

**TOWNSHIP COMMITTEE WORKSHOP MEETING – AUGUST 24, 2009**

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

<u>ROLL CALL</u>	<u>PRESENT/ABSENT</u>
J. Randy Bishop	_____
Mary Beth Jahn	_____
James W. Manning, Jr.	_____
Kevin B. McMillan	_____
Dr. Michael Brantley	_____

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

Mayor Brantley announces that the notice requirements of R.S. 10:4-18 have been satisfied by the publication of the required advertisement in The Coaster and the Asbury Park Press on June 11, 2009, 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 – Rerouting of NJ Transit bus route.
  
  
  
  
  
  
  
  
  
  
2. Outstanding parking lot items (PW)

Res. # 09-412 – Authorize an Executive Session as authorized by the Open Public Meetings Act.

Offered by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Vote: Bishop, \_\_\_\_\_; Jahn, \_\_\_\_\_; Manning, \_\_\_\_\_; McMillan, \_\_\_\_\_; Brantley, \_\_\_\_\_.

**TOWNSHIP COMMITTEE MEETING – AUGUST 24, 2009**

Mayor Brantley 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	_____	Bill Bowman Asbury Park Press
Mary Beth Jahn	_____	
James W. Manning, Jr.	_____	Don Stine The Coaster
Kevin B. McMillan	_____	
Dr. Michael Brantley	_____	

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

Silent Prayer and Flag Salute

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

Mayor Brantley announces that the notice requirements of R.S. 10:4-18 have been satisfied by the publication of the required advertisement in The Coaster and the Asbury Park Press on June 11, 2009, 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](http://www.neptunetownship.org) on the afternoon of the business day preceding each meeting.

**REPORT OF THE CLERK**

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

Senior Center monthly statistics for July.

Monmouth County Board of Health agenda for August 18<sup>th</sup> and minutes from May 19<sup>th</sup>.

A copy of a letter from Rosemary Gray thanking American Legion Post #346 for organizing an event at the Senior Center.

**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 HEARING – NEIGHBORHOOD PRESERVATION PROGRAM GRANT**

The Neighborhood Preservation Program Coordinator and Department of Community Affairs representative will conduct a public hearing to receive comments and insights into the assessment of community needs in connection with the Township’s Neighborhood Preservation Program Work Plan.

**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. 09-33 - An ordinance to amend Ordinance #05-45 entitled "An ordinance creating job titles and setting the salary ranges for said job titles and for existing job titles of the Township of Neptune in the County of Monmouth and repealing all parts of previous ordinances inconsistent herewith." by creating the position of Assessing/Land Use Inspector. – Final Reading

Public Hearing:

Offered by:\_\_\_\_\_ Seconded by:\_\_\_\_\_  
Vote: Bishop, \_\_\_\_\_; Jahn, \_\_\_\_\_; Manning, \_\_\_\_\_; McMillan, \_\_\_\_\_; Brantley, \_\_\_\_\_.

ORDINANCE NO. 09-34 – Bond ordinance providing for the acquisition and the payment of the purchase price of real property being designated as Block 7013, Lot 11 on the official tax map of, by and in the Township of Neptune, in the County of Monmouth, State of New Jersey; appropriating \$550,000 therefor and authorizing the issuance of \$522,500 bonds or notes of the Township to finance part of the cost thereof. – Final Reading

Public Hearing:

Offered by:\_\_\_\_\_ Seconded by:\_\_\_\_\_  
Vote: Bishop, \_\_\_\_\_; Jahn, \_\_\_\_\_; Manning, \_\_\_\_\_; McMillan, \_\_\_\_\_; Brantley, \_\_\_\_\_.

ORDINANCE NO. 09-35 – Bond ordinance providing for the acquisition and installation, as applicable, of various equipment by and for the Township of Neptune, in the County of Monmouth, State of New Jersey; appropriating \$200,000 therefor and authorizing the issuance of \$190,000 bonds or notes of the Township to finance part of the cost thereof. – Final Reading

Public Hearing:

Offered by:\_\_\_\_\_ Seconded by:\_\_\_\_\_

Vote: Bishop, \_\_\_\_\_; Jahn, \_\_\_\_\_; Manning, \_\_\_\_\_; McMillan, \_\_\_\_\_; Brantley, \_\_\_\_\_.

**ORDINANCE NO. 09-36** – Bond ordinance providing for the acquisition of various vehicles and equipment for the Department of Public Works and the Senior Citizens Center of the Township of Neptune, in the County of Monmouth, State of New Jersey; appropriating \$1,000,000 therefor and authorizing the issuance of \$950,000 bonds or notes of the Township to finance part of the cost thereof – Final Reading

Public Hearing:

Offered by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Vote: Bishop, \_\_\_\_\_; Jahn, \_\_\_\_\_; Manning, \_\_\_\_\_; McMillan, \_\_\_\_\_; Brantley, \_\_\_\_\_.

**ORDINANCE NO. 09-37** – Bond ordinance providing for the acquisition of various vehicles and equipment for the Sewer Utility of the Township of Neptune, in the County of Monmouth, State of New Jersey; appropriating \$175,000 therefor and authorizing the issuance of \$166,250 bonds or notes of the township to finance part of the cost thereof – Final Reading

Public Hearing:

Offered by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Vote: Bishop, \_\_\_\_\_; Jahn, \_\_\_\_\_; Manning, \_\_\_\_\_; McMillan, \_\_\_\_\_; Brantley, \_\_\_\_\_.

**ORDINANCE NO. 09-38** - An ordinance to amend Volume I, Chapter XIX of the Code of the Township of Neptune by amending the entire Flood Damage Prevention Ordinance. – First Reading

Offered by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Vote: Bishop, \_\_\_\_\_; Jahn, \_\_\_\_\_; Manning, \_\_\_\_\_; McMillan, \_\_\_\_\_; Brantley, \_\_\_\_\_.

The Public Hearing on Ordinance 09-38 will be held on Monday, September 14, 2009.

### **CONSENT AGENDA**

Res. # 09-413 – Adopt Second Edition Administrative Plan/Procedures Manual for Neighborhood Housing Rehabilitation Program in the Bradley Park target area.

Res. # 09-414 – Authorize the closing of streets and temporary no parking in connection with the Fall Harvest Festival.

Res. # 09-415 – Amend authorization for appraisal of property at 1603 Old Corlies Avenue.

Res. # 09-416 – Accept the resignation of James Williams as a member of the Board of Adjustment.

Res. # 09-417 – Authorize the execution of an Interlocal Service Agreement with the Neptune Township School District to provide vehicle maintenance.

Res. # 09-418 – Authorize the execution of an Interlocal Service Agreement with the Borough of Interlaken to provide vehicle maintenance.

Res. # 09-419 – Appoint School Crossing Guard for the 2009-2010 school year.

Res. # 09-420 – Authorize Consent Order enforcing prior Stipulation of Settlement entered into between the Township of Neptune and Irma and Alvaro Rojas.

CONSENT AGENDA Offered by: \_\_\_\_\_ Seconded by: \_\_\_\_\_  
Vote: Bishop, \_\_\_\_\_; Jahn, \_\_\_\_\_; Manning, \_\_\_\_\_; McMillan, \_\_\_\_\_; Brantley, \_\_\_\_\_.

Res. # 09-421 – Accept and support the Bradley Park Neighborhood Preservation Program Work Plan.

Offered by: \_\_\_\_\_ Seconded by: \_\_\_\_\_  
Vote: Bishop, \_\_\_\_\_; Jahn, \_\_\_\_\_; Manning, \_\_\_\_\_; McMillan, \_\_\_\_\_; Brantley, \_\_\_\_\_.

Res. # 09-422 – Authorize the payment of bills.

Offered by: \_\_\_\_\_ Seconded by: \_\_\_\_\_  
Vote: Bishop, \_\_\_\_\_; Jahn, \_\_\_\_\_; Manning, \_\_\_\_\_; McMillan, \_\_\_\_\_; Brantley, \_\_\_\_\_.

**PRIVILEGE OF THE FLOOR/PUBLIC COMMENTS**

Members of the public may address any concern relating to the Township. After all have the opportunity to speak, individuals who desire to speak again will be invited back to the microphone. All comments are limited to five minutes per visit to the microphone.

**ADJOURNMENT**

## ORDINANCE NO. 09-38

### AN ORDINANCE TO AMEND VOLUME I, CHAPTER XIX OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY AMENDING THE ENTIRE FLOOD DAMAGE PREVENTION ORDINANCE

BE IT ORDAINED, by the Township Committee of the Township of Neptune that Volume I, Chapter XIX of the Code of the Township of Neptune be and is hereby amended in its entirety as follows:

#### **19.1 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES**

##### **19-1.1 STATUTORY AUTHORIZATION**

The Legislature of the State of New Jersey has in N.J.S.A. 40:48-1, et seq., delegated the responsibility to local governmental units to adopt regulations designed to promote public health, safety, and general welfare of its citizenry. Therefore, the Township Committee of the Township of Neptune, County of Monmouth, New Jersey does ordain as follows:

##### **19-1.2 FINDINGS OF FACT**

[1] The flood hazard areas of the Township of Neptune are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

[2] These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, causes damage in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

##### **19-1.3 STATEMENT OF PURPOSE**

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- [1] To protect human life and health;
- [2] To minimize expenditure of public money for costly flood control projects;
- [3] To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- [4] To minimize prolonged business interruptions;
- [5] To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, bridges located in areas of special flood hazard;
- [6] To help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
- [7] To ensure that potential buyers are notified that property is in an area of special flood hazard; and

- [8] To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

#### **19-1.4 METHODS OF REDUCING FLOOD LOSSES**

In order to accomplish its purposes, this ordinance includes methods and provisions for:

[1] Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

[2] Requiring that uses vulnerable to floods including facilities which serve such uses, be protected against flood damage at the time of initial construction;

[3] Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

[4] Controlling filling, grading, dredging, and other development which may increase flood damage; and,

[5] Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

#### **19-2 - DEFINITIONS**

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

**"Appeal"** means a request for a review of the Construction Official's interpretation of any provision of this ordinance or a request for a variance.

**"Area of shallow flooding"** means a designated AO, AH, or VO zone on a community's Digital Flood Insurance Rate Map (DFIRM) with a one percent annual or greater chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**"Area of special flood hazard"** means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year.

**"Areas of special flood related erosion hazard"** is the land within a community which is most likely to be subject to severe flood related erosion losses. After a detailed evaluation of the special flood related erosion hazard area will be designated a Zone E on the Flood Insurance Rate Map.

**"Base flood"** means the flood having a one percent chance of being equaled or exceeded in any given year.

**"Basement"** means any area of the building having its floor subgrade (below ground level) on all sides.

**"Breakaway wall"** means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

**"Coastal high hazard area"** means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

**"Development"** means any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials located within the area of special flood hazard.

**"Digital Flood Insurance Rate Map" (DFIRM)** means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**"Elevated building"** means a non-basement building (i) built in the case of a building in a Coastal High Hazard Area to have the bottom of the lowest horizontal structural member of the elevated floor, elevated above the ground level by means of piling, columns (posts and piers), or shear walls parallel to the flow of the water, and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In an Area of Special Flood Hazard "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In Areas of Coastal High Hazard "elevated buildings" also includes a building otherwise meeting the definition of "elevated building" even though the lower area is enclosed by means of breakaway walls.

**"Erosion"** means the process of the gradual wearing away of land masses.

**"Flood or flooding"** means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- [1] The overflow of inland or tidal waters and/or
- [2] The unusual and rapid accumulation or runoff of surface waters from any source.

**"Flood Insurance Study" (FIS)** means the official report in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevation of the base flood.

**"Flood plain management regulations"** means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a flood plain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

**"Floodway"** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 0.2 foot.



**"Highest adjacent grade"** means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**"Historic Structure"** means any structure that is:

[a] Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

[b] Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

[c] Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or

[d] Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

- (1) By an approved State program as determined by the Secretary of the Interior; or
- (2) Directly by the Secretary of the Interior in States without approved programs.

**"Lowest Floor"** means the lowest floor of the lowest enclosed area [including basement]. An unfinished or flood resistant enclosure, useable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor provided that such enclosure is not built so to render the structure in violation of other applicable non-elevation design requirements.

**"Manufactured home"** means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

**"Manufactured home park or manufactured home subdivision"** means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

**"New construction"** means structures for which the start of construction commenced on or after the effective date of a floodplain regulation adopted by a community and includes any subsequent improvements to such structures.

**"New manufactured home park or subdivision"** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the flood plain management regulations adopted by the municipality.

**"Primary frontal dune"** means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves from coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from the relatively steep slope to a relatively mild slope.

**"Recreational vehicle"** means a vehicle which is [i] built on a single chassis; [ii] 400 square feet or less when measured at the longest horizontal projections; [iii] designed to be self-propelled or permanently towable by a light duty truck; and [iv] designed primarily not for use as

a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**"Sand dunes"** means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

**"Start of Construction"** for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. No. 97-348) includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading and filling nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings or piers, or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**"Structure"** means a walled and roofed building, a manufactured home, or a gas or liquid storage tank, that is principally above ground.

**"Substantial Damage"** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**"Substantial Improvement"** means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

[1] Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or

[2] Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

**"Variance"** means a grant of relief from the requirements of this ordinance that permits construction in a manner that would otherwise be prohibited by this ordinance.

## **19-3 GENERAL PROVISIONS**

### **19-3.1 LANDS TO WHICH THIS ORDINANCE APPLIES**

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the Township of Neptune, County of Monmouth, New Jersey.

### **19-3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD**

The areas of special flood hazard for the Township of Neptune, Community No. 340317, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- a) A scientific and engineering report "Flood Insurance Study, Monmouth County, New Jersey (All Jurisdictions)" dated September 25, 2009.
- b) Flood Insurance Rate Map for Monmouth County, New Jersey (All Jurisdictions) as shown on Index and panel(s) 34025C0327F, 34025C0328F, 34025C0329F, 34025C0331F, 34025C0332F, 34025C0333F, 34025C0334F, 34025C0341F, 34025C0342F, 34025C0353F whose effective date is September 25, 2009.

The above documents are hereby adopted and declared to be a part of this ordinance. The Flood Insurance Study and maps are on file at 25 Neptune Boulevard, Neptune, New Jersey.

### **19-3.3 PENALTIES FOR NONCOMPLIANCE**

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$1,250.00 or imprisoned for not more than ninety (90) days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Township of Neptune from taking such other lawful action as is necessary to prevent or remedy any violation.

### **19-3.4 ABROGATION AND GREATER RESTRICTIONS**

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

### **19-3.5 INTERPRETATION**

In the interpretation and application of this ordinance, all provisions shall be:

- [1] Considered as minimum requirements;
- [2] Liberally construed in favor of the governing body; and,
- [3] Deemed neither to limit nor repeal any other powers granted under State statutes.

### **19-3.6 WARNING AND DISCLAIMER OF LIABILITY**

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural

causes. This ordinance does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.

This ordinance shall not create liability on the part of the Township of Neptune, any officer or employee thereof or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

## **19-4 ADMINISTRATION**

### **19-4.1 ESTABLISHMENT OF DEVELOPMENT PERMIT**

A Development Permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 19-3.2. Application for a Development Permit shall be made on forms furnished by the Construction Official and may include, but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing.

Specifically, the following information is required:

- [1] Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- [2] Elevation in relation to mean sea level to which any structure has been floodproofed.
- [3] Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 19-5.2-b; and,
- [4] Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

### **19-4.2 DESIGNATION OF THE LOCAL ADMINISTRATOR**

The Construction Official is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

### **19-4.3 DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATOR**

Duties of the Construction Official shall include, but not be limited to:

#### **a. PERMIT REVIEW**

[1] Review all development permits to determine that the permit requirements of this ordinance have been satisfied.

[2] Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.

[3] Review all development permits to determine if the proposed development is located in the floodway.

[4] Review all development permits in the coastal high hazard area of the area of special flood hazard to determine if the proposed development alters sand dunes so as to increase potential flood damage.

[5] Review plans for walls to be used to enclose space below the base flood level in accordance with Section 19-5.4-b (4).

## **b. USE OF OTHER BASE FLOOD AND FLOODWAY DATA**

When base flood elevation and floodway data has not been provided in accordance with Section 19-3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Construction Official shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer Sections 19-5.2-a, SPECIFIC STANDARDS, Residential Construction, and 19-5.2-b, SPECIFIC STANDARDS, Nonresidential Construction.

## **c. INFORMATION TO BE OBTAINED AND MAINTAINED**

[1] Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

[2] For all new or substantially improved floodproofed structures:

[i] verify and record the actual elevation (in relation to mean sea level); and

[ii] maintain the floodproofing certifications required in Section 4.1 (3).

[3] In coastal high hazard areas, certification shall be obtained from a registered professional engineer or architect that the provisions of 5.4-b(1) and 5.4-b(2)(i) and (ii) are met.

[4] Maintain for public inspection all records pertaining to the provisions of this ordinance.

## **d. ALTERATION OF WATERCOURSES**

[1] Notify adjacent communities and the New Jersey Department of Environmental Protection, Dam Safety and Flood Control section and the Land Use Regulation Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

[2] Require that maintenance is provided within the altered or relocated portion of said watercourse so the flood carrying capacity is not diminished.

## **e. INTERPRETATION OF FIRM BOUNDARIES**

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 19-4.4.

## **19-4.4 VARIANCE PROCEDURE**

### **a. APPEAL BOARD**

[1] The Planning Board as established by the Township of Neptune shall hear and decide appeals and requests for variances from the requirements of this ordinance.

[2] The Planning Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Construction Official in the enforcement or administration of this ordinance.

[3] Those aggrieved by the decision of the Planning Board, or any taxpayer, may appeal such decision to the Monmouth County Construction Board of Appeals, as provided in N.J.A.C. 5:27D-127.

[4] In passing upon such applications, the Planning Board, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:

- (i) the danger that materials may be swept onto other lands to the injury of others;
- (ii) the danger to life and property due to flooding or erosion damage;
- (iii) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (iv) the importance of the services provided by the proposed facility to the community;
- (v) the necessity to the facility of a waterfront location, where applicable;
- (vi) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- (vii) the compatibility of the proposed use with existing and anticipated development;
- (viii) the relationship of the proposed use to the comprehensive plan and flood plain management program of that area;
- (ix) the safety of access to the property in times of flood for ordinary and emergency vehicles;
- (x) the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
- (xi) the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

[5] Upon consideration of the factors of Section 19-4.4-a [4] and the purposes of this ordinance, the Planning Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

[6] The Construction Official shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.

## **b. CONDITIONS FOR VARIANCES**

[1] Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (i-xi) in SECTION 19-4.4-a [4] have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

[2] Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

[3] Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

[4] Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

[5] Variances shall only be issued upon:

- (i) a showing of good and sufficient cause;
- (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and,
- (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in SECTION 19-4.4-a [4], or conflict with existing local laws or ordinances.

(6) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation

and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

## **19-5 PROVISIONS FOR FLOOD HAZARD REDUCTION**

### **19-5.1 GENERAL STANDARDS**

In all areas of special flood hazards the following standards are required:

#### **a. ANCHORING**

[1] All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

[2] All manufactured homes shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

#### **b. CONSTRUCTION MATERIALS AND METHODS**

[1] All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

[2] All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

#### **c. UTILITIES**

[1] All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

[2] New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;

[3] On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and

[4] Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

#### **d. SUBDIVISION PROPOSALS**

[1] All subdivision proposals shall be consistent with the need to minimize flood damage;

[2] All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

[3] All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,

[4] Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least fifty (50) lots or five (5) acres (whichever is less).

#### **e. ENCLOSURE OPENINGS**

All new construction and substantial improvements having fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.



Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, or other covering or devices provided that they permit the automatic entry and exit of floodwaters.

## **19-5.2 SPECIFIC STANDARDS**

In all areas of special flood hazards where base flood elevation data have been provided as set forth in Section 19-3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or in SECTION 19-4.3-b, Use of Other Base Flood Data, the following standards are required:

### **a. RESIDENTIAL CONSTRUCTION**

[1] New construction and substantial improvement of any residential structure shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities, elevated to or above base flood elevation; and

[2] within any AO zone on the municipality's FIRM that all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet (at least two feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

### **b. NONRESIDENTIAL CONSTRUCTION**

In an Area Of Special Flood Hazard, all new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall:

[1] either have the lowest floor, including basement together with the attendant utilities and sanitary facilities, elevated to the level of the base flood elevation; and

[2] within any AO zone on the municipality's DFIRM to have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet (at least two feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures;

or

[1] be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

[2] have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,

[3] be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection. Such certification shall be provided to the official as set forth in SECTION 19-4.3-c [2] [ii].

### **c. MANUFACTURED HOMES**

[1] Manufactured homes shall be anchored in accordance with Section 19-5.1-a(2).

[2] All manufactured homes to be placed or substantially improved within an area of special flood hazard shall be elevated on a permanent foundation such that the top of the lowest floor is at or above the base flood elevation.

### **19-5.3 FLOODWAYS**

Located within areas of special flood hazard established in SECTION 3.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters

which carry debris, potential projectiles, and erosion potential, the following provisions apply:

[1] Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a technical evaluation demonstrates that encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.

[2] If Section 19-5.3 [1] is satisfied, all new construction and substantial improvements must comply with Section 19-5 PROVISIONS FOR FLOOD HAZARD REDUCTION.

[3] In all areas of special flood hazard in which base flood elevation data has been provided and no floodway has been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than two-tenths (0.2) of a foot at any point.

### **19-5.4 COASTAL HIGH HAZARD AREA**

Coastal high hazard areas (V or VE Zones) are located within the areas of special flood hazard established in Section 19-3.2. These areas have special flood hazards associated with high velocity waters from tidal surges and hurricane wave wash; therefore, the following provisions shall apply:

#### **a. LOCATION OF STRUCTURES**

[1] All buildings or structures shall be located landward of the reach of the mean high tide.

[2] The placement of manufactured homes shall be prohibited, except in an existing manufactured home park or manufactured home subdivision.

#### **b. CONSTRUCTION METHODS**

##### **[1] ELEVATION**

All new construction and substantial improvements shall be elevated on piling or columns so that the bottom of the lowest horizontal structural member of the lowest floor (excluding the piling or columns) is elevated to or above the base flood level, with all space below the lowest floor's supporting member open so as not to impede the flow of water, except for breakaway walls as provided or in SECTION 19-5.4-b(4).

##### **[2] STRUCTURAL SUPPORT**

(i) All new construction and substantial improvements shall be securely anchored on piling or columns.

(ii) The pile or column foundation and structure attached thereto shall be anchored to resist flotation, collapse or lateral movement due to the effects of wind and water loading values each of which shall have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval).

(iii) There shall be no fill used for structural support.

### **[3] CERTIFICATION**

A registered professional engineer or architect shall develop or review the structural design specifications and plans for the construction and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for compliance with the provisions of SECTION 19-5.4-b [1] and 5.4-b [2] (i) and (ii).

### **[4] SPACE BELOW THE LOWEST FLOOR**

(i) Any alteration, repair, reconstruction or improvement to a structure started after the enactment of this ordinance shall not enclose the space below the lowest floor unless breakaway walls, open wood lattice-work or insect screening are used as provided for in this section.

(ii) Breakaway walls, open wood lattice-work or insect screening shall be allowed below the base flood elevation provided that they are intended to collapse under wind and water loads without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. Breakaway walls shall be designed for a safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading of 20 pounds per square foot (either by design or when so required by local or State codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions.

(a) breakaway wall collapse shall result from a water load less than that which would occur during the base flood and,

(b) the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement or other structural damage due to the effects of wind and water load acting simultaneously on all building components (structural and non-structural). Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable State or local building standards.

(iii) If breakaway walls are utilized, such enclosed space shall be used solely for parking of vehicles, building access, or storage and not for human habitation.

(iv) Prior to construction, plans for any breakaway wall must be submitted to the Construction Official for approval.

### **c. SAND DUNES**

Man-made alteration of sand dunes within Zones VE and V on the community's DFIRM which would increase potential flood damage is prohibited.

### **19-6 APPLICATION FEE**

#### **19.6.1 APPLICATION FEE**

The Construction Official shall receive from the applicant, along with the application, along with the application for a permit hereunder, a fee for the review of the application and the determination thereof. The fee shall be one hundred (\$100.00) dollars for new construction and fifty (\$50.00) for additions.

## **19-6.2 INSPECTION**

If this special use permit shall be issued, the Construction Official or his designee, Subcode Official, with the assistance of the Township Engineer, shall make an on-site inspection, at least once during construction, to determine whether the construction conforms to the approved plan, materials and other specifications provided by the applicant.

## **19-7 CONFLICTING CODES AND ORDINANCES**

In areas that the Federal Insurance Administrator has designated an area within the Flood Plain as having special flood hazards, such designation concerning land use control designed to reduce flood loss shall take precedence over any conflicting ordinances or codes of the Township.

## **19-8 LIABILITY**

The grant of the special use permit or approval of a subdivision plan within the special flood hazard areas shall not constitute a representation, guaranty or warranty of any kind by the Township or by any official or employee thereof of the practicability or safety of the proposed use and shall create no liability upon the Township, its officers or employees.

## **19-9 REPEALER**

All previous ordinances or resolutions or portions thereof of the Township of Neptune inconsistent herewith be and they are hereby repealed.

## **19-10 SEVERABILITY**

If any clause, section or provision of this ordinance is declared invalid by a Court of competent jurisdiction, such provision shall be deemed a separate, distinct and independent provision and shall not affect the validity of the remaining portion hereof.

## **19-11 WHEN EFFECTIVE**

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

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

---

Richard J. Cuttrell,  
Municipal Clerk

---

Dr. Michael Brantley,  
Mayor

RESOLUTION #09-412 – 8/24/09

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

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

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

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

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

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

Contract negotiations – Senior Center project

Contract negotiations – Deed restrictions on Schoolhouse Square housing units

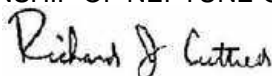
Contract negotiations – Dispatch Services Study

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 OF NEPTUNE COMMITTEE  
OF THE TOWNSHIP OF NEPTUNE ON 08/24/09



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

RESOLUTION #09-413 - 8/24/09

ADOPT SECOND EDITION ADMINISTRATIVE PLAN/PROCEDURES MANUAL FOR  
NEIGHBORHOOD HOUSING REHABILITATION PROGRAM  
IN THE BRADLEY PARK TARGET AREA

WHEREAS, the Township was awarded rehabilitation grant funding for the Neighborhood Preservation Program Bradley Park target area; and,

WHEREAS, the New Jersey Department of Community Affairs promulgated procedures and requirements for administration of the grant funding which were adopted by Resolution #08-300 of the Neptune Township Committee on June 23, 2008; and,

WHEREAS, the Neighborhood Preservation Program Coordinator has recommended adoption of an Administrative Plan/Procedures Manual Second Edition which is consistent with the Department of Community Affairs requirements; and,

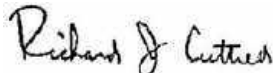
WHEREAS, the manual will also be renamed "Bradley Park Neighborhood Preservation Program Housing Rehabilitation and Procedures Manual – Second Edition",

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby adopts the "Bradley Park Neighborhood Preservation Program Housing Rehabilitation and Procedures Manual – Second Edition" for the Neighborhood Housing Rehabilitation Program in the Bradley Park target area to be administered by the Neighborhood Preservation Program Coordinator; and,

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

**CERTIFICATION**

I HEREBY CERTIFY THE ABOVE TO BE A  
TRUE COPY OF A RESOLUTION ADOPTED BY  
THE TOWNSHIP OF NEPTUNE COMMITTEE  
OF THE TOWNSHIP OF NEPTUNE ON 08/24/09



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

RESOLUTION #09-414 - 8/24/09

AUTHORIZE THE CLOSING OF STREETS AND TEMPORARY NO PARKING  
IN CONNECTION WITH THE FALL HARVEST FESTIVAL

WHEREAS, the Ocean Grove Chamber of Commerce has scheduled a Fall Harvest Festival for October 10, 2009; and,

WHEREAS, it is necessary to close portions of Main Avenue and Pilgrim Pathway and designate no parking during the event; and,

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

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

Saturday, October 10, 2009 - 7:00 A.M. to 6:00 P.M.

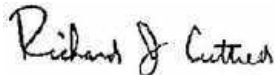
- 1) Main Avenue from New York Avenue to Central Avenue
- 2) Pilgrim Pathway from Main Avenue to Olin Street

BE IT FURTHER RESOLVED, that the Department of Public Works shall provide barricades at the intersections of Main and New York; Main and Central and Olin and Pilgrim Pathway; and,

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

**CERTIFICATION**

I HEREBY CERTIFY THE ABOVE TO BE A  
TRUE COPY OF A RESOLUTION ADOPTED BY  
THE TOWNSHIP OF NEPTUNE COMMITTEE  
OF THE TOWNSHIP OF NEPTUNE ON 08/24/09



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

RESOLUTION #09-415 - 8/24/09

AMEND AUTHORIZATION FOR APPRAISAL OF PROPERTY  
AT 1603 CORLIES AVENUE

WHEREAS, the Township desires to engage the services of a Certified General Real Estate Appraiser to determine the current market value of 1603 Corlies Avenue (Block 272, Lots 7 & 11) which is adjacent to the future site of the Neptune Senior Center; and,

WHEREAS, the Land Use Administrator has solicited and received proposals for said services; and,

WHEREAS, on July 13, 2009, the Township Committee adopted a resolution authorizing AJ Lehman Appraisal, Inc. to prepare an appraisal at an amount not to exceed \$4,000.00; and,

WHEREAS, a proposal submitted by The Meers Group, Ltd. for a lower amount was received prior to the date of the authorization to AJ Lehman Appraisal, Inc.

WHEREAS, the Land Use Administrator recommends rescinding the award to AJ Lehman Appraisal, Inc. and awarding the work to The Meers Group, Ltd.; and,

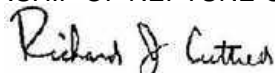
WHEREAS, funds for this purpose will be provided in the 2009 municipal budget in the appropriation entitled Ord 04-14, known as Account No. 04-994, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby rescinds the authorization as stipulated in Resolution #09-361 to AJ Lehman Appraisal, Inc. and now authorizes The Meers Group, Ltd. to perform the services as stated herein at an amount not to exceed \$1,750.00; and,

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

**CERTIFICATION**

I HEREBY CERTIFY THE ABOVE TO BE A  
TRUE COPY OF A RESOLUTION ADOPTED BY  
THE TOWNSHIP OF NEPTUNE COMMITTEE  
OF THE TOWNSHIP OF NEPTUNE ON 08/24/09



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



RESOLUTION #09-416 - 8/24/09

ACCEPT THE RESIGNATION OF JAMES WILLIAMS AS A  
MEMBER OF THE BOARD OF ADJUSTMENT

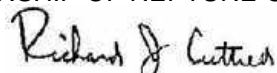
WHEREAS, the Township Committee has received a letter from James Williams resigning as a member of the Board of Adjustment effective August 22, 2009,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of James Williams as a member of the Board of Adjustment is hereby accepted effective August 22, 2009; 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 OF NEPTUNE COMMITTEE  
OF THE TOWNSHIP OF NEPTUNE ON 08/24/09



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

RESOLUTION #09-417 - 8/24/09

AUTHORIZE THE EXECUTION OF AN INTERLOCAL SERVICE AGREEMENT  
WITH THE NEPTUNE TOWNSHIP SCHOOL DISTRICT  
TO PROVIDE VEHICLE MAINTENANCE

WHEREAS, the Township of Neptune has a contract with a third party fleet management company to provide vehicle maintenance to Township vehicles; and,

WHEREAS, the Neptune Township School District desires to enter into an interlocal service agreement (extending the existing agreements) pursuant to N.J.S.A. 40:8A-1 et seq. for the District to receive vehicle maintenance services through the Township's fleet maintenance provider at the Township's Public Works Yard; and,

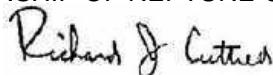
WHEREAS, the District will agree to pay the Township's contracted hourly labor rate,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the execution of an Interlocal Service Agreement with the Neptune Township School District for a period of one year, effective July 1, 2009, with an option to renew annually for a maximum of five years, a copy of which is on file in the Office of the Municipal Clerk, which provides that the District will pay the Township for vehicle maintenance services provided herein; and,

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

**CERTIFICATION**

I HEREBY CERTIFY THE ABOVE TO BE A  
TRUE COPY OF A RESOLUTION ADOPTED BY  
THE TOWNSHIP OF NEPTUNE COMMITTEE  
OF THE TOWNSHIP OF NEPTUNE ON 08/24/09



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

RESOLUTION #09-418 - 8/24/09

AUTHORIZE THE EXECUTION OF AN INTERLOCAL SERVICE AGREEMENT  
WITH THE BOROUGH OF INTERLAKEN TO PROVIDE VEHICLE MAINTENANCE

WHEREAS, the Township of Neptune has a contract with a third party fleet management company to provide vehicle maintenance to Township vehicles; and,

WHEREAS, the Borough of Interlaken desires to enter into an interlocal service agreement pursuant to N.J.S.A. 40:8A-1 et seq. for the Borough to receive vehicle maintenance services through the Township's fleet maintenance provider at the Township's Public Works Yard; and,

WHEREAS, the Borough will agree to pay the Township's contracted hourly labor rate plus \$10.00 per hour for administrative costs; and,

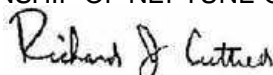
WHEREAS, the Agreement includes a provision for after hour repair rates,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the execution of an Interlocal Service Agreement with the Borough of Interlaken for a period of one year, effective July 1, 2009, with an option to renew annually for a maximum of five years, a copy of which is on file in the Office of the Municipal Clerk, which provides that the Borough will pay the Township for vehicle maintenance services provided herein; and,

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

**CERTIFICATION**

I HEREBY CERTIFY THE ABOVE TO BE A  
TRUE COPY OF A RESOLUTION ADOPTED BY  
THE TOWNSHIP OF NEPTUNE COMMITTEE  
OF THE TOWNSHIP OF NEPTUNE ON 08/24/09



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

RESOLUTION #09-419 - 8/24/09

APPOINT SCHOOL CROSSING GUARD FOR THE 2009-2010 SCHOOL YEAR

WHEREAS, Edna Salas was appointed a School Crossing Guard for the 2009-2010 school year on August 10, 2009 and has since indicated that she desires to retire; and,

WHEREAS, there is a need for a replacement School Crossing Guard for the 2009-2010 school year; and,

WHEREAS, funds are available for this purpose in the appropriation entitled Police - Salaries and Wages known as Account No. 240-013, and the Chief Financial Officer has so certified in writing,

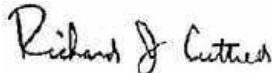
THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Alfred Holmes be and he is hereby appointed as a School Crossing Guard for the 2009-2010 school year and to perform such other duties as prescribed by the Chief of Police, at an hourly rate of \$12.84; and,

BE IT FURTHER RESOLVED, that Edna Salas is hereby removed from the list of School Crossing Guards for the 2009-2010 school year; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Chief of Police, 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 OF NEPTUNE COMMITTEE  
OF THE TOWNSHIP OF NEPTUNE ON 08/24/09



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

RESOLUTION #09-420 - 8/24/09

AUTHORIZE CONSENT ORDER ENFORCING PRIOR STIPULATION OF SETTLEMENT  
ENTERED INTO BETWEEN THE TOWNSHIP OF NEPTUNE  
AND IRMA ROJAS AND ALVARO ROJAS

WHEREAS, Neptune Township authorized the legal action to be brought in the Superior Court of New Jersey Law Division Monmouth County against Irma Rojas and Alvaro Rojas owner of Block 7000, Lot 21 on the tax map of the Township of Neptune, County of Monmouth due to a wall encroachment that existed upon Township property park land subject to Green Acres jurisdiction; and

WHEREAS, the Township of Neptune has filed the aforesaid lawsuit on December 15, 2006 under Docket No. MON-L-5711-06; and

WHEREAS, by resolution #08-134 adopted by the Mayor and Township Committee on February 25, 2008 the Township Committee authorized settlement in the aforesaid matter as set forth in a Stipulation of Settlement signed by all parties which provided that Neptune Township would apply to the State of New Jersey, Green Acres Division to seek a land swap from Green Acres proposed between the easement presently held by Neptune Township on the northeastern portion of the Rojas property and a wall encroachment along the rear or northwest side of the Rojas property along with a paver block encroachment and southwest side wall encroachment with Neptune Township using its best efforts to effectuate the swap; and

WHEREAS, the Stipulation of Settlement specifically provides that should Neptune Township be denied the right to swap property per Green Acres regulation that the Rojas, upon notification, should immediately remove the aforesaid encroachments within six (6) months with the Rojas providing the Township with proof of cost of removal and replacement of the rear yard wall within the boundary lines of the Rojas property in which case the Township would provide a contribution towards costs not to exceed Seven Thousand Five Hundred Dollars (\$7,500.00) towards removal and reconstruction of the rear wall; and

WHEREAS, the attorney for the Township received the letter on December 19, 2008 dated December 15, 2008 from the State of New Jersey Department of Environmental Protection Green Acres Division that specifically denied the land swap proposal and required that all private encroachments be removed from Jumping Brook Park no later than March 30, 2009 and that park land be restored and returned to its original park like condition no later than March 30, 2009; and

WHEREAS, the Township attorney advised the attorney for the Rojas of the aforesaid decision by letter of January 6, 2009 and having received no response contacted the attorney for Mr. and Mrs. Rojas again by letter of January 28, 2009 to determine whether or not the Rojas intended to perform under the aforesaid Stipulation of Settlement; and

WHEREAS, no action having been taken by the Rojas after being contacted by the Township, the Township was notified by the Township Attorney concerning the impasse and passed a resolution on February 9, 2009 authorizing a Motion for Enforcement of the Stipulation of Settlement to be filed by the Township Attorney; and

WHEREAS, as a result of the Motion for Enforcement the defendant's attorney is recommending a Consent Order of Enforcement, a true copy of which is attached hereto as Exhibit "A" that would give the defendants until October 31, 2009 to remove all encroachments or else the Township, without any further action before the Court, may remove the encroachments and impose a lien on the subject property for the entire costs of the action by the Township; and

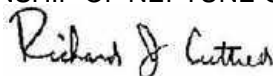
WHEREAS, the Township Attorney recommends the Consent Order since it is not substantially different than the Order sought by Motion for Enforcement and the difference is only that the Township will be providing the defendants an additional thirty (30) days to remove the encroachments.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune that the governing body hereby authorizes the Township attorney, Gene J. Anthony, Esq., 48 South Street, Eatontown, New Jersey to execute the Consent Order, a true copy of which is attached hereto as Exhibit "A", which will require the defendants to remove all encroachments by October 31, 2009 under the terms of the original Stipulation of Settlement or be subject to the Township removing the encroachments with no further action before the Court in imposing the entire costs of removal on the defendants by way of lien.

DATED: August 24, 2009

**CERTIFICATION**

I HEREBY CERTIFY THE ABOVE TO BE A  
TRUE COPY OF A RESOLUTION ADOPTED BY  
THE TOWNSHIP OF NEPTUNE COMMITTEE  
OF THE TOWNSHIP OF NEPTUNE ON 08/24/09



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

RESOLUTION #09-421 - 8/24/09

ACCEPT AND SUPPORT BRADLEY PARK  
NEIGHBORHOOD PRESERVATION PROGRAM WORK PLAN

WHEREAS, the Township of Neptune has been awarded a Neighborhood Preservation Program grant for housing rehabilitation projects in the Bradley Park section of the Township; and,

WHEREAS, the Neighborhood Preservation Program Coordinator and Bradley Park Neighborhood Preservation Program Steering Committee in conjunction with the Neptune Township Committee and New Jersey State Department of Community Affairs has prepared a Bradley Park Neighborhood Preservation Program Work Plan; and,

WHEREAS, the Neighborhood Preservation Program Coordinator and Township Committee have advertised and conducted a public hearing in reference to said Plan; and,

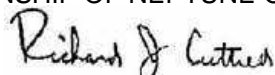
WHEREAS, the Township Committee has reviewed the Plan,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby accepts and supports the Bradley Park Neighborhood Preservation Program Work Plan as developed and prepared by the Neighborhood Bradley Park NPP Steering Committee, Township of Neptune and New Jersey Department of Community Affairs; and,

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

**CERTIFICATION**

I HEREBY CERTIFY THE ABOVE TO BE A  
TRUE COPY OF A RESOLUTION ADOPTED BY  
THE TOWNSHIP OF NEPTUNE COMMITTEE  
OF THE TOWNSHIP OF NEPTUNE ON 08/24/09



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

RESOLUTION #09-422 – 8/24/09

AUTHORIZE THE PAYMENT OF BILLS

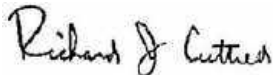
BE IT RESOLVED, That the following bills be paid if properly certified:

CURRENT FUND	4,513,012.81
FEDERAL & STATE GRANT FUND	28,140.03
TRUST OTHER	118,699.25
GENERAL CAPITAL FUND	20,924.92
SEWER OPERATING FUND	7,071.97
SEWER CAPITAL FUND	308.10
MARINA OPERATING FUND	813.63
DOG TRUST	7,094.25
UDAG RECIPROCAL TRUST	4,653.58
BILL LIST TOTAL	\$4,700,718.54

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 OF NEPTUNE COMMITTEE  
OF THE TOWNSHIP OF NEPTUNE ON 08/24/09



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



RESOLUTION #09-423 - 8/24/09

AWARD BID FOR DEMOLITION OF SAMPLER INN (28 MAIN AVENUE)

WHEREAS, on July 7, 2009, the Purchasing Agent received bids for the award of a contract for the demolition of the Sampler Inn (28 Main Avenue); and,

WHEREAS, award of this bid was held due to an application for an injunction which was denied in Superior Court on August 21, 2009; and,

WHEREAS, said bids were reviewed by the Purchasing Agent who has recommended that the bid be awarded to the lowest bid submitted by D & J Mazza Demolition; and,

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

WHEREAS, funds for this purpose will be provided in the appropriation entitled Landfill O.E., known as Account No. 01-465 and the Chief Financial Officer has so certified in writing,

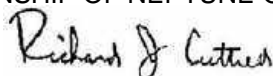
THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that a contract be awarded to D & J Mazza Demolition for the demolition of removal of the Sampler Inn (28 Main Avenue) on their lowest responsible base bid of \$46,000.00, plus asbestos removal of \$37,000.00 and underground storage tank removal of \$3,500.00 for a total of \$86,500.00, said award being subject to possible legal stays; and,

BE IT FURTHER RESOLVED, that a lien for the total amount paid under this contract shall be placed against the property; 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 Public Works Director.

**CERTIFICATION**

I HEREBY CERTIFY THE ABOVE TO BE A  
TRUE COPY OF A RESOLUTION ADOPTED BY  
THE TOWNSHIP OF NEPTUNE COMMITTEE  
OF THE TOWNSHIP OF NEPTUNE ON 08/24/09



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