMEND THE UNIFORM FIRE SAFETY FEES FOR
THE OCEAN GROVE FIRE DISTRICT

BE IT ORDAINED by the Township Committee of the Township of Neptune that Volume I, Chapter XV, Section 15-2 of the Code of the Township of Neptune, is hereby amended as follows:

SECTION 1

15-2.10 Additional Required Inspections and Fees Adopted – is hereby amended as follows:

15-2.10(b). Inspection fee under this section shall be as follows:

Commercial/retail establishment or professional office:

Up to 2,500 square feet:	\$ 50.00
Over 2,500 square feet:	\$100.00

Multiple dwellings/condominiums/inns/hotels:

One or two units:	\$ 50.00
Three to six units:	\$ 65.00
Seven to twelve units:	\$ 75.00
Thirteen to twenty units:	\$100.00
Over 21 units:	\$200.00

Said inspection fee shall be paid by the occupant of the structure or area to be inspected.

The fee for re-inspections for all classifications shall be twenty-five (\$25.00) dollars.

Notwithstanding the aforesaid, a not-for-profit organization shall not be charged an inspection fee greater than fifty (\$50.00) dollars for a building which does not have a life hazard use required to be registered under the Uniform Fire Code of the State of New Jersey.

SECTION 2

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

SECTION 3

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

RESOLUTION #11-92 – 2/14/11

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:

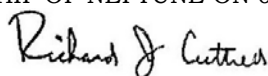
Personnel – Vacancy on Economic Development Corporation (Mary Ditri has resigned).
Contract negotiations – JP Affordable Housing
Real Estate negotiations – Undersized lots on Bradley Beach border
Personnel – Employee reclassification and employee termination

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 02/14/2011



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

RESOLUTION #11-93 - 2/14/11

AUTHORIZE RENEWAL OF OPTIONAL DENTAL INSURANCE PLAN

WHEREAS, Dental Services Organization, Inc. provides dental care at a fixed monthly cost to individuals who elect to enter the program; and,

WHEREAS, the Township authorized the offering of this optional Plan to its employees for a three year term effective February 1, 2008; and,

WHEREAS, participation in this Dental Plan is at the option of the employee and the employee is responsible for the cost of monthly payments in excess of the cost of the dental insurance currently provided by the Township; and,

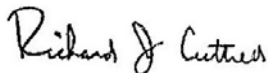
WHEREAS, the Township desires to renew this optional benefit plan,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the Mayor and Clerk to execute an Agreement with Dental Services Organization, Inc. to provide dental coverage to Township employees electing to participate in the program for a three year period from February 1, 2011 to January 31, 2014; and,

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

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 02/14/2011



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

RESOLUTION #11-94 - 2/14/11

AUTHORIZE THE CANCELLATION OF A MORTGAGE IN CONNECTION
WITH A FAÇADE IMPROVEMENT GRANT AWARDED TO
SELECTIVE AUTO SALES (443 HIGHWAY 35)

WHEREAS, the Township of Neptune holds a mortgage dated October 19, 2005 in connection with a Façade Improvement Grant awarded to Selective Auto Sales (443 Highway 35); and,

WHEREAS, five full years has passed since the date of the mortgage and the façade improvements have been maintained by the property owners; and;

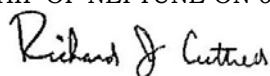
WHEREAS, the Township desires to cancel said mortgage in accordance with the terms of the mortgage,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Mayor and Clerk be and they are hereby authorized to execute a cancellation of mortgage in connection with the Façade Improvement Grant awarded to Selective Auto Sales (443 Highway 35); and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Secretary to the Economic Development Corporation.

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 02/14/2011



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

RESOLUTION #11-95 - 2/14/11

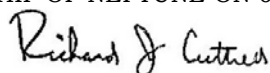
APPOINT MEMBERS TO THE RECREATION COMMITTEE

BE IT RESOLVED, by the Township Committee of the Township of Neptune that Maureen Ruotolo, Charles Williams and Laria Hamilton be and are hereby appointed as members of the Neptune Recreation Committee for the year 2011; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the 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 02/14/2011



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

RESOLUTION #11-96 - 2/14/11

ACCEPT THE RESIGNATION OF MARY DITRI AS A
TRUSTEE TO THE ECONOMIC DEVELOPMENT CORPORATION

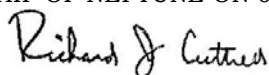
WHEREAS, the Township Committee has received a letter from Mary Ditri resigning as the Mayor's Designee to the Economic Development Corporation effective January 24, 2011,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Mary Ditri as a member of the Economic Development Corporation is hereby accepted effective January 24, 2011; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Secretary of the Economic Development Corporation.

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 02/14/2011



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

RESOLUTION #11-97 - 2/14/11

ACCEPT THE RESIGNATION OF KATHLEEN KOCEN AS A
SENIOR KITCHEN AIDE IN THE SENIOR CENTER

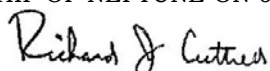
WHEREAS, the Township Committee has received a letter from Kathleen Kocen resigning as a Senior Kitchen Aide in the Senior Center effective March 25, 2011,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Kathleen Kocen as a Senior Kitchen Aide in the Senior Center is hereby accepted effective March 25, 2011; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Business Administrator, Chief Financial Officer, Assistant C.F.O., AFSCME Local 1844, Carina Santos, Mandy To and Senior Center 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 02/14/2011



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

RESOLUTION #11-98 - 2/14/11

RENEW COMMODITY RESALE SYSTEM FOR THE RESALE OF
GASOLINE AND DIESEL FUEL

WHEREAS, N.J.A.C. 5:34-7.15 authorizes contracting units to establish a Commodity Resale System; and,

WHEREAS, on April 24, 2006, the Township Committee established a Commodity Resale System for the resale of gasoline and diesel fuel; and,

WHEREAS, the Township of Neptune agrees to continue to serve as the Lead Agency for the Commodity Resale System with Hamilton First Aid Squad, Interfaith Neighbors, Inc., Neptune Fire District #1, Neptune Board of Education, First Vehicle Services, Shark River Hills First Aid Squad, Neptune Housing Authority, Township of Neptune Sewerage Authority, Neptune Fire District #2, Ocean Grove First Aid Squad, Neptune First Aid Squad, Ocean Grove Citizens Patrol and Monmouth County Vocational School; and,

WHEREAS, the Township desires to renew this Commodity Resale System for a five year period,

THEREFORE, BE IT RESOLVED, on the 14th day of February, 2011 by the Township Committee of the Township of Neptune, County of Monmouth, State of New Jersey, as follows:

The Township Committee hereby authorizes the renewal of a Commodity Resale System to be known as the Neptune Township Gasoline and Diesel Fuel Resale System with the Township of Neptune serving as the Lead Agency for a five year period expiring April 23, 2016.

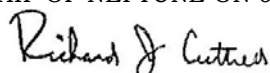
The Mayor of the Township of Neptune is hereby authorized to enter into a contract with, and on behalf of, the Township of Neptune of the sale of gasoline and diesel fuel.

BE IT FURTHER RESOLVED, that a certified copy of this resolution along with a copy of the Purchase Agreement and a copy of the Request for Registration or Modification of a Commodity Resale System Form (Cooperative Purchasing Form CP-2060) shall be forwarded to the Director of the Division of Local Government Services within the State Department of Community Affairs; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution also be sent to the 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 02/14/2011



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

RESOLUTION #11-99 - 2/14/11

AUTHORIZE AMENDMENT #1 TO THE INTERLOCAL SERVICES AGREEMENT
WITH THE BOROUGH OF NEPTUNE CITY FOR PUBLIC SAFETY EMERGENCY
COMMUNICATIONS SERVICES

WHEREAS, the Township and Borough entered into an Interlocal Services Agreement for Public Safety Emergency Communications Services on November 1, 2010; and

WHEREAS, the Parties have agreed that Township will authorize a vendor to provide a connectivity of various security, radio and communications systems between the Borough and the Township's Communications Center; and

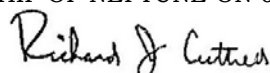
WHEREAS, the Borough will reimburse the Township for all costs associated with this amendment to the Agreement,

THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Mayor and Clerk are hereby authorized to execute an amendment to the November 1, 2010 Interlocal Services Agreement for Public Safety Emergency Communications Services with the Borough of Neptune City to provide that the Township will authorize a third party vendor to provide connectivity of various security, radio and communications systems between the Borough and the Township's Communications Center and that the Borough will reimburse the Township for the entire amount expended by the Township no later than July 1, 2011; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Chief Financial Officer, Chief of Police, Business Administrator and Borough of Neptune City.

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 02/14/2011



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

RESOLUTION #11-100 - 2/14/11

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 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,

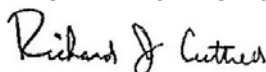
THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the following individuals be and are hereby employed in the Department of Public Works as Casual Employees on an on-call basis only for snow plowing during major snow/ice events during the 2010-2011 winter season at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

Anthony	Devlin	Albert	Fritz
Christopher	Hankins	Richard	Hulsart

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 02/14/2011



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

RESOLUTION #11-101 - 2/14/11

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,

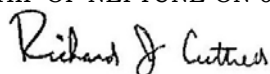
THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth, State of New Jersey, that the Tax Collector be and is hereby authorized to refund the taxes as stated herein; and,

BLOCK/LOT	ASSESSED TO	ADDRESS	YEAR	AMOUNT
3051/21C101	DI NAPOLI	101 LOUISVILLE AV	2010	431.74
449/22	SASSI	402 VALLEY RD	2010	1,569.17

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 02/14/2011



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

RESOLUTION #11-102 - 2/14/11

AUTHORIZE THE CANCELLATION OF SEWER RENT (211 HIGHWAY 35 SOUTH)

WHEREAS, the Tax Collector has requested the cancellation of sewer rent to the property listed below,

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 hereby is authorized to cancel Sewer Rent as stated herein; and,

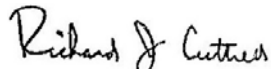
BLOCK/LOT	ASSESSED TO	ADDRESS	YEAR	AMOUNT
212/14	Matrixx 8, LLC	211 Highway 35 South	2010	205.00

REASON: Building demolished

BE IT FURTHER RESOLVED, that a 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 02/14/2011



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

RESOLUTION #11-103 - 2/14/11

APPROVE SELECTION OF LEGAL COUNSEL TO REPRESENT POLICE OFFICER
IN DEPOSITIONS IN CONNECTION WITH A LAWSUIT
AGAINST THE STATE OF NEW JERSEY

WHEREAS, in the matter of Estate of Kedar Norris v. State of New Jersey, Sgt. Michael Emmons has requested that Fox Rothschild, LLC serve as his legal counsel during depositions in the case; and,

WHEREAS, in accordance with the current P.B.A. Local #74 contract, the Township Committee must approve the selection of counsel; and,

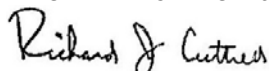
WHEREAS, the Township's reimbursement will be limited to a rate per hour not to exceed the current hourly rate of the Township Attorney, the Township reserves the right to limit the total expenditure to a reasonable cost and the Township reserves the right to not reimburse for legal fees and costs should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

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that approval is hereby granted to Sgt. Michael Emmons to retain Fox Rothschild, LLP as legal counsel for accompany Sgt. Emmons in depositions in the above referenced matter; and,

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

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 02/14/2011



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

RESOLUTION #11-104 - 2/14/11

AUTHORIZE PURCHASE OF EQUIPMENT AND SERVICES TO PROVIDE CONNECTIVITY
BETWEEN THE BOROUGH OF NEPTUNE CITY AND THE
TOWNSHIP COMMUNICATIONS CENTER

WHEREAS, the Township and Borough entered into an Interlocal Services Agreement for Public Safety Emergency Communications Services on November 1, 2010 and a subsequent amendment dated February 14, 2011; and,

WHEREAS, the Township will authorize a vendor to provide connectivity of security, radio and/or communications systems between the Borough of Neptune City and the Township's Communication Center; and

WHEREAS, the Borough will reimburse the Township for all costs associated with the equipment and services; and,

WHEREAS, the Purchasing Agent and Borough of Neptune City solicited quotes for providing the equipment and services as described herein; and,

WHEREAS, the cost of said item is less than the bid threshold but exceeds \$17,500.00 and therefore must be awarded by Resolution of the governing body; and,

WHEREAS, said quotes were reviewed by the Purchasing Agent who has recommended that the low quote be accepted in accordance with the Open Public Contracts Law; and,

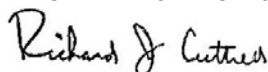
WHEREAS, funds for this purpose will be provided through an Interlocal Services Agreement with the Borough of Neptune City, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the purchase of equipment and services to provide connectivity between the Borough of Neptune City security, radio and/or communication systems and the Township's Communications Center and is hereby authorized through Open Systems pursuant to their quote of \$35,830.00 for said services; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Business Administrator, Chief Financial Officer, Assistant C.F.O., 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 02/14/2011



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

RESOLUTION #11-105 - 2/14/11

AUTHORIZE BIRDSALL ENGINEERING TO PERFORM CONSTRUCTION ADMINISTRATION
FOR IMPROVEMENTS TO THE PENNSYLVANIA AVENUE PUMPING STATION

WHEREAS, the Township of Neptune desired to undertake a project to make various improvements to the Pennsylvania Avenue Pumping Station; and,

WHEREAS, it is necessary for an Engineering Consultant to perform construction administration and inspections in connection with this project; and,

WHEREAS, the Township Engineer has recommended that Birdsall Engineering be awarded this work based on their submitted quote; and,

WHEREAS, Birdsall Engineering has been designated as one of the Township's Consulting Engineers; and,

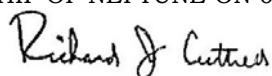
WHEREAS, funds for this purpose will be provided in Ordinance No. 09-21, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes Birdsall Engineering to perform the services as stated herein at an amount not to exceed \$45,000.00; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Chief Financial Officer, Assistant C.F.O., Township Engineer, Birdsall Engineering 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 02/14/2011



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

RESOLUTION #11-106 - 2/14/11

RECLASSIFY EMPLOYEE TO THE POSITION OF
DEPARTMENT SECRETARY IN THE LAND USE DEPARTMENT

WHEREAS, there is a desire to fill the position of Departmental Secretary in the Land Use Department; and,

WHEREAS, the position was duly posted and applicants interviewed; and,

WHEREAS, the Land Use Director, Director of Engineering and Planning and the Business Administrator have made a recommendation to reclassify an existing employee to said position; and,

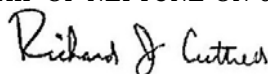
WHEREAS, funds will be provided for the first three months of 2011 in the 2011 Temporary Budget and funds for the balance of 2011 will be provided in the Budget for the year 2011, when finally adopted, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Debbie DeSeno be and is hereby reclassified to the position of Departmental Secretary of the Land Use Department at an annual salary of \$29,000.00 effective February 15, 2011; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Business Administrator, Land Use Director, Director of Engineering and Planning, Chief Financial Officer, Assistant C.F.O., and AFSCME Local #1844.

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 02/14/2011



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

RESOLUTION #11-107 - 2/14/11

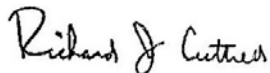
TERMINATE EMPLOYEE

BE IT RESOLVED, by the Township Committee of the Township of Neptune that Brandon Nichols be and is hereby terminated as an employee with the Township of Neptune effective February 7, 2011; and,

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

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 02/14/2011



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

RESOLUTION #11-108 – 2/14/11

AUTHORIZE THE PAYMENT OF BILLS

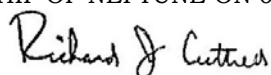
BE IT RESOLVED, by the Township Committee of the Township of Neptune that the following bills be paid if properly certified:

CURRENT FUND	3,427,153.13
FEDERAL & STATE GRANT FUND	2,476.34
TRUST OTHER	15,365.84
GENERAL CAPITAL FUND	168,244.03
SEWER OPERATING FUND	36,175.88
MARINA OPERATING FUND	892.43
DOG TRUST	81.00
LIBRARY TRUST	1,953.28
BILL LIST TOTAL	\$3,652,341.93

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 02/14/2011



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

RESOLUTION #11-109 - 2/14/11

APPROVE SELECTION OF LEGAL COUNSEL TO REPRESENT POLICE OFFICER
IN LAWSUIT FOR PUNITIVE DAMAGES

WHEREAS, in the matter of Damian Gibson v. Ptl. Jason B. Petillo, Officer Petillo has requested that Fox Rothschild, LLP serve as his legal counsel as to the claim for punitive damages; and,

WHEREAS, in accordance with the current P.B.A. Local #74 contract, the Township Committee must approve the selection of counsel; and,

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

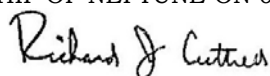
WHEREAS, the Township's reimbursement will be limited to a rate per hour not to exceed the current hourly rate of the Township Attorney, the Township reserves the right to limit the total expenditure to a reasonable cost and the Township reserves the right to not reimburse for legal fees and costs should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

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that approval is hereby granted to Ptl. Jason B. Petillo to retain Fox Rothschild, LLP as legal counsel for the claim of punitive damages in the above referenced matter; and,

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

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 02/14/2011



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