

TOWNSHIP COMMITTEE WORKSHOP MEETING – APRIL 11, 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. Cuttrell, 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 – Permit parking in the Gables.
2. Discussion – 2011 Municipal Budget
3. Outstanding parking lot items. (PW)

Res. # 11-169 – 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 – APRIL 11, 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.

APPROVAL OF MINUTES

Motion offered by _____, seconded by _____, to approve the minutes of the meetings held on February 28th, March 8th and March 14th.

PROCLAMATION

The Mayor will proclaim the week of April 10th to April 16th as Library Week in the Township of Neptune.

REPORT OF THE CLERK

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

Senior Beacon for April.

Notices of public hearings on amendments to the Zoning Ordinances in the Township of Wall and the Township of Ocean.

A note to Marge Morrissey thanking her for providing a tour of the Public Works Yard to a group of children.

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. 11-17 - An ordinance amending and supplementing Section 411.09 of the Land Development Ordinance of the Township of Neptune as it relates to the storage of recreational vehicles and boats. - Final Reading

Public Hearing:

Explanatory Statement: This ordinance amends the regulations for the storage of certain types of recreational vehicles and boats on residential property.

Offered by: _____ Seconded by: _____

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

ORDINANCE NO. 11-18 - An ordinance to amend Volume I, Chapter VII of the Code of the Township of Neptune by deleting a handicapped parking zone on Embury Avenue. – Final Reading

Public Hearing:

Explanatory Statement: This ordinance authorizes the removal of the handicapped parking stall in front of 36 Embury Avenue.

Offered by: _____ Seconded by: _____

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

ORDINANCE NO. 11-19 – Bond Ordinance providing for various roadway improvements, by and in the Township of Neptune, in the County of Monmouth, State of New Jersey; appropriating \$600,000 therefor (including a grant received or expected to be received in the amount of \$279,060) and authorizing the issuance of \$304,000 bonds or notes of the Township to finance part of the cost thereof – Final Reading

Public Hearing:

Explanatory Statement: This is a bond ordinance authorizing various roadway improvements to various roads, including but not limited to, Green Grove Road, such improvements shall include but are not limited to, as applicable, milling, paving, reconstruction and resurfacing the roadways, the repairing and/or installation of curbs, sidewalks and driveway aprons, drainage work, roadway painting, landscaping and aesthetic improvements.

Offered by: _____ Seconded by: _____

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

ORDINANCE NO. 11-20 - An ordinance to amend Volume I, Chapter IV, Section 4-28 of the Code of the Township of Neptune by amending the provisions regulating clothing donation bins – First Reading

Offered by:____ Seconded by:____

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

ORDINANCE NO. 11-21 - An ordinance to add Volume I, Chapter IV, Section 4-29 of the Code of the Township of Neptune by establishing provisions for the purchase of precious metals and previously owned jewelry – First Reading

Offered by:____ Seconded by:____

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

ORDINANCE NO. 11-22 - An ordinance to add Volume I, Chapter III, Section 3-30 of the Code of the Township of Neptune by establishing provisions for solicitations on roadways for charitable organizations. – First Reading

Offered by:____ Seconded by:____

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

ORDINANCE NO. 11-23 - An ordinance to amend Volume I, Chapter VII of the Code of the Township of Neptune by adding handicapped parking zones on Pilgrim Pathway. – First Reading

Offered by:____ Seconded by:____

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

ORDINANCE NO. 11-24 – Bond ordinance providing for the Wesley Lake Wall Reconstruction – Phase II, by and in the Township of Neptune, in the County of Monmouth, State of New Jersey; appropriating \$350,000 therefor (including a grant received or expected to be received in the amount of \$250,000) and authorizing the issuance of \$95,000 bonds or notes of the Township to finance part of the cost thereof – First Reading

Offered by:____ Seconded by:____

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

ORDINANCE NO. 11-25 – Bond ordinance providing for various roadway improvements, by and in the Township of Neptune, in the County of Monmouth, State of New Jersey; appropriating \$400,000 therefor (including a grant received or expected to be received in the amount of \$244,151) and authorizing the issuance of \$148,000 bonds or notes of the Township to finance part of the cost thereof – First Reading

Offered by:____ Seconded by:____

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

The Public Hearings on Ordinances 11-20 through 11-25 will be held on Monday, April 25, 2011.

RESOLUTION TO AMEND INTRODUCED BUDGET

Res. # 10-170 – Authorize amendments to the 2011 approved municipal budget.

Offered by:____ Seconded by:____

Vote: Bishop, ____; Brantley, ____; Manning, ____; McMillan, ____; Jahn, ____.

PUBLIC HEARING – 2011 MUNICIPAL BUDGET

Public comments regarding the 2011 Municipal Budget which was introduced on March 14, 2011. The public will be permitted one visit to the microphone with a limit of five minutes.

Res. # 11-171 – Adopt 2011 Municipal Budget.

Offered by:_____ Seconded by:_____

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

CONSENT AGENDA

Res. # 11-172 – Accept the resignation of Robert Johnson as a Driver in the Department of Public Works.

Res. # 11-173 – Authorize execution of an agreement with the Monmouth County Mosquito Extermination Commission for a maintenance project in the wooded area between Ivins Road and McDermott Road.

Res. # 11-174 – Authorize designation of temporary no parking in connection with the New Jersey Marathon.

Res. # 11-175 – Terminate part-time Kitchen Aide in the Senior Center.

Res. # 11-176 – Employ Tourism Representatives for the 2011 summer season.

Res. # 11-177 – Accept the resignation of Robert Peters as a member of the Board of Adjustment.

Res. # 11-178 – Permit overnight construction work by the New Jersey Department of Transportation on the West Bangs Avenue bridge over Route 18.

Res. # 11-179 – Accept performance guarantee filed by G.S. Realty, Inc. for site improvements at Route 33 medical building.

Res. # 11-180 – Authorize the cancellation of mortgages in connection with regional contribution agreement projects.

Res. # 11-181 – Release all developers escrow for improvements at the former Rite-Aid building.

Res. # 11-182 – Employ Special Law Enforcement Officer – Class I in the Police Department on a part-time basis.

Res. # 11-183 – Authorize swap of ammunition for retired Police Department weapons for ammunition used in weapons currently in use.

Res. # 11-184 – Authorize the execution of a lease agreement with the Ocean Grove Chamber of Commerce to operate a Tourism Bureau in a portion of 45 Pilgrim Pathway.

Res. # 11-185 – Authorize the cancellation of sewer rent.

Res. # 11-186 – Authorize temporary no parking in connection with the annual Craft Show.

Res. # 11-187 – Authorize the closing of streets in connection with the Ocean Grove Chamber of Commerce flea markets.

Res. # 11-188 – Authorize execution of contracts with various organizations to provide recreation programs and services.

CONSENT AGENDA Offered by:_____ Seconded by:_____

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

Res. # 11-189 – Urge adoption of state legislation to strengthen municipal immunity to tort claims.

Offered by:____ Seconded by:_____

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

Res. # 11-190 – 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. 11-20

AN ORDINANCE TO AMEND VOLUME I , CHAPTER IV,
SECTION 4-28 OF THE CODE OF THE TOWNSHIP OF
NEPTUNE BY AMENDING THE PROVISIONS REGULATING
CLOTHING DONATION BINS

BE IT ORDAINED, by the Township Committee of the Township of Neptune that Volume I, Chapter IV, Section 4-28 of the Code of the Township of Neptune is hereby amended as follows:

4-28.1(B) Definitions - shall be amended as follows:

- B. Appropriate Municipal Agency – means the Zoning Officer **or Code Enforcement Department** of Neptune Township who shall be responsible to enforce compliance with the provisions of this ordinance and issue notices and violations for non-compliance with this ordinance.

4-28.2. Requirements for Placement, Use of Clothing Bins for Solicitation Purposes - shall be amended by adding the following:

Clothing bins on any property shall be limited to a maximum of one (1) clothing bin per every fifty (50) marked parking stalls, or part thereof. In no instance shall the number of clothing bins exceed three (3) clothing bins per property.

4-28.4 Receipt, Investigation of Complaints Relative to Donations of Clothing Bin – shall be amended as follows:

- A. The appropriate municipal agency or office shall receive and investigate, within thirty (30) days, any complaints from the public about an existing bin. Whenever it appears that a person has engaged in, or is engaging in any act or practice in violation of this ordinance the person who placed the bin shall be issued a warning stating that if the violation is not rectified or a hearing with the appropriate municipal agency or office is not requested within **fifteen (15) days** (was forty-five (45) days), the bin will be sized and removed at the expense of the person who placed the bin and any clothing or other donations collected via the bin will be sold at public auction or otherwise disposed of. In addition to any other means used to notify the person who placed the bin, such warning shall be affixed to the exterior of the bin itself.
- B. In the event the person who placed the bin does not rectify the violation or request a hearing within **fifteen (15) days** (was forty-five (45) days) of the posting of the warning, the appropriate municipal agency or office may seize the bin and remove it or have it removed at the expense of the person who placed the bin

and sell at public auction or otherwise dispose of any clothing or any other donations collected via the bin. Any proceeds from the sale of the donations collected by the bin shall be paid to the Chief Financial Officer of Neptune Township.

- C. In the event that the person who placed the bin cannot be contacted after due diligence by the appropriate municipal agency and a violation of this ordinance mandates the removal of the clothing bin, the owner of the property on which the clothing bin is located shall be responsible for the removal of the clothing bin or the expense of the cost of removal by the appropriate municipal agency.**

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon final adoption and publication of Notice of Adoption as required by law.

APPROVED ON FIRST READING:

APPROVED, PASSED AND ADOPTED:

ATTEST:

Richard J. Cuttrell,
Municipal Clerk

Kevin B. McMillan,
Mayor

ORDINANCE NO. 11-21

AN ORDINANCE TO ADD VOLUME I, CHAPTER IV, SECTION 4-29 OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ESTABLISHING PROVISIONS FOR THE PURCHASE OF PRECIOUS METALS AND PREVIOUSLY OWNED JEWELRY

BE IT ORDAINED, by the Township Committee of the Township of Neptune that Volume I, Chapter IV, Section 4-29 of the Code of the Township of Neptune is hereby added as follows:

SECTION 1.

4.29 – PRECIOUS METALS AND PREVIOUSLY OWNED JEWELRY

4-29.1 – Registration Required.

No person shall engage in the business of purchasing precious metals or items comprised of precious metals, gems and all forms of previously owned jewelry, either as a primary business or in connection with another business in the Township of Neptune without having first obtained a registration from the Township Mercantile Officer.

4-29.2 – Application; investigation; denial; appeal

An applicant for a registration under this chapter shall complete the application form available from the Township Mercantile Officer who shall thereafter refer such application to the Neptune Township Police Department, which shall conduct such investigation of the applicant's background as is necessary for the protection of the public welfare. The investigation shall include, but not be limited to, a criminal background check utilizing the applicant's fingerprints. The investigation shall be concluded within thirty (30) days after receipt of the application from the applicant and the Police Department shall return the application to the Mercantile Officer with the recommendation of the Police Department as to whether the registration shall be approved or denied. If the recommendation of the Police Department is to deny the registration, then the grounds for such denial shall be stated. A recommendation of denial shall be given if the applicant has been convicted of any offense involving dishonesty, fraud, deceit, or misrepresentation. Upon receipt of the recommendation of the Police Department, the Mercantile Officer shall issue or deny the registration accordingly. Any applicant for a registration under this chapter aggrieved by a denial may appeal to the Township Committee by appeal filed in writing thirty (30) days after such denial. The Township Committee shall conduct the appeal hearing at a public meeting within thirty (30) days after receipt of a written appeal and may thereafter affirm or reverse the denial.

4-29.3 – Identification; information required.

All persons regulated by this chapter shall require any person offering an item for sale to produce two (2) forms of identification, of which one (1) form shall be a photo identification, such as a passport, driver's license, voter registration card or similar form of identification (which shall be photocopied by the registration holder) and to sign a receipt for the item for sale which shall contain the person's name, address, sex, date of birth, social security number (if used as one of the two forms of identification required above) telephone number and physical description. A

prototype form for this purpose shall be available from the Mercantile Officer or Police Department. It shall be unlawful for any item regulated in this chapter to be purchased from any person under the age of eighteen (18) years.

4-29.4 – Records

All persons regulated by this chapter shall maintain records for each sale which shall contain a description of the item purchased, any identifying markings or numbers, an instant or digital picture of the item and a copy of the signed receipt referred to in Section 4-29.3 of this chapter. A registration holder pursuant to this chapter shall deliver copies of the records required in this chapter to the Police Department on the first and fifteenth day of each month. No item purchased by a registration holder pursuant to this chapter shall be sold, transferred or otherwise disposed of for a period of thirty (30) days following the purchase of such item and such item shall remain at the registration holder's place of business during such thirty (30) day period. Any item purchased by a registration holder shall be subject to inspection by the Police Department during business hours upon receipt.

4-29.5 – Fees

The application fee for the registration shall be the sum of two hundred fifty (\$250) which shall cover the cost of processing the application. Section 4-12 of this chapter shall be amended to include the following under the heading "Schedule of Additional Fees":

"P"

Precious Metals and Previously Owned Jewelry – Initial application \$250

After a registration is issued, the annual renewal fee shall be as indicated in Section 4-12.

4-29.6 – Exception to Applicability

Applicability of this Chapter shall not affect persons or entities selling items that have been purchased, manufacturers or wholesalers who are normally in the business of manufacturing and/or selling items. It also does not cover the sale of items at garage sales, special events and temporary displays and estate sales as defined by other sections of the Neptune Township Code. This Chapter does cover persons or entities purchasing items from the general public for resale or use but not where precious metals, gems and all forms of previously owned jewelry are not the primary business of the merchant and represents 20% or less of the items sold by the merchant.

4-29.7 – Violation and Penalty

Any person violating the provisions of this chapter shall be subject to the violation and penalty provisions of the Code of the Township of Neptune and each day that a violation occurs and continues under this chapter shall be deemed to be a separate violation.

SECTION 2.

Any Ordinance, or parts thereof, inconsistent with the provisions of this Ordinance, be and the same are hereby repealed to the extent of such inconsistency.

SECTION 3.

Should any section, paragraph, clause or any other portion of this Ordinance be adjusted by a Court of competent jurisdiction to be invalid, such judgment shall not affect or impair the remainder of this Ordinance.

SECTION 4. This Ordinance shall take effect upon its passage and publication according to law.

APPROVED ON FIRST READING:

APPROVED, PASSED AND ADOPTED:

ATTEST:

Richard J. Cuttrell
Municipal Clerk

Kevin
Mayor

B. McMillan

ORDINANCE NO. 11-22

AN ORDINANCE TO ADD VOLUME I, CHAPTER III, SECTION 3-30 OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ESTABLISHING PROVISIONS FOR SOLICITATIONS ON ROADWAYS FOR CHARITABLE ORGANIZATIONS

BE IT ORDAINED, by the Township Committee of the Township of Neptune that Volume I, Chapter III, Section 3-30 of the Code of the Township of Neptune is hereby added as follows:

SECTION 1.

3-30 – SOLICITATIONS ON ROADWAYS

3-30.1 – When permitted.

The Township of Neptune shall permit charitable organizations as defined in N.J.S.A. 45:17A-20 to solicit contributions in roadways situate in the Township of Neptune in accordance with the provisions contained herein.

3-30.2 – Application for permit

All charitable organizations as defined in N.J. S.A. 45:17A-20 who desire to solicit contributions in roadways situate in the Township of Neptune shall file an application for a permit with the Neptune Township Police Department on a form supplied by said Police Department specifying the following information:

- A. Name of applicant organization.
- B. Address of applicant organization.
- C. Telephone number of applicant organization.
- D. Contact person of applicant organization.
- E. Specific location or locations of proposed charitable solicitation.
- F. Dates and times of proposed charitable solicitation.
- G. If said request pertains to a location or locations on any county highway, or intersection of a county highway said application shall include a copy of an authorization from the Monmouth County Board of Chosen Freeholders to permit said charitable solicitation.
- H. If said request pertains to a location or locations on any state highway, or intersection of a state highway said application shall include a copy of an authorization from the Commissioner of the Department of Transportation of the State of New Jersey to permit said charitable solicitation.
- I. Identity the manner in which the motorist solicitation will be conducted and the procedures to be used to ensure the safety of the members of the public who will be traveling the roadways situate in the Township of Neptune.

3-30.3 – Approval or denial of application.

Upon the filing of a complete application in accordance with the provisions of this chapter, the Neptune Township Police Department shall review said application and make a recommendation of approval or denial to the Municipal Clerk. The Municipal Clerk shall present same to the Township Committee of the Township of Neptune at the next regular meeting of the Township Committee or as soon thereafter as the matter may be reached for their review and consideration, after which the Township Committee shall grant or deny the applicant's request. In the event the Township Committee grants the applicant's request, the Municipal Clerk shall issue a permit to the applicant which shall be subject to the representations contained in the applicant's application and any conditions imposed by the Township Committee.

3-30.4 – Minors Prohibited

In no event shall any charitable organization requesting authorization from the Township of Neptune for said charitable solicitation use any individual under the age of eighteen (18) years of age to perform any function or task associated with the said charitable solicitation in any roadway.

3-30.5 – Compliance with state statutes required

Any charitable organization requesting authorization from the Township of Neptune for said charitable solicitation shall comply with all of the terms and conditions of N.J.S.A. 39:4-60, as amended by P.L. 1997, Chapter 82, approved April 30, 1997.

3-30.6 – Township not liable

Notwithstanding any provision of law to the contrary, the Township of Neptune shall not be liable in any civil action for damages for property damage or personal injury resulting from a motor vehicle accident arising from or out of or in the course of roadway solicitations for the purpose of soliciting contributions, conducted by charitable organizations as defined pursuant to N.J.S.A. 45:17A-20.

SECTION 2.

Any Ordinance, or parts thereof, inconsistent with the provisions of this Ordinance, be and the same are hereby repealed to the extent of such inconsistency.

SECTION 3.

Should any section, paragraph, clause or any other portion of this Ordinance be adjusted by a Court of competent jurisdiction to be invalid, such judgment shall not affect or impair the remainder of this Ordinance.

SECTION 4. This Ordinance shall take effect upon its passage and publication according to law.

APPROVED ON FIRST READING:

APPROVED, PASSED AND ADOPTED:

ATTEST:

Richard J. Cuttrell
Municipal Clerk

Kevin
Mayor

B. McMillan

ORDINANCE NO. 11-23

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII OF THE
CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING
HANDICAPPED PARKING ZONES ON PILGRIM PATHWAY

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

SECTION 1

Volume I, Chapter VII, Section 7-21.2 - Handicapped Parking Spaces on Public Roads - Locations Designated, is hereby amended by adding the following:

| <u>Name of Street</u> | <u>No. of Spaces</u> | <u>Location</u> |
|-----------------------|----------------------|--|
| Pilgrim Pathway | 4 | West side of Pilgrim Pathway beginning 110 feet south of the southwest intersection of Pilgrim Pathway and Bath Avenue and continuing 95 feet. |

SECTION 2

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

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

Richard J. Cuttrell,
Municipal Clerk

Kevin
Mayor

B. McMillan,

ORDINANCE NO. 11-24

BOND ORDINANCE PROVIDING FOR THE WESLEY LAKE WALL RECONSTRUCTION – PHASE II, BY AND IN THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$350,000 THEREFOR (INCLUDING A GRANT RECEIVED OR EXPECTED TO BE RECEIVED IN THE AMOUNT OF \$250,000) AND AUTHORIZING THE ISSUANCE OF \$95,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

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

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Township of Neptune, in the County of Monmouth, State of New Jersey (the “Township”). For the said improvements or purposes stated in Section 3 hereof, there is hereby appropriated the sum of \$350,000, said sum being inclusive of a \$250,000 grant received or expected to be received from the Monmouth County Open Space Grant Program (the “Grant”), and the down payment for said improvements or purposes required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the “Local Bond Law”) in the amount of \$5,000. The \$5,000 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 part of said \$350,000 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 \$95,000 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 \$95,000 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 Wesley Lake Wall – Phase II, including but not limited to, as applicable, the reconstruction of the bulkhead wall, all engineering and design work, surveying, 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 \$95,000.

(c) The estimated cost of said improvements or purposes is \$350,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor is

the Grant in the amount of \$250,000 and the down payment in the amount of \$5,000 available for such improvements or purposes.

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 current expenses and are improvements or purposes which the Township may lawfully undertake as general improvements or purposes, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

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

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$95,000 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 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 \$95,000. 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 and approval by the Mayor, as provided by the Local Bond Law.

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

Richard J. Cuttrell,
Municipal Clerk

Kevin B. McMillan,
Mayor

ORDINANCE NO. 11-25

BOND ORDINANCE PROVIDING FOR VARIOUS ROADWAY IMPROVEMENTS, BY AND IN THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH , STATE OF NEW JERSEY; APPROPRIATING \$400,000 THEREFOR (INCLUDING A GRANT RECEIVED OR EXPECTED TO BE RECEIVED IN THE AMOUNT OF \$244,151) AND AUTHORIZING THE ISSUANCE OF \$148,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

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

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Township of Neptune, in the County of Monmouth, State of New Jersey (the "Township"). For the said improvements or purposes stated in Section 3 hereof, there is hereby appropriated the sum of \$400,000, said sum being inclusive of a \$244,151 grant received or expected to be received from the New Jersey Transportation Trust Fund (the "Grant"), and the down payment for said improvements or purposes required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law") in the amount of \$7,849. The \$7,849 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 part of said \$400,000 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 \$148,000 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 \$148,000 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 roadway improvements to the entire lengths or portions, as applicable various roads, including but not limited to, reconstruction and resurfacing of Millbrook Avenue and various drainage improvements in the Brockton Estates area, such improvements shall include but are not limited to, as applicable, milling, paving, reconstruction and resurfacing the roadways, the repairing and/or installation of curbs, sidewalks and driveway aprons, drainage work, various storm drainage improvements, roadway painting, landscaping and aesthetic improvements, and also including 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 improvements or purposes is \$148,000.

(c) The estimated cost of said improvements or purposes is \$400,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the Grant in the amount of \$244,151 and the down payment in the amount of \$7,849 available for such improvements or purposes.

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 current expenses and are improvements or purposes which the Township may lawfully undertake as general improvements or purposes, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is ten (10) years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$148,000 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 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 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 \$148,000. 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 and approval by the Mayor, as provided by the Local Bond Law.

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

Richard J. Cuttrel,
Municipal Clerk

Kevin B. McMillan,
Mayor

RESOLUTION #11-169 – 4/11/11

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,

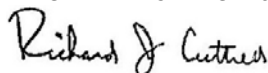
THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth, as follows:

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 – Part-time Tourism representatives 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 04/11/2011



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

RESOLUTION #11-170 – 4/11/11

AUTHORIZE AN AMENDMENT TO THE
TOWNSHIP OF NEPTUNE APPROVED 2011 BUDGET

WHEREAS, the local municipal budget for the year 2011 was approved on the 14th day of March, 2011; and,

WHEREAS, the public hearing on said budget has been held as advertised on April 11, 2011, and,

WHEREAS, it is desired to amend said approved as described below;

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune of the County of Monmouth that the following amendments to the approved budget of 2011 be made:

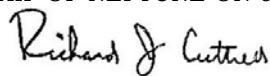
| | From | To |
|---|---------------|---------------|
| SUMMARY OF REVENUES | | |
| 6 a). Amount to be Raised by Taxes for Support of Municipal Budget | 23,830,976.32 | 22,566,151.32 |
| 6 c) Minimum Library Tax | 0.00 | 1,264,825.00 |
| 8. GENERAL APPROPRIATIONS | | |
| (A) Operations – Excluded from “CAPS” | | |
| Aid to Free Public Library | 1,264,825.00 | 0.00 |
| Total Other Operations – Excluded from “CAPS” | 1,312,825.00 | 48,000.00 |
| Total Operations – Excluded from “CAPS” | 2,187,281.83 | 922,456.83 |
| Detail: | | |
| Other Expenses | 1,899,956.83 | 635,131.83 |
| (H-2) Total General Appropriations for Municipal Purposes Excluded from “CAPS” | 4,934,727.83 | 3,669,902.83 |
| (L) Subtotal General Appropriations | 34,416,467.83 | 33,151,642.83 |
| 9. Total General Appropriations | 37,216,467.83 | 35,951,642.83 |
| SUMMARY OF APPROPRIATIONS | | |
| (H-1) Total General Appropriations for Municipal Purposes – within “CAPS” | 29,481,740.00 | 29,481,740.00 |

| | | |
|---|---------------|---------------|
| (A) Appropriations Excluded from "CAPS" | | |
| Other Operations | 1,312,825.00 | 48,000.00 |
| Total Operations – Excluded from "CAPS" | 2,187,281.83 | 922,456.83 |
| Total General Appropriations | 37,216,467.83 | 35,951,642.83 |

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services for her certification of the local municipal budget so amended and that a copy be forwarded to the Chief Financial Officer and the Township 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 04/11/2011



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

RESOLUTION #11-171 - 4/11/11

ADOPT 2011 TOWNSHIP OF NEPTUNE MUNICIPAL BUDGET

BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth, that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of \$23,830,976.32 for municipal purposes,

General Revenues

| | |
|------------------------------------|---------------|
| Surplus Anticipated | 3,350,000.00 |
| Miscellaneous Revenues Anticipated | 8,720,614.95 |
| Receipts from Delinquent Taxes | 1,314,876.56 |
| Local Tax for Municipal Purposes | 22,566,151.32 |
| Total Revenues | 35,951,642.83 |

General Appropriations

| | |
|---|---------------|
| Within "CAPS" | |
| Operations including contingent | 25,777,250.00 |
| Deferred Charges and Statutory Expenditures | 3,704,490.00 |
| Excluded from "CAPS" | |
| Operations | 922,456.83 |
| Capital Improvements | 50,000.00 |
| Municipal Debt Service | 2,697,446.00 |
| Reserve for Uncollected Taxes | 2,800,000.00 |
| Total General Appropriations | 35,951,642.83 |
| Minimum Library Tax | 1,264,825.00 |

RESOLUTION #11-172 - 4/11/11

ACCEPT THE RESIGNATION OF ROBERT JOHNSON AS A
DRIVER IN THE DEPARTMENT OF PUBLIC WORKS

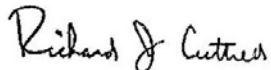
WHEREAS, the Township Committee has received a letter from Robert Johnson resigning as a Driver in the Department of Public Works effective March 31, 2011,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Robert Johnson as a Driver in the Department of Public Works is hereby accepted effective March 31, 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 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 04/11/2011

A handwritten signature in black ink, appearing to read "Richard J. Cuttrel".

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

RESOLUTION #11-173 - 4/11/11

AUTHORIZE EXECUTION OF AN AGREEMENT WITH THE MONMOUTH COUNTY
MOSQUITO EXTERMINATION COMMISSION FOR A MAINTENANCE PROJECT
IN THE WOODED AREA BETWEEN IVINS ROAD AND MCDERMOTT ROAD

WHEREAS, the Monmouth County Mosquito Extermination Commission has accepted a request to clean a stormwater drainage ditch on the wooded Township owned property between Ivins Road and McDermott Road; and,

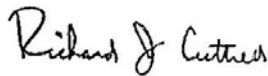
WHEREAS, the Commission requires the execution of a Hold Harmless Agreement by the municipality and a Right of Entry Agreement by the owner of property through which the work area can be accessed,

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 Hold Harmless agreement with the Monmouth County Mosquito Extermination Commission and the County of Monmouth for the project as referenced herein at no cost to the Township of Neptune; and,

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

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 04/11/2011

A handwritten signature in cursive script, reading "Richard J. Cuttrel".

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

RESOLUTION #11-174 - 4/11/11

AUTHORIZE DESIGNATION OF TEMPORARY NO PARKING IN CONNECTION
WITH THE NEW JERSEY MARATHON

WHEREAS, the New Jersey Marathon will be on Sunday, May 1, 2011 along a portion of Ocean Avenue in Ocean Grove; and,

WHEREAS, it is necessary to designate a temporary no parking area for the safety of the participants; and,

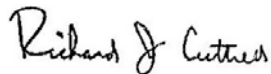
WHEREAS, the Police Department has reviewed and approved this request,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the designation of temporary no parking on the east side of Ocean Avenue between westbound Ocean Pathway and the north end on Sunday, May 1, 2011 between the hours of 7:00 a.m. and 3:00 p.m.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Chief of Police, Director of Public Works 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 04/11/2011

A handwritten signature in black ink, appearing to read "Richard J. Cuttrel".

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

RESOLUTION #11-175 - 4/11/11

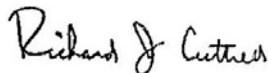
TERMINATE PART-TIME KITCHEN AIDE IN THE SENIOR CENTER

BE IT RESOLVED, by the Township Committee of the Township of Neptune that Diane Ajibaye be and is hereby terminated as a part-time Kitchen Aide in the Senior Center effective March 24, 2011; and,

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

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 04/11/2011

A handwritten signature in black ink, appearing to read "Richard J. Cuttrel".

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

RESOLUTION #11-176 - 4/11/11

EMPLOY TOURISM REPRESENTATIVES FOR THE 2011 SUMMER SEASON

WHEREAS, there is a need for personnel to operate the Tourism Bureau for the 2011 Summer Season; and,

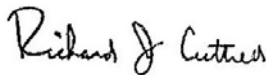
WHEREAS, funds will be provided in the appropriation entitled Tourism S & W known as Account No. 412-010, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Kathryn Goslee, Robin Brown and Debbie Clark be and are hereby employed as Tourism Representatives in the Tourism Bureau not to exceed an average of 25 hours per week per employee or an average of 40 hours per week in total staffing beginning April 15, 2011 and ending October 1, 2011, at \$12.17 per hour; and,

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

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 04/11/2011

A handwritten signature in black ink, reading "Richard J. Cuttrel".

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

RESOLUTION #11-177 - 4/11/11

ACCEPT THE RESIGNATION OF ROBERT PETERS AS A
MEMBER OF THE BOARD OF ADJUSTMENT

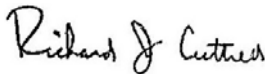
WHEREAS, the Township Committee has received a letter from Robert Peters resigning as the Alternate #4 member of the Board of Adjustment effective March 31, 2011,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Robert Peters as a member of the Board of Adjustment is hereby accepted effective March 31, 2011; and,

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

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 04/11/2011

A handwritten signature in cursive script, reading "Richard J. Cuttrel".

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

RESOLUTION #11-178 - 4/11/11

PERMIT OVERNIGHT CONSTRUCTION WORK BY THE NEW JERSEY DEPARTMENT OF
TRANSPORTATION ON THE WEST BANGS AVENUE BRIDGE OVER ROUTE 18

WHEREAS, the Township of Neptune has an ordinance prohibiting the operation of heavy equipment between the hours of 7:00 p.m. and 8:00 a.m.; and,

WHEREAS, the New Jersey Department of Transportation has requested a waiver to permit overnight construction and repair work on the West Bangs Avenue bridge over Route 18; and,

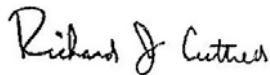
WHEREAS, the Township desires to permit this construction/repair work to occur during nighttime hours to avoid work during heavy traffic volume periods,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that a waiver of all prohibited construction hours is hereby granted to the New Jersey Department of Transportation to allow overnight construction and repairs to the West Bangs Avenue bridge over Route 18, said exception being made pursuant to Section 3-2.5 of the Code of the Township; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Police Department, Construction Official, and Director of Engineering and Planning.

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 04/11/2011



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

RESOLUTION #11-179 - 4/11/11

ACCEPT PERFORMANCE GUARANTEE FILED BY G.S. REALTY, INC.
FOR SITE IMPROVEMENTS AT ROUTE 33 MEDICAL BUILDING

WHEREAS, G.S. Realty, Inc. has filed an Irrevocable Letter of Credit #1776, written by Amboy Bank in the amount of \$178,200.00, guaranteeing site improvements at the Route 33 Medical Building (project which was started then abandoned by the previous owner at Block 7019, Lot 7); and,

WHEREAS, the Township Attorney has reviewed and approved said bond; and,

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

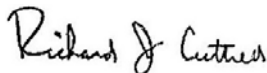
WHEREAS, the acceptance of this Performance Guarantee does not authorize the issuance of any licenses or permits by the Construction Department but serves as certification to the Planning Board/Board of Adjustment that compliance with the Land Development Ordinance of the Township of Neptune has been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

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune 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 04/11/2011



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

RESOLUTION #11-180 - 4/11/11

AUTHORIZE THE CANCELLATION OF MORTGAGES IN CONNECTION
WITH REGIONAL CONTRIBUTION AGREEMENT PROJECTS

WHEREAS, the Township of Neptune holds three mortgages in connection with Regional Contribution Agreement Projects; and,

WHEREAS, six full years have passed since the date of the mortgages and the properties remain in the ownership of the borrowers; and;

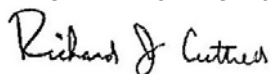
WHEREAS, the Township desires to cancel said mortgages in accordance with the terms of the mortgage notes,

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 the cancellation of mortgages issued to Cipriano, Covington, and Small in connection with Regional Contribution Agreement Program projects and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the RCA Administrator and RCA 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 04/11/2011

A handwritten signature in dark ink, appearing to read "Richard J. Cuttrel". The signature is written in a cursive, flowing style.

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

RESOLUTION #11-181 - 4/11/11

RELEASE ALL DEVELOPERS ESCROW FOR
IMPROVEMENTS AT THE FORMER RITE AID BUILDING

WHEREAS, Rite Aid, Inc. posted cash performance surety and inspection fee escrow in connection with improvements to the former Rite Aid building on State Highway 33; and,

WHEREAS, the Township purchased this property from Rite Aid, Inc. and is in the process of constructing a Senior Citizens Center; and,

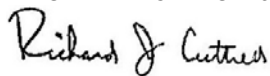
WHEREAS, since Rite Aid no longer owns said property, all site improvement escrow funds can be released,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the release of the cash performance guarantee account and inspection escrow account for the property stated herein; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Director of Engineering and Planning.

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 04/11/2011



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

RESOLUTION #11-182 - 4/11/11

EMPLOY SPECIAL LAW ENFORCEMENT OFFICER - CLASS I
IN THE POLICE DEPARTMENT ON A PART-TIME BASIS

WHEREAS, there is a need for an additional Special Law Enforcement Officer –Class I in the Police Department on a part-time hourly basis; and,

WHEREAS, the positions were duly posted and advertised and applicants have been interviewed; and,

WHEREAS, the Chief of Police has made his recommendation; and,

WHEREAS, funds will be provided in the appropriation entitled Police S & W, known as Account No. 240-010 and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Richard Brogley be and is hereby employed as a part-time Special Law Enforcement Officer, and to perform such other duties as prescribed by the Chief of Police, contingent upon successful completion of a background investigation and medical evaluation, effective immediately, at an hourly rate of \$14.00; 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., Mandy To and Carina Santos.

RESOLUTION #11-183 - 4/11/11

AUTHORIZE SWAP OF AMMUNITION FOR RETIRED POLICE DEPARTMENT WEAPONS
FOR AMMUNITION USED IN WEAPONS CURRENTLY IN USE

WHEREAS, the Police Department is in possession of 15,000 rounds of 9mm ammunition that was in stock for use in 9mm Glock and 9mm MP-5 sub-machine guns. These weapons have been retired from service and the need for this ammunition is no longer required; and,

WHEREAS, the Department currently possesses weapons that utilize 5.56mm ammunition; and,

WHEREAS, Shore Shot Pistol Range, Lakewood, NJ has offered to provide an equal swap of 15,000 rounds of 5.56mm ammunition for the 15,000 rounds of 9mm ammunition possessed by the Township; and,

WHEREAS, the Police Department has researched the cost of 5.56 ammunition and the value of its surplus 9mm ammunition and has determined that the proposed swap of ammunition provides the greatest value to the Township,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the Neptune Township Police Department to swap of 15,000 rounds of 9mm ammunition for 15,000 rounds of 5.56 ammunition with Shore Shot Pistol Range, Lakewood, NJ ; and,

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

RESOLUTION #11-184 - 4/11/11

AUTHORIZE THE EXECUTION OF A LEASE AGREEMENT
WITH THE OCEAN GROVE CHAMBER OF COMMERCE TO OPERATE A
TOURISM BUREAU IN A PORTION OF 45 PILGRIM PATHWAY

WHEREAS, the Township of Neptune operates a Tourism Bureau during the summer months at 45 Pilgrim Pathway through a lease agreement with the Ocean Grove Chamber of Commerce; and,

WHEREAS, the Township of Neptune desires to renew said lease for a portion of 45 Pilgrim Pathway for the 2010 summer season; and,

WHEREAS, the Township agrees to pay the Chamber of Commerce a total of \$1,320.00 for use of the office space from May 15, 2011 to October 15, 2011 (\$264.00 per month); and,

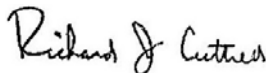
WHEREAS, funds will be provided in the appropriation entitled Tourism OE, known as Account No. 412-020, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the execution of a Lease Agreement, a copy of which is on file in the Office of the Municipal Clerk, with the Ocean Grove Chamber of Commerce for use of a portion of 45 Pilgrim Pathway as a Tourism Bureau from May 15, 2011 to October 15, 2011 at a total cost of \$1,320.00 (\$264.00 per month); 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 Ocean Grove Chamber of Commerce.

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 04/11/2011



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

RESOLUTION #11-185 - 4/11/11

AUTHORIZE THE CANCELLATION OF SEWER RENT

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,

1

| BLOCK/LOT | ASSESSED TO | ADDRESS | YEAR | AMOUNT |
|------------------|----------------------|-----------------------|-------------|---------------|
| 10017/17 | ADDR Properties, LLC | 1105 Green Grove Road | 2011 | 2580.00 |

REASON: As per inspection

2

| BLOCK/LOT | ASSESSED TO | ADDRESS | YEAR | AMOUNT |
|------------------|----------------------|------------------------------|-------------|---------------|
| 201/32 | Puccico Realty Assoc | 1329 10 th Avenue | 2011 | 430.00 |

REASON: Vacant Land

3

| BLOCK/LOT | ASSESSED TO | ADDRESS | YEAR | AMOUNT |
|------------------|----------------------|---------------------|-------------|---------------|
| 201/33 | Puccico Realty Assoc | 1336 Corlies Avenue | 2011 | 430.00 |

REASON: Vacant Land

4

| BLOCK/LOT | ASSESSED TO | ADDRESS | YEAR | AMOUNT |
|------------------|------------------------|--------------------|-------------|---------------|
| 3003/7 | Meridian Health Realty | 200 Wakefield Road | 2011 | 215.00 |

REASON: Sewer cap off – demo permit issued

5

| BLOCK/LOT | ASSESSED TO | ADDRESS | YEAR | AMOUNT |
|------------------|------------------------|----------------|-------------|---------------|
| 3004/6 | Meridian Health Realty | 2 Surrey Lane | 2011 | 215.00 |

REASON: Sewer cap off – demo permit issued

6

| BLOCK/LOT | ASSESSED TO | ADDRESS | YEAR | AMOUNT |
|------------------|--------------------|--------------------|-------------|---------------|
| 3004/1 | Michael Guanzon | 300 Wakefield Road | 2011 | 215.00 |

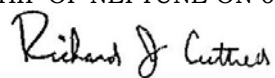
REASON: Sewer cap off – demo permit issued

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 04/11/2011

A handwritten signature in black ink, reading "Richard J. Cuttrel". The signature is written in a cursive style with a large initial "R".

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

RESOLUTION #11-186 - 4/11/11

AUTHORIZE TEMPORARY NO PARKING IN CONNECTION
WITH THE ANNUAL CRAFT SHOW

WHEREAS, the annual Craft Show is planned for the Pathway in Ocean Grove on Saturday, September 3, 2011; and,

WHEREAS, for the safety of the participants and to permit an area to unload goods, a temporary no parking zone is necessary,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the establishment of temporary no parking zones on Saturday, September 3, 2011, between the hours of 5:00 A.M. and 6:00 P.M. at the following locations:

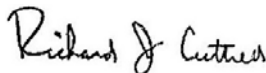
- 1) the north side of eastbound Ocean Pathway and the south side of westbound Ocean Pathway from Central Avenue to Ocean Avenue
- 2) both sides of Beach Avenue between eastbound Ocean Pathway and westbound Ocean Pathway
- 3) the west side of Ocean Avenue between eastbound Ocean Pathway and westbound Ocean Pathway
- 4) the east side of Central Avenue between eastbound Ocean Pathway and westbound Ocean Pathway

BE IT FURTHER RESOLVED, that Beach Avenue between eastbound Ocean Pathway and westbound Ocean Pathway shall be closed to vehicular traffic on Saturday, September 3, 2011, between the hours of 5:00 A.M. and 6:00 P.M.; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Chief of Police, Director of Public Works, Fire Inspector 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 04/11/2011



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

RESOLUTION #11-187 - 4/11/11

AUTHORIZE THE CLOSING OF STREETS IN CONNECTION WITH THE
OCEAN GROVE CHAMBER OF COMMERCE FLEA MARKETS

WHEREAS, the Ocean Grove Chamber of Commerce has scheduled two annual flea markets for Saturday, June 4, 2011 and Saturday, September 10, 2011, on Ocean Pathway in Ocean Grove; and,

WHEREAS, it is necessary to designate no parking areas and close certain streets prior to and during the events; and,

WHEREAS, the Police Department has reviewed and approved these closures,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby designates temporary no parking on the following streets:

1) Both sides of west bound and east bound Ocean Pathway from 9:00 P.M. on Friday, June 3, 2011 until 6:00 P.M. on Saturday, June 4, 2011 and from 9:00 P.M. on Friday, September 9, 2011 until 6:00 P.M. on Saturday, September 10, 2011.

2) Both sides of Beach Avenue between east bound and west bound Ocean Pathway from 9:00 P.M. on Friday, June 3, 2011 until 6:00 P.M. on Saturday, June 4, 2011 and from 9:00 P.M. on Friday, September 9, 2011 until 6:00 P.M. on Saturday, September 10, 2011.

3) Both sides of Central Avenue between McClintock Avenue and the west bound side of Ocean Pathway from 9:00 P.M. on Friday, June 3, 2011 until 6:00 P.M. on Saturday, June 4, 2011 and from 9:00 P.M. on Friday, September 9, 2011 until 6:00 P.M. on Saturday, September 10, 2011.

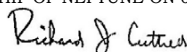
4) South bound side of Ocean Avenue between west bound Ocean Pathway and east bound Ocean Pathway from 9:00 P.M. on Friday, June 3, 2011 until 6:00 P.M. on Saturday, June 4, 2011 and from 9:00 P.M. on Friday, September 9, 2011 until 6:00 P.M. on Saturday, September 10, 2011.

BE IT FURTHER RESOLVED, that Beach Avenue as stated in Section 2 will also be closed to vehicular traffic from 5:00 A.M. to 6:00 P.M. on Saturday, June 4, 2011 and Saturday, September 10, 2011; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Chief of Police, Director of Public Works, Fire Inspector, Business Administrator, and Ocean Grove Chamber of Commerce.

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 04/11/2011



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

RESOLUTION #11-188 - 4/11/11

AUTHORIZE EXECUTION OF CONTRACTS WITH VARIOUS ORGANIZATIONS TO
PROVIDE RECREATION PROGRAMS AND SERVICES

WHEREAS, the Neptune Township Recreation Department has relationships with various organizations to organize and provide various recreational activities and programs in the Township of Neptune; and,

WHEREAS, in some instances, the Township of Neptune provides either sponsorship or funding to said organizations to provide these programs; and,

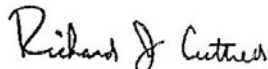
WHEREAS, it is the desire of the Township to renew the annual contracts with these organizations,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Mayor and Clerk be and are hereby authorized to execute contracts with various organizations and groups that are supported by the Township's Recreation Department and that provide recreational services and programs to Township residents for the year 2011; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Recreation Director, Chief Financial Officer, Business Administrator, 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 04/11/2011



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

RESOLUTION #11-189 - 4/11/11

URGE ADOPTION OF STATE LEGISLATION TO STRENGTHEN
MUNICIPAL IMMUNITY TO TORT CLAIMS

WHEREAS, injuries that occur on sidewalks that abut commercial property are the responsibility of the commercial property owner; and

WHEREAS, courts have ruled that injuries that occur on sidewalks that abut residential property are not the responsibility of the homeowner even when the homeowner is responsible for the maintenance and repair of the sidewalk by municipal ordinance; and

WHEREAS, courts have ruled that the municipality, not the homeowner, is liable for accidents on defective sidewalks notwithstanding the municipal ordinance; and

WHEREAS, under the provisions of Title 59, public entities are immune from injury "caused solely by weather" on streets and sidewalks; and

WHEREAS, despite this language, in many cases municipalities and other public entities still have been forced to pay large amounts of money in damages when courts ruled that because other factors contributed to the accident, the Title 59 immunity didn't apply because the accident was not "solely" caused by weather; and

WHEREAS, municipalities and other public entities have also been forced to pay large amounts of money in damages for accidents occurring on other public property that were substantially caused by weather; and

WHEREAS, also under the provisions of Title 59, public entities are immune from injury "caused by a condition of any unimproved public property, including but not limited to any natural condition of any beach;" and

WHEREAS, despite this language, in many cases municipalities still have been forced to pay large amounts of money in damages for claims by swimmers injured in the ocean; and

WHEREAS, public entities have also incurred large costs in defending lawsuits by persons injured while walking on municipal boardwalks; and

WHEREAS, a public entity should be immune from such a suit if it can demonstrate that it was operating under an ongoing maintenance plan calling for periodically reviewing and repairing the boardwalk; and

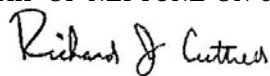
WHEREAS, Assemblyman Burzichelli has introduced a package of legislation, A-3430, A-3431 and A-3432 to strengthen immunity from tort claims involving weather, sidewalks, beaches, boardwalks and similar public properties;

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune, that the New Jersey State Legislature is urged to pass A-3430, A-3431, and A-3432 to strength municipalities immunity from tort claims; and,

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the Assemblyman David Rible, Assemblywoman Mary Pat Angelini, Senator Sean Kean, the Senate President, the Assembly Speaker, the Governor of State of New Jersey and the New Jersey League of Municipalities.

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 04/11/2011

A handwritten signature in cursive script, reading "Richard J. Cuttrell".

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

DISTRIBUTION LIST

1. The Hon. Chris Christie,
Governor, State of New Jersey
PO Box 001
Trenton, NJ 08625
Phone (609) 292-6000
Fax (609) 292-3454
2. The Hon. Stephen Sweeney,
Senate President,
Senator, District 3
NJ Senate Democratic Office
State House PO Box 099
Trenton, NJ 08625
Phone (609) 292-5215
SenSweeney@njleg.org
3. The Hon. Sheila Oliver,
Speaker, NJ General Assembly
Assemblywoman, District 34
NJ General Assembly Democratic Office
PO Box 098
Trenton, NJ 08625
Phone (609) 292-7065
Fax (609) 292-2386
AswOliver@njleg.org
4. NJ League of Municipalities
222 West State Street
Trenton, NJ 08608
Phone (609) 695-3481
Fax (609) 695-0151
NJLeague@njslom.com
5. Your State Legislators (State Senator and Assembly Representatives)

RESOLUTION #11-190 – 4/11/11

AUTHORIZE THE PAYMENT OF BILLS

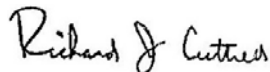
BE IT RESOLVED, by the Township Committee of the Township of Neptune that the following bills be paid if properly certified:

| | |
|----------------------------|--------------------|
| CURRENT FUND | 3,507,005.43 |
| FEDERAL & STATE GRANT FUND | 3,106.28 |
| TRUST OTHER | 77,577.77 |
| GENERAL CAPITAL FUND | 25,250.00 |
| SEWER OPERATING FUND | 180.00 |
| MARINA CAPITAL FUND | 8,798.09 |
| DOG TRUST | 177.00 |
| PUBLIC ASSISTANCE TRUST | 395.00 |
| BILL LIST TOTAL | \$3,622,489.57 |

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 04/11/2011



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