

**TOWNSHIP COMMITTEE WORKSHOP MEETING – NOVEMBER 10, 2014 – 6:00 P.M.**

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	_____
Eric J. Houghtaling	_____
Mary Beth Jahn	_____
Kevin B. McMillan	_____
Dr. Michael Brantley	_____

Also present: Vito D. Gadaleta, Business Administrator; Michael J. Bascom, Chief Financial Officer; Gene Anthony, Township Attorney; and Richard J. Cuttrel, 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 on January 3, 2014 and the Asbury Park Press on January 2, 2014, 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 – Wayne Rode present to discuss Public Works Department preparations for the upcoming winter season.
  
2. Discussion – Bicycle Tracking Software.
  
3. Discussion – 2013 Audit.
  
4. Review Committee calendars/update on outstanding issues and capital items.  
- Various on-going capital improvement projects.

Res. # 14-511 – Authorize an Executive Session as authorized by the Open Public Meetings Act.

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

**TOWNSHIP COMMITTEE MEETING – NOVEMBER 10, 2014 – 7:00 P.M.**

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	_____	Don Stine The Coaster
Eric J. Houghtaling	_____	
Mary Beth Jahn	_____	Anthony Panissidi Asbury Park Press
Kevin B. McMillan	_____	
Dr. Michael Brantley	_____	

Also present at the dais: Vito D. Gadaleta, Business Administrator; Michael J. Bascom, Chief Financial Officer; Gene J. Anthony, Township Attorney; 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 a fire, you will be notified by fire alarm and/or public address system, then proceed 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 on January 3, 2014 and the Asbury Park Press on January 2, 2014, 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).

**RECOGNITION OF RETIRING TOWNSHIP EMPLOYEES**

The Mayor and Committee will recognize Curney Beauford (34 years of service) and Jeffrey Brenan (33 years of service) who both retired from the Public Works Department on October 31, 2014.

**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 October and Tax Collector's monthly reports for August and September.

Ted Bell, Jon Litsky and the Meridian Health Education Team were recognized by Rosemary Gray for presenting programs 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 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 is permitted one visit to the microphone with a limit of five minutes.

ORDINANCE NO. 14-44 - An ordinance to authorize the installation of facilities by PEG Bandwidth NJ, LLC over the public rights-of-way. – Final Reading

*Explanatory statement: This ordinance authorizes execution of an agreement to allow PEG Bandwidth NJ, LLC to install facilities on or in existing telephone, electric or cable conduit and poles in the public Rights-of-Way through agreement with other utility companies or to construct underground conduit space where necessary.*

PUBLIC HEARING:

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

ORDINANCE NO. 14-45 - An ordinance authorizing Deed of Easement and Right-of-Way for sidewalk, landscaping and building overhang encroachment of Shark River Beach and Yacht Club, Inc., Lot 14, Block 401, on the tax map of the Township of Neptune – First Reading

*Explanatory statement: This ordinance authorizes execution of a Deed of Easement and Right of Way for sidewalk, landscaping and building overhang encroachments on Township Right-of-Way by the Shark River Beach and Yacht Club in connection with the reconstruction of their building/club on South Riverside Drive.*

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

ORDINANCE NO. 14-46 - An ordinance to amend Volume I, Chapter VII, Section 7-21 of the Code of the Township of Neptune by removing handicapped parking zones on Mt. Hermon Way and Heck Avenue – First Reading

*Explanatory statement: This ordinance removes existing handicapped parking stalls in front of 128 Mt. Hermon Way and 36 Heck Avenue.*

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

ORDINANCE NO. 14-47 - An ordinance to amend Volume I, Chapter XII of the Code of the Township of Neptune by adding Section 12-5.14 entitled “Discontinuation of Certain Utility Services” to the Vacant and Abandoned Properties Ordinance – First Reading

*Explanatory statement: This ordinance amends the Vacant Abandoned Properties Ordinance adopted on September 8, 2014 by providing for the initiation of a request of any utility to take all necessary steps to enter a premise listed on the Abandoned Property for the discontinuance of the utility services and the removal of utility equipment from said property.*

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

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

The Public Hearing on Ordinances 14-45, 14-46 and 14-47 will be held on Monday, November 24, 2014.

### **CONSENT AGENDA**

Res. # 14-512 – Direct the undertaking of a Continuing Disclosure Review and authorize participation in the “Municipalities Continuing Disclosure Cooperation” initiative of the Division of Enforcement of the U.S. Securities Exchange Commission

Res. # 14-513 – Authorize the Township to enter into a Joint Purchasing Agreement.

Res. # 14-514 – Employ seasonal/on-call Driver in the Department of Public Works for snow plowing.

Res. # 14-515 – Grant leave of absence under the Family Medical Leave Act.

Res. # 14-516 – Employ part-time temporary Career Advisor for the Job Readiness and Career Planning Program.

Res. # 14-517 – Confirm the receipt of the annual Report of Audit for the Township of Neptune for the year 2013.

Res. # 14-518 – Grant Social Affair Permit to Tinton Falls PBA Local #251.

Res. # 14-519 – Reject request for release of performance bond guaranteeing site improvements at Brickhouse Tavern & Tap (Route 66).

Res. # 14-520 – Authorize Revocable License Agreement with Verizon for access to 789 Wayside Road.

Res. # 14-521 – Authorize an amendment to the 2014 Municipal Budget to realize monies from the County of Monmouth Division of Mental Health and Addiction Services.

CONSENT AGENDA Offered by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

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

Res. # 14-522 – Authorize the payment of bills.

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

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

### **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. 14-45

AN ORDINANCE AUTHORIZING DEED OF EASEMENT AND RIGHT-OF-WAY FOR SIDEWALK, LANDSCAPING AND BUILDING OVERHANG ENCROACHMENT OF SHARK RIVER BEACH AND YACHT CLUB, INC., LOT 14, BLOCK 401, ON THE TAX MAP OF THE TOWNSHIP OF NEPTUNE

WHEREAS, Shark River Beach and Yacht Club, Inc., made an application before the Neptune Planning Board to rebuild its clubhouse, and related to its site plan approval, was in need to obtain an easement from Neptune Township with regard to a building overhang encroachment, sidewalk and landscaping on a municipal sidewalk and right-of-way; and

WHEREAS, the Grantor, Neptune Township, prepared a Deed of Easement and Right-of-Way, a true copy of which is attached hereto and made a part hereof as Exhibit "A."

NOW THEREFORE BE IT ORDAINED AND ENACTED by the Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey, that pursuant to State Statute allowing municipalities to accept, seek and provide property for public use, the Township hereby authorizes, accepts and approves the Deed of Easement and Right-of-Way between the Township of Neptune (the Grantor) and Shark River Beach and Yacht Club, Inc. (the Grantee) as a dedicated Deed of Easement for purposes identified in Exhibit "A" with attachments thereto, and with all the rights and obligations set forth more fully in the Deed of Easement and Right-of-Way concerning a sidewalk, landscaping and building overhang encroachment area adjacent to Lot 14, Block 401, Neptune Township, Monmouth County, New Jersey, which the Township Committee approves and accepts, and hereby authorizes the Mayor and Clerk to execute the same.

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

BE IT FURTHER ORDAINED, that this ordinance shall take effect immediately upon final passage and publication as provided by law.

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

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Richard J. Cuttrell,  
Municipal Clerk

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Dr. Michael Brantley,  
Mayor

ORDINANCE NO. 14-46

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII, SECTION 7-21 OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY REMOVING HANDICAPPED PARKING ZONES ON MT. HERMON WAY AND HECK AVENUE

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 *deleting* the following:

<u>Name of Street</u>	<u>No. of Spaces</u>	<u>Location</u>
Mt. Hermon Way	1	South side of Mt. Hermon Way beginning 25 feet west of the southwest intersection of Mt. Hermon Way and Whitefield Avenue
Heck Avenue	1	South side of Heck Avenue beginning 72 feet east of the southeast intersection of Heck Avenue and Central Avenue

SECTION 2

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

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

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Richard J. Cuttrell,  
Municipal Clerk

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Dr. Michael Brantley,  
Mayor

ORDINANCE NO. 14-47

AN ORDINANCE TO AMEND VOLUME I, CHAPTER XII OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING SECTION 12-5.14 ENTITLED "DISCONTINUATION OF CERTAIN UTILITY SERVICES" TO THE VACANT AND ABANDONED PROPERTIES ORDINANCE

WHEREAS, abandoned properties raise significant concerns for communities where they are located, including fostering criminal activity, posing possible public health problems and generally posing a risk to the quality of life for residents and businesses in the area; and

WHEREAS, under current law and tariffs approved under the Board of Public Utilities regulations, customers of electric and natural gas utilities are required to provide reasonable access at all reasonable times to such utilities for the purpose of inspection of customers' premises incident to the rendering of service, reading meters or the repairing of utility facilities used in connection with supplying service or for the removal of utility property; and

WHEREAS, public utilities are bound by law to provide safe, adequate and proper service, and must be able to periodically inspect the customers' premises incident to rendering service, read meters, repair utility facilities or remove utility property; and

WHEREAS, as a result of certain properties being abandoned or vacant, electric and natural gas utilities are denied the reasonable access to their facilities provided for by law, and this impacts the ability to provide safe, adequate and proper service; and

WHEREAS, based on the findings of the State Legislature as set forth under N.J.S.A. 55:19-106, it has been determined that it is in the interest of the public safety that all communities, that electric and natural gas utilities be granted access to abandoned or vacant properties in order to inspect, repair and remove its facilities or property.

NOW THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey, that the Township Committee hereby amends the Vacant and Abandoned Property Ordinance by adding Section 12-5.14 entitled, "Discontinuation of Certain Utility Services" as follows:

BE IT ORDAINED by the Township Committee of the Township of Neptune that Volume I, Chapter XII of Code of the Township of Neptune be and is hereby amended to add Section 12-5.14 entitled "VACANT AND ABANDONED PROPERTIES" as follows:

12-5.14 – Discontinuation of Certain Utility Services.

- A) The Public Officer appointed by the Township of Neptune may act upon the Vacant and Abandoned Property Ordinance, and may initiate a request of any utility to take all necessary steps to enter the premises listed on the Abandoned Property List established pursuant to Section 12-5.6 of the Vacant and Abandoned Properties Ordinance and this Chapter for the discontinuance of the utility services and the removal of utility equipment from said property, or any property that is determined by the Public Officer to meet the definition of

abandoned property, and shall accompany representatives, agents and/or employees of said utility companies, along with any law enforcement officer the Public Officer considers appropriate upon the property at the time of discontinuance of utility service, removal of utility equipment or any action associated therein.

- B) Any owner or applicable lienholder who interferes or takes action to prohibit such entry and discontinuance of service shall be subject to the violations and penalties set forth more fully in Section 12-5.13 of this Chapter.

BE IT FURTHER ORDAINED that this Ordinance shall take effect upon final adoption of publication of notice of adopted is required by law; and,

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

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

\_\_\_\_\_  
Richard J. Cuttrel,  
Municipal Clerk

\_\_\_\_\_  
Dr. Michael Brantley,  
Mayor

RESOLUTION #14-511 – 11/10/14

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 – Request for Proposals for 2015 professionals  
Contract negotiations – Additional/alternate bid work at Jumping Brook Ballfields  
Personnel – Status of membership on Citizen Boards

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.

RESOLUTION #14-512 – 11/10/14

DIRECT THE UNDERTAKING OF A CONTINUING DISCLOSURE REVIEW AND  
AUTHORIZE PARTICIPATION IN THE "MUNICIPALITIES CONTINUING DISCLOSURE  
COOPERATION" INITIATIVE OF THE DIVISION OF ENFORCEMENT  
OF THE U.S. SECURITIES EXCHANGE COMMISSION

WHEREAS, the Township of Neptune, in the County of Monmouth, New Jersey (the "Issuer") has previously issued one or more series of bonds and or notes, including in the past five (5) years pursuant to one or more preliminary and final official statements (collectively, the "Bonds"); and

WHEREAS, in connection with the issuance of such Bonds, the Issuer covenanted with Bondholders to provide certain secondary market information on an annual basis to the Nationally Recognized Municipal Securities Information Repositories (pre-2009) and to the Municipal Securities Rulemaking Board's Electronic Municipal Market Access Data Port (2009 to present) ("EMMA"), including, but not limited to, audited financial statements, budgets, other financial and operating data and ratings changes; and

WHEREAS, the Securities and Exchange Commission (the "SEC") has recently focused attention on what it alleges is widespread failure of local government issuers across the nation to meet their continuing disclosure obligations and misrepresentation through material misstatements in an official statement (innocently, inadvertently or otherwise) of past compliance with continuing disclosure obligations; and

WHEREAS, in an effort to remedy these perceived issues, the SEC has implemented the Municipalities Continuing Disclosure Cooperation Initiative (the "MCDC"), a limited-time program ending at 12:00 a.m. on December 1, 2014, that encourages issuers of municipal bonds, including the Issuer, to self-report possible material misstatements or omissions, made in the past five (5) years in an official statement regarding compliance with prior continuing disclosure obligations; and

WHEREAS, by participating in the MCDC, issuers agree to accept certain non-monetary penalties, in lieu of unknown, and, potentially significant monetary and non-monetary penalties the SEC has threatened on issuers that do not participate in the MCDC, should the SEC determine that an issuer has made material misstatements in an official statement regarding compliance with prior continuing disclosure obligations; and

WHEREAS, by participating in the MCDC, issuers agree to accept the following penalties, if imposed by the SEC (i) compliance with a cease and desist order in which the issuer neither admits nor denies the findings of the SEC, (ii) implementation of policies, procedures and training regarding continuing disclosure obligations, (iii) compliance with all existing continuing disclosure undertakings, (iv) cooperation with any further SEC investigation, (v) disclosure of settlement terms in any final official statement issued within five years of the date of institution of the proceedings, and (vi) production to the SEC of a compliance certificate regarding the applicable undertakings on the one year anniversary of the proceedings; and

WHEREAS, the Issuer desires to conduct a disclosure review which will (i) summarize the results of the Issuer's prior compliance with its secondary market disclosure obligations and

(ii) compare those results to the statements made by the Issuer in its official statements regarding past compliance (the "Disclosure Review"); and

WHEREAS, the Issuer further desires to retain the services of disclosure specialist to conduct the Disclosure Review; and

WHEREAS, based on the results of the Disclosure Review, and weighing the known, non-monetary penalties that may come through the Issuer's participation in the MCDC versus the unknown, and, by all accounts, potentially significant monetary and non-monetary penalties the SEC has threatened on issuers that do not self-report, the Issuer further desires to delegate to the Chief Financial Officer, in consultation with the Issuer's general counsel, bond counsel, auditor and other finance professionals, the power to prepare and submit all documentation required to enter the Issuer's Bond issues into the MCDC, as necessary;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE ISSUER, AS FOLLOWS:

Section 1. The Issuer hereby authorizes completion of the Disclosure Review.

Section 2. The Issuer hereby authorizes the Chief Financial Officer to engage the services of a disclosure specialist to complete the Disclosure Review; provided that the award of any contract in connection therewith meets the requirements of Issuer's applicable public contracting laws.

Section 3. In the event the Disclosure Review reveals that the Issuer may have made a material misstatement regarding the Issuer's compliance with prior continuing disclosure undertakings, the Issuer hereby authorizes and directs the Chief Financial Officer to prepare and submit all documentation necessary to enter the Issuer's applicable Bond issues into the MCDC.

Section 4. Any action taken by the Chief Financial Officer, or any other officer of the Issuer, with respect to the Disclosure Review, the engagement of a disclosure specialist and participation in the MCDC is hereby ratified and confirmed.

Section 5. This resolution shall take effect immediately.

# JOINT PURCHASING SYSTEM AGREEMENT

## AGREEMENT FOR A JOINT PURCHASING SYSTEM

This Agreement made and entered into this \_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, by and between the Borough of Neptune City, the Borough of Bradley Beach, the Borough of Avon by the Sea, the Borough of Belmar, the Borough of Brielle, the Borough of Lake Como, the Borough of Manasquan, the Township of Neptune, the Borough of Sea Girt, the Borough of Spring Lake, and the Borough of Spring Lake Heights, to participate in a Joint Purchasing System.

### W I T N E S S E T H

WHEREAS, *N.J.S.A. 40A:11-10*, specifically authorize two or more contracting units to enter into a Joint Purchasing Agreement for the provision and performance of goods and services; and

WHEREAS, the Borough of Neptune City is conducting a voluntary Joint Purchasing System with other authorized contracting units utilizing the administrative purchasing services and facilities of the Borough of Neptune City; and

WHEREAS, this Joint Purchasing Agreement is to effect substantial economies in the provision and performance of goods and services; and

WHEREAS, all parties hereto have approved the within Agreement by Resolution; and in accordance with the aforesaid statute; and

WHEREAS, it is the desire of all parties to enter into such Agreement for said purposes;

NOW, THEREFORE, IN CONSIDERATION OF the promises and of the covenants, terms and conditions hereinafter set forth, it is mutually agreed as follows:

1. The goods or services to be priced jointly may include Equipment for the purpose of training purposes, including but not limited to Simulations, and such other items as two or more participating contracting units in the system agree can be purchased on a joint basis.
2. The items and classes of items which may be designated by the participating contracting units hereto shall be purchased jointly for the period commencing with the execution of this Agreement and continuing until terminated as hereinafter provided.
3. The Lead Agency, on behalf of all participating contracting units, shall upon approval of the System's registration and annually thereafter, on the anniversary of the systems registration and shall publish a legal ad in such format as required by *N.J.A.C. 5:34-7. 9*

(a) in its official newspaper normally used for such purposes by it to include such information as:

- (A) The name of Lead Agency soliciting competitive bids or informal quotations.
  - (B) The address and telephone number of Lead Agency.
  - (C) The names of the participating contracting units.
  - (D) The State Identification Code assigned the Joint Purchasing System.
  - (E) The expiration date of the Joint Purchasing Agreement.
4. The specifications shall be prepared and approved by the Lead Agency, and no changes shall thereafter be made. Nothing herein shall be deemed to prevent changes in specifications for subsequent purchases.
  6. The Lead Agency when advertising for bids or soliciting informal quotations shall receive bids or quotations on behalf of all participating contracting units.
  7. Following the receipt of bids, the Lead Agency shall review said bids and on behalf of all participating contracting units, either reject all or certain of the bids or make one award to the lowest responsible bidder or bidders for each separate item.
  8. The award shall result in only the Lead Agency entering into a formal written contract(s) directly with the successful bidder(s).
  9. The Lead Agency on behalf of each participating contracting unit shall certify the funds available for all the needs ordered under a particular contract(s); issue all purchase orders in its own name directly to the successful vendor(s) against said contract; and be invoiced by and receive statements from the successful vendor(s).
  10. The Lead Agency shall be responsible for payment for any items ordered, or for performance generally, by any other participating contracting unit. Each participating contracting unit, however, shall be required to accept its own deliveries.
  11. No participating contracting unit in the Joint Purchasing System shall issue a purchase order or contract for a price which exceeds any other price available to it from any other such system in which it is authorized to participate or from bids or quotations which it has itself received.
  12. The Lead Agency reserves the right to exclude from consideration any good or service if, in its opinion, the pooling of purchasing requirements or needs of the participating contracting units is either not beneficial or not workable.

13. The Lead Agency shall appropriate sufficient funds to enable it to perform the administrative responsibilities assumed pursuant to this Agreement.
14. It is further agreed that upon notification by the Lead Agency that it is about to award a contract to a vendor on behalf of itself and participating agencies, each participating agency shall issue a purchase order and make payment in advance to the Lead Agency for its respective portion of the pending contract. The Lead Agency shall hold such advance payment in trust for the purpose for which it was made in accordance with *N.J.A.C. 5:34-7.14(d)6iii* and shall promptly return any unneeded portion.
15. This Agreement shall become effective on October subject to the review and approval of the Director of the Division of Local Government Services and shall continue in effect for a period not to exceed five (5) years from said date unless any party to this Agreement shall give written notice of its intention to terminate its participation.
16. All records and documents maintained or utilized pursuant to terms of this Agreement shall be identified by the System Identifier assigned by the Director, Division of Local Government Services, and such other numbers as are assigned by the Lead Agency for purposes of identifying each contract and item awarded.
17. This Agreement shall be binding upon and enure to the benefit of the successors and assigns of the respective parties hereto.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be signed and executed by their authorized corporate officers and their respective seals to be hereto affixed the day and year above written.

**FOR THE LEAD AGENCY:**

BY: \_\_\_\_\_  
(NAME AND TITLE)

**FOR THE PARTICIPATING UNIT:**

BY: \_\_\_\_\_  
(NAME AND TITLE)

RESOLUTION #14-513 – 11/10/14

AUTHORIZE THE TOWNSHIP OF NEPTUNE  
TO ENTER INTO A JOINT PURCHASING AGREEMENT

WHEREAS *N.J.S.A. 40A:11-11(10)* authorizes contracting units to establish a Joint Purchasing System and to enter into a Joint Purchasing Agreement for its administration; and

WHEREAS the Borough of Neptune City, hereinafter referred to as the “Lead Agency” has offered voluntary participation in a Joint Purchasing System for the provision and performance of goods and services; and

WHEREAS, on October 15, 2013 the governing body of the Borough of Neptune City, County of Monmouth, State of New Jersey duly considered participation in a Joint Purchasing System for the provision and performance of goods for Police Department Equipment for Training Purposes, including but not limited to Simulations Equipment; and,

WHEREAS, the following towns have agreed to participate in said Joint Purchasing System: Borough of Neptune City, the Borough of Bradley Beach, the Borough of Avon by the Sea, the Borough of Belmar, the Borough of Brielle, the Borough of Lake Como, the Borough of Manasquan, the Township of Neptune, the Borough of Sea Girt, the Borough of Spring Lake, and the Borough of Spring Lake Heights,

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

**TITLE** - This Resolution shall be known and may be cited as the Joint Purchasing Resolution of the Township of Neptune.

**AUTHORITY** - Pursuant to the provisions of *N.J.S.A. 40A:11-10* the Mayor is hereby authorized to enter into a Joint Purchasing Agreement with the Lead Agency.

**CONTRACTING UNIT** - The Lead Agency shall be responsible for complying with the provisions of the Local Public Contracts Law (*N.J.S.A. 40A:11-1 et seq.*) and all other provisions of the revised statutes of the State of New Jersey.

**EFFECTIVE DATE** - This resolution shall take effect immediately upon passage.

**CERTIFICATION**

BY: \_\_\_\_\_  
Dr. Michael Brantley, Mayor

BY: \_\_\_\_\_  
Richard J. Cuttrell, Municipal Clerk

RESOLUTION #14-514 - 11/10/14

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

WHEREAS, the Township employees a pool of individuals with commercial drivers license on a seasonal basis to operate snow plows during and after major snowstorms as a supplement to the full-time Public Works staff; and,

WHEREAS, the Director of Public Works has recommended that individual be added to the pool; and,

WHEREAS, funds will be provided in the 2014 municipal budget in the appropriation entitled \_\_\_\_\_, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Caesar Cowart be and is hereby employed in the Department of Public Works as a Casual Employee on an on-call basis only for snow plowing during major snow/ice events during the 2014-2015 winter season at an hourly rate of \$25.00; and,

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

RESOLUTION #14-515 - 11/10/14

GRANT LEAVE OF ABSENCE UNDER THE FAMILY MEDICAL LEAVE ACT

WHEREAS, Jose Arce, Detective Sergeant in the Police Department, has requested a leave of absence under the provisions of the Family Medical Leave Act during which time he will utilize accumulated sick time; and,

WHEREAS, the Business Administrator has approved the request,

THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune that Jose Arce, Detective Sergeant in the Police Department, is hereby granted a two week leave of absence, with the use of accumulated sick time, under the provisions of the Family Medical Leave Act from October 25, 2014 through November 10, 2014; and,

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

RESOLUTION #14-516 - 11/10/14

EMPLOY PART-TIME TEMPORARY CAREER ADVISOR/SECRETARY FOR THE  
JOB READINESS AND CAREER PLANNING PROGRAM

WHEREAS, the Township of Neptune successfully secured a grant from the Monmouth County Workforce Investment Board to initiate a Job Readiness and Career Planning Program; and,

WHEREAS, included in the grant is funding for the hiring of a part-time Career Advisor to assist participants in the Program with necessary skills and training to obtain and hold a job; and,

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

WHEREAS, the Human Resources Specialist has made her recommendation; and,

WHEREAS, funds will be provided in the 2014 municipal budget through grant funding in the appropriation entitled Monmouth County Workforce Investment Board Youth Initiative and the Chief Financial Officer has so certified in writing; and,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Anita Lentz be and is hereby employed as a part-time temporary grant employee in the position of Career Advisor/Secretary for the Job Readiness and Career Planning program, effective immediately at a hourly rate of \$10.00; and,

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

RESOLUTION #14-517 - 11/10/14

CONFIRM THE RECEIPT OF THE ANNUAL REPORT OF AUDIT  
FOR THE TOWNSHIP OF NEPTUNE FOR THE YEAR 2013

WHEREAS, N.J.S.A 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and,

WHEREAS, the Annual Report of Audit for the year 2013 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and,

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

General Comments  
Recommendations  
Auditors' Opinions

and,

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments  
Recommendations  
Auditors' Opinions

as evidenced by the group affidavit form of the governing body; and,

WHEREAS, such resolution of certification shall be adopted by the Governing body no later than forty-five (45) days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and,

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and,

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 to wit:

R.S.52:27BB-52 - " A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Neptune, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

RESOLUTION #14-518 - 11/10/14

GRANT SOCIAL AFFAIR PERMIT TO TINTON FALLS PBA LOCAL #251

BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Municipal Clerk and Chief of Police be and are hereby authorized to approve the application of Tinton Falls P.B.A. Local #251 for a social affair permit at the Hamilton Fire House Banquet Hall, 10 Jumping Brook Drive, on December 5, 2014 from 7:00 P.M. to 11:00 P.M.

RESOLUTION #14-519 - 11/10/14

REJECT REQUEST FOR RELEASE OF PERFORMANCE BOND GUARANTEEING  
SITE IMPROVEMENTS AT BRICKHOUSE TAVERN & TAP (ROUTE 66)

WHEREAS, the Township of Neptune holds a performance bond guaranteeing site improvements at Brick House Tavern & Tap on Route 66; and,

WHEREAS, the Developer's Attorney requested a release of said bond and the Township Engineering Consultant has performed a site inspection; and,

WHEREAS, on October 30, 2014, the Engineering Consultant submitted a punch list of unfinished and incomplete items and recommended that the request for bond release be rejected until all items have been completed,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby rejects the request for release of the performance bond guaranteeing site improvements at the Brick House Tavern & Tap located on Route 66 (Block 1508, Lot 1); and,

BE IT FURTHER RESOLVED, that the Developer shall notify the Municipal Clerk when the outstanding punch list items are complete and the Engineering Consultant will be instructed to re-inspect the site; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Township Engineer; Leon S. Avakian, Inc.; and Sal Alfieri, Attorney for the Developer.

RESOLUTION #14-520 – 11/10/14

AUTHORIZE REVOCABLE LICENSE AGREEMENT  
WITH VERIZON FOR ACCESS TO 789 WAYSIDE ROAD

WHEREAS, Verizon is the owner of a certain parcel of land located at 789 Wayside Road in the Township of Neptune, and the Township of Neptune has requested a Revocable License Agreement in order to obtain necessary access to the subject property; and

WHEREAS, Neptune Township is seeking a license for access to the subject property, subject to a License Agreement,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey, hereby authorize a Revocable License with Verizon, a true copy of said Agreement on file in the Office of the Municipal Clerk, subject to the conditions of the Agreement, and for the benefit of Neptune Township.

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to execute the Agreement, and return to the Township Attorney for forwarding to Verizon.

RESOLUTION #14-521 - 11/10/14

AUTHORIZE AN AMENDMENT TO THE 2014 MUNICIPAL BUDGET TO REALIZE  
MONIES FROM THE COUNTY OF MONMOUTH DIVISION OF  
MENTAL HEALTH AND ADDICTION SERVICES

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and,

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and,

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget for the year 2014 in the sum of \$60,525.00 which is now available from a County of Monmouth grant in the amount of \$60,525.00; and,

BE IT FURTHER RESOLVED that the like sum of \$60,525.00 is hereby appropriated under the caption of Municipal Alliance to Prevent Alcoholism and Drug Abuse; and,

BE IF FURTHER RESOLVED, that the above is the result of funds from a County of Monmouth Division of Mental Health and Addiction Services grant through the Governor's Council on Alcoholism and Drug Abuse in the amount of \$60,525.00; and,

BE IT FURTHER RESOLVED, that the Clerk forward a certified copy of this resolution to the Chief Financial Officer, Assistant C.F.O., and Auditor.

Vote:

Bishop:

Houghtaling:

Jahn:

McMillan:

Brantley:

RESOLUTION #14-522 – 11/10/14

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	285,961.99
FEDERAL & STATE GRANT FUND	4,374.61
TRUST OTHER	83,009.53
GENERAL CAPITAL FUND	147,962.06
SEWER OPERATING FUND	10,190.60
MARINA OPERATING FUND	3,702.28
MARINA CAPITAL FUND	11,536.00
DOG TRUST	282.00
UDAG RECIPRICAL TRUST	30,000.00
BILL LIST TOTAL	\$577,019.07

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