

TOWNSHIP COMMITTEE WORKSHOP MEETING – DECEMBER 11, 2017 – 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>
Robert Lane, Jr.	_____
Kevin B. McMillan	_____
Carol Rizzo	_____
Nicholas Williams	_____
Dr. Michael Brantley	_____

Also present: Vito D. Gadaleta, Business Administrator; 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 12, 2017, and the Asbury Park Press on January 5, 2017, 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 – Resolution to support extension of the 2% cap on arbitration contract awards. (PW)

2. Review Committee calendars/update on outstanding issues and capital items.
- Various on-going capital improvement projects.

Res. # 17-463 – Authorize an Executive Session as authorized by the Open Public Meetings Act.

Offered by: _____ Seconded by: _____

Vote: Lane, _____; McMillan, _____; Rizzo, _____; Williams, _____; Brantley, _____.

TOWNSHIP COMMITTEE MEETING – DECEMBER 11, 2017 – 7:00 P.M.

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

ROLL CALL

PRESENT/ABSENT

Robert Lane, Jr.
Kevin B. McMillan
Carol Rizzo
Nicholas Williams
Dr. Michael Brantley

Also present at the dais: Vito D. Gadaleta, Business Administrator; Gene 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 Asbury Park Press on January 5, 2017 and in the Coaster on January 12, 2017, posting the notice on the Board in the Municipal Complex, and filing a copy of said notice with the Municipal Clerk. In addition, the meeting agenda, resolutions and ordinances are posted online at www.neptunetownship.org.

APPROVAL OF MINUTES - Motion offered by _____, seconded by _____, to approve the minutes of the meeting held on November 27th.

PROCLAMATION – NEPTUNE AMERICAN YOUTH FOOTBALL

The Mayor will present a proclamation to the Neptune American Youth Football 11 Unlimited Team in recognition of their 9 win season

COMMENTS FROM THE DAIS - 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. 17-44 - An ordinance to amend Volume I, Chapter VII of the Code of the Township of Neptune by adding a resident only handicapped parking zone on Ocean Avenue and removing a resident only handicapped parking zone on Clark Avenue – Final Reading

Explanatory Statement: This ordinance authorizes a resident only handicapped parking zone in front of 10 Ocean Avenue and the removal of an existing handicapped parking zone in front of 90 Clark Avenue.

Public Hearing:

Offered by: _____ Seconded by: _____
Vote: Lane, _____; McMillan, _____; Rizzo, _____; Williams, _____; Brantley, _____.

ORDINANCE NO. 17-45 - An ordinance to amend Volume I, Chapter VII of the Code of the Township of Neptune to add a parking time limitation to the entire length of Newgate Lane – First Reading

Explanatory Statement: This ordinance implements a two hour parking time limitation to both sides of Newgate Lane between 7:00 a.m. and 7:00 p.m.

Offered by: _____ Seconded by: _____
Vote: Lane, _____; McMillan, _____; Rizzo, _____; Williams, _____; Brantley, _____.

ORDINANCE NO. 17-46 – An ordinance of the Township of Neptune to enact the Township’s Third Round Housing Plan Element and Fair Share Plan consistent with the terms of the Settlement Agreement reached between the Township of Neptune and the Fair Share Housing Center regarding compliance with the Township’s Third Round Affordable Housing Obligations in accordance with state statute. – First Reading

Explanatory Statement: This ordinance enacts the Township’s Third Round Housing Plan Element and Fair Share Plan as agreed to by the terms of the Settlement Agreement with the Fair Share Housing Center.

Offered by: _____ Seconded by: _____
Vote: Lane, _____; McMillan, _____; Rizzo, _____; Williams, _____; Brantley, _____.

The Public Hearings on Ordinances 17-45 and 17-46 will be held on Thursday, December 21st.

CONSENT AGENDA

Res. # 17-464 – Authorize Change Order #1 to the contract for architectural services in connection with Public Works Facility renovations.

Res. # 17-465 – Accept Division of Alcoholic Beverage Control Cops in Shops FFY 2018 grant funding.

Res. # 17-466 – Authorize an amendment to the 2017 municipal budget to realize monies from a Division of Alcoholic Beverage Control Cops in Shops grant.

Res. # 17-467 – Authorize submission of a Strategic Plan for the Neptune Township Municipal Alliance Grant.

Res. # 17-468 – Place lien on 341 South Riverside Drive.

Res. # 17-469 – Authorize appointment of Special Counsel to defend Neptune Township in lawsuit filed in the Superior Court of New Jersey, entitled, "Jack Ancona, LLC v. William Doolittle, Construction Official of the Township of Neptune, et als".

Res. # 17-470 – Authorize contract with Affordable Housing Alliance for Affordable Housing Administrative Agent services and to serve as Administrative Agent to administer affordable units pursuant to the Court Order entered into in the Superior Court of New Jersey.

Res. # 17-471 – Authorize joining of Garden State Municipal Joint Insurance Fund and execution of Indemnity and Trust Agreement.

Res. # 17-472 – Authorize the temporary closing of a portion of Abbott Avenue in connection with an Ocean Grove Chamber of Commerce holiday event.

Res. # 17-473 – Authorize execution of an Interlocal Service Agreement with the Township of Wall for the temporary assignment of a Neptune Township refuse truck and associated manpower.

Res. # 17-474 – Authorize execution of a Settlement Agreement and cancellation of a mortgage with Cityworks Neptune Office, LLC in connection with a UDAG loan.

Res. # 17-475 – Extend offers of employment for the position of School Crossing Guard.

Res. # 17-476 – Reject all bids for Loffredo Field improvements.

Res. # 17-477 – Authorize Change Order #1 in connection with Lake Alberta dredging and drainage improvements.

Res. # 17-478 – Authorize the Township Engineering Consultant to perform engineering services for the 11th Avenue sanitary sewer rehabilitation project.

CONSENT AGENDA Offered by: _____ Seconded by: _____
Vote: Lane, _____; McMillan, _____; Rizzo, _____; Williams, _____; Brantley, _____.

Res. # 17-479 – Authorize the purchase of a Ford ambulance through the Houston-Galveston Area Council Purchasing Program.

Offered by: _____ Seconded by: _____
Vote: Lane, _____; McMillan, _____; Rizzo, _____; Williams, _____; Brantley, _____.

Res. # 17-480 – Extend offer of employment for the position of Violations Clerk in the Municipal Court.

Offered by: _____ Seconded by: _____
Vote: Lane, _____; McMillan, _____; Rizzo, _____; Williams, _____; Brantley, _____.

Res. # 17-481 – Extend offers of employment for the position of Jailer in the Police Department.

Offered by: _____ Seconded by: _____
Vote: Lane, _____; McMillan, _____; Rizzo, _____; Williams, _____; Brantley, _____.

Res. # 17-482 – Authorize payment of bills.

Offered by: _____ Seconded by: _____

Vote: Lane, _____; McMillan, _____; Rizzo, _____; Williams, _____; Brantley, _____.

Res: # 17-483 – Amend Standard Operating Procedure for Promotion – Neptune Township Police Department adopted by the Township Committee on November 27, 2017.

Offered by: _____ Seconded by: _____

Vote: Lane, _____; McMillan, _____; Rizzo, _____; Williams, _____; 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. 17-45

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII OF THE CODE OF THE TOWNSHIP OF NEPTUNE TO ADD A PARKING TIME LIMITATION TO THE ENTIRE LENGTH OF NEWGATE LANE

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 7-7.5 – Parking Time Limited on Certain Streets – is hereby amended to add the following:

<u>Name of Street</u>	<u>Sides</u>	<u>Hours</u>	<u>Max Time</u>	<u>Location</u>
Newgate Lane	Both	7:00am to 7:00 pm	2 hours	Entire length between Oxford Way and Wakefield Road

SECTION 2

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

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

Richard J. Cuttrell,
Municipal Clerk

Dr. Michael Brantley,
Mayor

**TOWNSHIP OF NEPTUNE
COUNTY OF MONMOUTH
STATE OF NEW JERSEY**

ORDINANCE 17-46

AN ORDINANCE OF THE TOWNSHIP OF NEPTUNE TO ENACT THE TOWNSHIP'S THIRD ROUND HOUSING PLAN ELEMENT AND FAIR SHARE PLAN CONSISTENT WITH THE TERMS OF A SETTLEMENT AGREEMENT REACHED BETWEEN THE TOWNSHIP OF NEPTUNE AND THE FAIR SHARE HOUSING CENTER REGARDING COMPLIANCE WITH THE TOWNSHIP'S THIRD ROUND AFFORDABLE HOUSING OBLIGATIONS IN ACCORDANCE WITH IN RE: N.J.A.C. 5:96 AND 5:97, 221 N.J. 1, 30 (2015)

Section 1. Affordable Housing Obligation

- (a) This Ordinance is intended to assure that low- and moderate-income units ("affordable units") are created with controls on affordability and that low- and moderate-income households shall occupy these units. This Ordinance shall apply except where inconsistent with applicable law.
- (b) The Township of Neptune Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Fair Share Plan has been adopted by the Planning Board and endorsed by the governing body. The Fair Share Plan describes the ways Neptune Township shall address its fair share for low- and moderate-income housing as documented in the Housing Element and outlined in the terms of the settlement agreement between the Township and Fair Share Housing Center ("FSHC").
- (c) This Ordinance implements the Township's Fair Share Plan, addresses the requirements of the Court and the terms of the settlement agreement.
- (d) The Township of Neptune shall track the status of the implementation of the Housing Element and Fair Share Plan. Any plan evaluation report of the Housing Element and Fair Share Plan shall be available to the public at Town Hall located on 25 Neptune Boulevard, Neptune, New Jersey 07754.

Section 2. Affordable Housing Programs

The Township of Neptune will use the following mechanisms to satisfy its affordable housing obligations:

- (a) A Rehabilitation program.
 - 1. The Township of Neptune and Fair Share Housing Center have agreed upon a rehabilitation program of one hundred (100) units. The Township will continue to implement its Paint and Rehab program to meet this 100 unit rehabilitation obligation. This is a community based program that has been successfully

- rehabilitating dwelling units within the township that are occupied by low- and moderate-income households such that, after rehabilitation, these units will comply with the New Jersey State Housing Code pursuant to N.J.A.C. 5:28.
2. All rehabilitated rentals units shall remain affordable to low- and moderate-income households for a period of 10 years (the control period). Owner-occupied units shall remain affordable to low- and moderate-income households for a period of six (6) years. For owner-occupied units, the control period will be enforced with a lien and for renter occupied units the control period will be enforced with a deed restriction.
 3. The Township shall dedicate a minimum of \$10,000 for each unit to be rehabilitated through this program, reflecting the minimum hard cost of rehabilitation for each unit.
 4. The Township of Neptune shall designate, subject to the approval of the Court, one Administrative Agent to administer the rehabilitation program in accordance with COAH and UHAC regulations. The Administrative Agent shall provide a rehabilitation manual for the owner occupancy rehabilitation program and a rehabilitation manual for the rental occupancy rehabilitation program to be adopted by resolution of the governing body and subject to approval of the Court. Both rehabilitation manuals shall be available for public inspection in the Office of the Municipal Clerk and in the office of the Administrative Agent.
 5. Units in a rehabilitation program shall be exempt from N.J.A.C. 5:93-9 and UHAC, but shall be administered in accordance with the following:
 - i. If a unit is vacant, upon initial rental subsequent to rehabilitation, or if a renter-occupied unit is re-rented prior to the end of controls on affordability, the deed restriction shall require the unit to be rented to a low- or moderate-income household at an affordable rent and affirmatively marketed pursuant to N.J.A.C. 5:93-9 and UHAC.
 - ii. If a unit is renter-occupied, upon completion of the rehabilitation, the maximum rate of rent shall be the lesser of the current rent or the maximum permitted rent pursuant to N.J.A.C. 5:93-9 and UHAC.
 - iii. Rents in rehabilitated units may increase annually based on the standards in N.J.A.C. 5:93-9.
 - iv. Applicant and/or tenant households shall be certified as income-eligible in accordance with N.J.A.C. 5:93-9 and UHAC, except that households in owner occupied units shall be exempt from the regional asset limit.

Section 3. New Construction

The following general guidelines apply to all newly constructed developments that contain low- and moderate-income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units.

- a. Low/Moderate Split and Bedroom Distribution of Affordable Housing Units:
 1. The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low income unit.
 2. In each affordable development, at least 50 percent of the restricted units within each bedroom distribution shall be low-income units. If there is only one affordable unit it must be a low income unit.
 3. Thirteen percent (13%) of all affordable units shall be designated as very-low income households at 30% of the median income, with at least fifty percent (50%) of all very-low income units being available to families. If an inclusionary development proposes less than 10 total units, a payment in lieu of a very low income unit shall be deposited into the Township's Affordable Housing Trust Fund based on the difference in cost between providing a very low income unit and the region's affordability average. Inclusionary developments of 10 or more total units shall be required to provide a minimum of one very low income unit. Very-low income units shall be considered low-income units for the purposes of evaluating compliance with the required low/moderate income unit splits, bedroom distribution, and phasing requirements of this ordinance.
 4. Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
 - i. The combined number of efficiency and one-bedroom units shall be no greater than 20 percent of the total low- and moderate-income units;
 - ii. At least 30 percent of all low- and moderate-income units shall be two bedroom units;
 - iii. At least 20 percent of all low- and moderate-income units shall be three bedroom units; and
 - iv. The remaining units may be allocated among two and three bedroom units at the discretion of the developer.
- I. Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.

b. Accessibility Requirements:

1. The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.
2. All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:
 - i. An adaptable toilet and bathing facility on the first floor;
 - ii. An adaptable kitchen on the first floor;
 - iii. An interior accessible route of travel on the first floor;
 - iv. An interior accessible route of travel shall not be required between stories within an individual unit;
 - v. An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and
 - vi. An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7, or evidence that the Township of Neptune has collected funds from the developer sufficient to make ten percent (10%) of the adaptable entrances in the development accessible:
 - a. Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
 - b. To this end, the builder of restricted units shall deposit funds within the Township's Affordable Housing Trust Fund sufficient to install accessible entrances in ten percent (10%) of the affordable units that have been constructed with adaptable entrances.
 - c. The funds deposited under paragraph b. above shall be used by the Township of Neptune for the sole purpose of making the adaptable entrance of any affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.
 - d. The developer of the restricted units shall submit a design plan and cost estimate for the conversion from adaptable to accessible entrances to the Construction Official of the Township.
 - e. Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the Township's affordable housing trust fund

where the funds shall be deposited into the affordable housing trust fund and appropriately earmarked.

f. Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is site impracticable to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free Subcode, N.J.A.C. 5:23-7.

c. Maximum Rents and Sales Prices

1. In establishing rents and sales prices of affordable housing units, the administrative agent shall follow the procedures set forth in UHAC utilizing the regional income limits established by the New Jersey Department of Community Affairs (DCA) or other agency as required by the Court.
2. The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60 percent of median income, and the average rent for restricted low- and moderate-income units shall be affordable to households earning no more than 52 percent of median income.
3. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units.
 - a. At least thirteen percent (13%) of all low- and moderate-income dwelling units shall be affordable to households earning no more than 30 percent of median income.
4. The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70 percent of median income, and each affordable development must achieve an affordability average of 55 percent for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type.
5. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units other than assisted living facilities, the following standards shall be used:
 - a. A studio shall be affordable to a one-person household;
 - b. A one-bedroom unit shall be affordable to a one and one-half person household;
 - c. A two-bedroom unit shall be affordable to a three-person household;
 - d. A three-bedroom unit shall be affordable to a four and one-half person household; and
 - e. A four-bedroom unit shall be affordable to a six-person household.

- f. In determining the initial rents for compliance with the affordability average requirements for restricted units in assisted living facilities, the following standards shall be used:
6. In determining the initial rents for compliance with the affordability average requirements for restricted units in assisted living facilities, the following standards shall be used:
 - a. A studio shall be affordable to a one-person household;
 - b. A one-bedroom unit shall be affordable to a one and one-half person household; and
 - c. A two-bedroom unit shall be affordable to a two-person household or to two one-person households.
 7. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28 percent of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
 8. The initial rent for a restricted rental unit shall be calculated so as not to exceed 30 percent of the eligible monthly income of the appropriate household size as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
 9. The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.
 10. The rent of low- and moderate-income units may be increased annually based on the percentage increase in the Housing Consumer Price Index for the United States. This increase shall not exceed nine percent in any one year. Rents for units constructed pursuant to low- income housing tax credit regulations shall be indexed pursuant to the regulations governing low- income housing tax credits.
 11. Utilities. Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance approved by DCA for its Section 8 program.

Section 4. Affirmative Marketing Requirements

- (a) The Township of Neptune shall adopt by resolution an Affirmative Marketing Plan, subject to approval of the Court, compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.
- (b) The affirmative marketing plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The affirmative marketing plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward Housing Region 4 and covers the period of deed restriction.
- (c) The affirmative marketing plan shall provide a regional preference for all households that live and/or work in Housing Region 4.
- (d) The Administrative Agent designated by the Township shall assure the affirmative marketing of all affordable units consistent with the Affirmative Marketing Plan for the municipality.
- (e) In implementing the affirmative marketing plan, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- (f) The affirmative marketing process for available affordable units shall begin at least four months prior to the expected date of occupancy.
- (g) The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner, unless otherwise determined or agreed to by the Township.

Section 5. Occupancy Standards

- (a) In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the Administrative Agent shall strive to:
 - 1. Provide an occupant for each bedroom;
 - 2. Provide children of different sex with separate bedrooms; and
 - 3. Prevent more than two persons from occupying a single bedroom.
- (b) Additional provisions related to occupancy standards (if any) shall be provided in the municipal Operating Manual.

Section 6. Control Periods for Restricted Ownership Units and Enforcement Mechanisms

- (a) Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this Ordinance until the Township elects to release

the unit from such requirements however, and prior to such an election, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, for at least 30 years.

- (b) The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
- (c) Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the administrative agent shall determine the restricted price for the unit and shall also determine the non-restricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value.
- (d) At the time of the first sale of the unit, the purchaser shall execute and deliver to the Administrative Agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first non-exempt sale after the unit's release from the requirements of this Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.
- (e) The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.
- (f) A restricted ownership unit shall be required to obtain a Continuing Certificate of Occupancy or a certified statement from the Construction Official stating that the unit meets all code standards upon the first transfer of title that follows the expiration of the applicable minimum control period provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

Section 7. Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices

Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, including:

- (a) The initial purchase price for a restricted ownership unit shall be approved by the Administrative Agent.
- (b) The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
- (c) The method used to determine the condominium association fee amounts and special assessments shall be indistinguishable between the low- and moderate-income unit owners and the market unit owners.
- (d) The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom.

Section 8. Buyer Income Eligibility

- (a) Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50 percent of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80 percent of median income.
- (b) The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33 percent of the household's certified monthly income.

Section 9. Limitations on indebtedness secured by ownership unit; subordination

- (a) Prior to incurring any indebtedness to be secured by a restricted ownership unit, the administrative agent shall determine in writing that the proposed indebtedness complies with the provisions of this section.
- (b) With the exception of original purchase money mortgages, during a control period neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95 percent of the maximum allowable resale price of that unit, as such price is determined by the administrative agent in accordance with N.J.A.C. 5:80-26.6(b).

Section 10. Control Periods for Restricted Rental Units

- (a) Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance until the Township of Neptune elects to release the unit from such requirements pursuant to action taken in compliance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, and prior to such an election, a restricted rental unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, for at least 30 years.
- (b) Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Ocean. A copy of the filed document shall be provided to the Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.
- (c) A restricted rental unit shall remain subject to the affordability controls of this Ordinance, despite the occurrence of any of the following events:
 - 1. Sublease or assignment of the lease of the unit;
 - 2. Sale or other voluntary transfer of the ownership of the unit; or
 - 3. The entry and enforcement of any judgment of foreclosure.

Section 11. Price Restrictions for Rental Units: Leases

- (a) A written lease shall be required for all restricted rental units, except for units in an assisted living residence, and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the Administrative Agent.
- (b) No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.
- (c) Application fees (including the charge for any credit check) shall not exceed five percent of the monthly rent of the applicable restricted unit and shall be payable to the Administrative Agent to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.

Section 12. Tenant Income Eligibility

- (a) Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:
 - 1. Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30 percent of median income.
 - 2. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50 percent of median income.
 - 3. Moderate-income rental units shall be reserved for households with a gross household income less than 80 percent of median income.
- (b) The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35 percent (40 percent for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
 - 1. The household currently pays more than 35 percent (40 percent for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
 - 2. The household has consistently paid more than 35 percent (40 percent for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
 - 3. The household is currently in substandard or overcrowded living conditions;
 - 4. The household documents the existence of assets with which the household proposes to supplement the rent payments; or
 - 5. The household documents proposed third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.

- (c) The applicant shall file documentation sufficient to establish the existence of the circumstances in (b) 1 through 5 above with the Administrative Agent, who shall counsel the household on budgeting.

Section 13. Administration

- (a) The position of Municipal Housing Liaison (MHL) for the Township of Neptune is established by this ordinance. The Township shall make the actual appointment of the MHL by means of a resolution.
1. The MHL must be either a full-time or part-time employee of Neptune.
 2. The person appointed as the MHL must be reported to the Court and thereafter posted on the Township's website.
 3. The MHL must meet all the requirements for qualifications, including initial and periodic training.
 4. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the Township of Neptune, including the following responsibilities which may not be contracted out to the Administrative Agent:
 - i. Serving as the municipality's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;
 - ii. The implementation of the Affirmative Marketing Plan and affordability controls.
 - iii. When applicable, supervising any contracting Administrative Agent.
 - iv. Monitoring the status of all restricted units in the Township's Fair Share Plan;
 - v. Compiling, verifying and submitting annual reports as required;
 - vi. Coordinating meetings with affordable housing providers and Administrative Agents, as applicable; and
 - vii. Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing as offered or approved by the Affordable Housing Professionals of New Jersey (AHPNJ).
- (b) The Township of Neptune shall designate by resolution of the Township Committee, subject to the approval of the Court, one or more Administrative Agents to administer newly constructed affordable units in accordance with COAH and UHAC regulations.
- (c) An Operating Manual shall be provided by the Administrative Agent(s) to be adopted by resolution of the governing body. The Operating Manuals shall be available for public inspection in the Office of the Municipal Clerk and in the office(s) of the Administrative Agent(s).
- (d) The Administrative Agent shall perform the duties and responsibilities of an administrative agent as are set forth in UHAC, including those set forth in N.J.A.C. 5:80-26.14, 16 and 18 thereof, which includes:

1. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Affordable Housing Professionals of New Jersey (AHPNJ).;
 2. Affirmative Marketing;
 2. Household Certification;
 3. Affordability Controls;
 4. Records retention;
 5. Resale and re-rental;
 6. Processing requests from unit owners; and
 7. Enforcement, though the ultimate responsibility for retaining controls on the units rests with the municipality.
 8. The Administrative Agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities, hereunder.
- (e) The Administrative Agent shall restrict existing affordable units to very low income occupants as they turn over until such time that the very low income unit obligation is satisfied.

Section 14. Enforcement of Affordable Housing Regulations

- (a) Upon the occurrence of a breach of any of the regulations governing the affordable unit by an Owner, Developer or Tenant the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, municipal fines, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.
- (b) After providing written notice of a violation to an Owner, Developer or Tenant of a low- or moderate-income unit and advising the Owner, Developer or Tenant of the penalties for such violations, the municipality may take the following action against the Owner, Developer or Tenant for any violation that remains uncured for a period of 60 days after service of the written notice:
1. The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation, or violations, of the regulations governing the affordable housing unit. If the Owner, Developer or Tenant is found by the court to have violated any provision of the regulations governing affordable housing units the Owner, Developer or Tenant shall be subject to one or more of the following penalties, at the discretion of the court:
 - i. A fine of not more than \$10,000.00 or imprisonment for a period not to exceed 90 days, or both. Each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not as a continuing offense;

- ii. In the case of an Owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Township of Neptune Affordable Housing Trust Fund of the gross amount of rent illegally collected;
 - iii. In the case of an Owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the court.
2. The municipality may file a court action in the Superior Court seeking a judgment, which would result in the termination of the Owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a judgment of default of the First Purchase Money Mortgage and shall constitute a lien against the low- and moderate-income unit.
- (c) Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating Owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any First Purchase Money Mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating Owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.
 - (d) The proceeds of the Sheriff's sale shall first be applied to satisfy the First Purchase Money Mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating Owner shall be personally responsible for and to the extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the municipality for the Owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the Owner shall make a claim with the municipality for such. Failure of the Owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the Owner or forfeited to the municipality.
 - (e) Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The Owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.
 - (f) If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the First Purchase Money Mortgage and any prior liens, the municipality may acquire title to

the low- and moderate-income unit by satisfying the First Purchase Money Mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the First Purchase Money Mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.

- (g) Failure of the low- and moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the Owner to accept an offer to purchase from any qualified purchaser which may be referred to the Owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.
- (h) The Owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the Owner.

Section 15. Appeals

Appeals from all decisions of an Administrative Agent designated pursuant to this Ordinance shall be filed with the Superior Court of New Jersey, Monmouth County.

Section 16. Repealer

The remainder of all other sections and subsections of the aforementioned ordinance not specifically amended by this Ordinance shall remain in full force and effect.

Section 17. Inconsistent Ordinances

All other Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistency.

Section 18. Severability

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

Section 19. Effective Date

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

Richard J. Cuttrell, RMC, Township Clerk

This is to certify that the foregoing Ordinance was adopted by the Township Committee at a regular meeting of the Township of Neptune held on _____, 2017.

RICHARD J. CUTTRELL, RMC, Township Clerk

RESOLUTION #17-463 – 12/11/17

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

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

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

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

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

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

Personnel – Position in the Police Department

Personnel – Recommendation for hiring of Violations Clerk and Jailers

Personnel – Reorganization and appointments for 2018

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 #17-464 - 12/11/17

AUTHORIZE CHANGE ORDER #1 TO THE CONTRACT FOR ARCHITECTURAL SERVICES
IN CONNECTION WITH PUBLIC WORKS FACILITY RENOVATIONS

WHEREAS, a contract was awarded to Netta Architects in the amount of \$238,800.00 in connection with architectural services for renovations to the Township's Public Works Facility; and,

WHEREAS, a change to the contract has been experienced as a result of Geotechnical services needed to explore and evaluate the subsurface conditions for the construction of the new proposed structures; and,

WHEREAS, this change has been approved by the Township Engineer; and,

WHEREAS, funds for this purpose are available in Ordinance No. 16-27 and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Mayor and Clerk be and are hereby authorized to execute Change Order #1 in the contract with Netta Architects in connection with renovations to the Public Works Facility resulting in a net increase of \$19,400.00 revising the total contract amount to \$258,200.00; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Contractor, Chief Financial Officer; Assistant C.F.O. and Township Engineer.

RESOLUTION #17-465 - 12/11/17

ACCEPT DIVISION OF ALCOHOLIC BEVERAGE CONTROL COPS IN SHOPS
FFY 2018 GRANT FUNDING

WHEREAS, the New Jersey Division of Alcoholic Beverage Control offers Cops in Shops grant funding supported by FFY 2018 National Priority Safety Program funding programs from the Department of Transportation, National Highway Traffic Safety Administration; and,

WHEREAS, the Neptune Township Police Department made application for funding for the assignment of officers to Cops in Shops details during the College Fall Initiative 2017-18 and the Summer Shore Initiative 2018; and,

WHEREAS, the Division of Alcoholic Beverage Control has notified the Township that both Cops in Shops initiatives have been awarded funding,

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Township of Neptune hereby accepts Cops in Shops funding from the Division of Alcoholic Beverage Control as follows:

Cops in Shops Fall Initiative 2017-18 in the amount of \$3,080.00
Summer Shore Initiative 2018 in the amount of \$4,400.00

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Chief of Police, Grants Coordinator, Police Committee and Deputy Attorney General Marita K. Navarro.

RESOLUTION #17-466 - 12/11/17

AUTHORIZE AN AMENDMENT TO THE 2017 MUNICIPAL BUDGET TO REALIZE
MONIES FROM A DIVISION OF ALCOHOLIC BEVERAGE CONTROL
COPS IN SHOPS GRANT

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 2017 in the sum of \$3,080.00 which is now available from a NJDL&PS Division of Alcoholic Beverage Control Cops in Shops – College Fall Initiative 2017-18 in the amount of \$3,080.00; and,

BE IT FURTHER RESOLVED that the like sum of \$3,080.00 is hereby appropriated under the caption of Cops in Shops - College Fall Initiative 2017-18; and,

BE IT FURTHER RESOLVED, that the above is the result of funds from a NJDL&PS Division of Alcoholic Beverage Control Cops in Shops - College Fall Initiative 2017-18 in the amount of \$3,080.00; and,

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

Vote:

Lane:
McMillan:
Rizzo:
Williams:
Brantley:

RESOLUTION #17-467 – 12/11/17

AUTHORIZE SUBMISSION OF A STRATEGIC PLAN FOR THE
NEPTUNE TOWNSHIP MUNICIPAL ALLIANCE GRANT

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; and,

WHEREAS, the Township Committee of the Township of Neptune, County of Monmouth, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the Neptune Township Committee further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Neptune Township Committee has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Monmouth; and,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune, County of Monmouth, State of New Jersey hereby recognizes the following:

1. The Neptune Township Committee does hereby authorize submission of a strategic plan for the Neptune Township Municipal Alliance grant for fiscal year 2019 in the amount of:

DEDR	\$ 63,915.00
Cash Match	\$ 15,978.75
In-Kind	\$ 47,936.25

2. The Neptune Township Committee acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

APPROVED: _____
Dr. Michael Brantley, Mayor

CERTIFICATION

I, Richard J. Cuttrell, Municipal Clerk of the Township of Neptune, County of Monmouth, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Neptune Township Committee on this 11th day of December, 2017.

Richard J. Cuttrell, Municipal Clerk

RESOLUTION #17-468 - 12/11/17

PLACE LIEN ON 341 SOUTH RIVERSIDE DRIVE

WHEREAS, Ordinance #843 of the Township of Neptune states that where a violation or condition exists on any property in the Township of Neptune that is of such a nature as to constitute an immediate threat to life, health, safety and the well being of residents in this township unless abated without delay, the Code Enforcement Supervisor may abate the violation or condition immediately or order the owner, operator or occupant to correct the violation or condition within a three-day period; and

WHEREAS, the Code Enforcement Supervisor determined that the condition of the properties listed below constituted such a threat; and,

WHEREAS, the Code Enforcement Supervisor has notified the Township Committee of the Township of Neptune that the owners of said property have failed to correct the condition/violation as ordered; and

WHEREAS, the Code Enforcement Supervisor has had the condition corrected in accordance with Article IV, Section 6.2 (a) of Ordinance #843 at a total cost as indicated below,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Tax Collector be and is hereby authorized to place the following costs as a lien against the following properties; and,

<u>BLOCK/LOT</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
5414/7	341 South Riverside Drive	267.00

BE IT FURTHER RESOLVED, that a copy of this resolution along with the Code Enforcement Supervisor's report be forwarded to the Tax Collector.

RESOLUTION #17-469 – 12/11/17

AUTHORIZE APPOINTMENT OF SPECIAL COUNSEL TO DEFEND NEPTUNE TOWNSHIP IN LAWSUIT FILED IN THE SUPERIOR COURT OF NEW JERSEY, LAW DIVISION, MONMOUTH COUNTY, UNDER DOCKET NO. MON-L-003993-07, ENTITLED, "JACK ANCONA, LLC V. WILLIAM DOOLITTLE, CONSTRUCTION OFFICIAL OF THE TOWNSHIP OF NEPTUNE, ET ALS."

WHEREAS, Jack Ancona, LLC, a/k/a the Warrington Hotel, applied for and was granted Preliminary and Final Site Plan Approval with conditional use and bulk variance approvals previously granted seeking to build and locate an innkeeper's suite in the basement of the Warrington Hotel, an historical hotel; and

WHEREAS, after approval, the Warrington Hotel burned down, and it is the position of the Township of Neptune, that the property owner lost its approval with conditions that were based on this historic nature of the original hotel, which is no longer in existence; and

WHEREAS, Jack Ancona, LLC has filed a lawsuit in the Superior Court of New Jersey under Docket No. MON-L-003993-17, seeking the forced issuance of Building Permits based on the original site plan approved by the Zoning Board of Adjustment prior to the Warrington Hotel burning down.

WHEREAS, funds for this purpose are available in the 2017 municipal budget in the appropriation entitled Legal O.E. and the Chief Financial Officer has so certified in writing,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey, hereby appoints Special Counsel, Michael Celli, Jr., Esq., with offices located at 382 Morris Avenue, Long Branch, New Jersey 07740, to defend Neptune Township, William Doolittle and other Defendants named by the Plaintiff as employees of the Township in this suit; and,

BE IT FURTHER RESOLVED, that this matter shall authorize legal fees up to \$5,000.00 without further approval of any additional fees due and owing; and,

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

RESOLUTION #17-470 – 12/11/17

AUTHORIZE CONTRACT WITH AFFORDABLE HOUSING ALLIANCE FOR AFFORDABLE HOUSING ADMINISTRATIVE AGENT SERVICES AND TO SERVE AS ADMINISTRATIVE AGENT TO ADMINISTER AFFORDABLE UNITS PURSUANT TO THE COURT ORDER ENTERED INTO IN THE SUPERIOR COURT OF NEW JERSEY

WHEREAS, Neptune Township filed a Verified Complaint on June 16, 2015 seeking a Declaratory Judgment in compliance with the Mount Laurel Doctrine and Fair Housing Act of 1985, N.J.S.A. 53:27D-301, in accordance with the Supreme Court case of In Re: N.J.A.C. 5:96 and 5:97, 221 N.J. 1(2015); and

WHEREAS, Neptune Township entered into a Settlement Agreement with the sole Intervenor, Fair Share Housing Center, located at 510 Park Boulevard, Cherry Hill, New Jersey 08002, on October 31, 2016; and

WHEREAS, the Honorable Jamie S. Perri, J.S.C., of the Superior Court of New Jersey, Law Division, Monmouth County, entered an Order Granting Settlement and Fairness and Preliminary Compliance on Neptune Township's Housing Element and Fair Share Plan on August 21, 2017; and

WHEREAS, the aforesaid Order of Judge Perri required, among other things, that the Township Committee adopt a Resolution appointing an individual or organization responsible for administering the Affordable Housing Program, including affordability controls, the Affordable Marketing Plan and monitoring and reporting, and to administer affordable units in accordance with the Uniform Housing Affordability Controlled; and

WHEREAS, Neptune Township has sought out individuals and organizations to perform the aforesaid functions, and considers the proposal from the Affordable Housing Alliance to undertake these services as being the most reasonable and appropriate in light of the reputation of the Affordable Housing Alliance, located at 3535, Route 66, Parkway 100, Building 4, Neptune Township, New Jersey, and the fact that they have provided COAH Administrative Certification Services for more than 20 communities within Monmouth and Ocean County for the past 20 years, and is an approved Administrative Agent by the State of New Jersey; and,

WHEREAS, funds for this purpose are available in the COAH Trust Fund and the Chief Financial Officer has so certified in writing,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey, that the governing body hereby appoints the Affordable Housing Alliance, with offices located at 3535, Route 66, Parkway 100, Building 4, Neptune Township, New Jersey, to provide COAH Administrative Certification Services, and to serve as the Administrative Agent responsible for administering the Affordable Housing Program in Neptune Township, including affordability controls, the Affirmative Marketing Plan and monitoring and reporting to the Township Committee concerning such activities, and to administer affordable units in accordance with the Uniform Housing Affordability Controlled (UHAC, N.J.A.C. 5:80-26.1 et seq., pursuant to the Honorable Jamie S. Perri's Order of August 21, 2017 in the case of "In the Matter of the Application of the Township of Neptune, County of Monmouth" in the Superior Court of New Jersey, Monmouth County, Law

Division, Docket No. MON-L-2236-15; said Order of which grants a settlement and Fairness and Preliminary Compliance of Neptune Townships Housing Element and Fair Share Plan; and,

BE IT FURTHER RESOLVED, by the Mayor and Township Committee authorizes the Mayor and Clerk to execute an agreement with the Affordable Housing Alliance for the aforesaid services, for an Administrative Agent Fee of \$25,000.00 per year, and additional fees for marketing and certification of buyers or tenants for specific units, and for owner-occupied rehabilitation, as set forth more fully in the proposal attached hereto and made a part hereof as Exhibit A; and,

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

RESOLUTION #17-471 - 12/11/17

AUTHORIZE JOINING OF GARDEN STATE MUNICIPAL JOINT INSURANCE FUND
AND EXECUTION OF INDEMNITY AND TRUST AGREEMENT

WHEREAS, a number of local governmental units in the State of New Jersey have joined together to form a Joint Insurance Fund, as permitted by Chapter 372 Laws of 1983 (N.J.S.A. 40A:10-36); and,

WHEREAS, the statutes and regulations governing the creation and operation of a Joint Insurance Fund contain elaborate restrictions and safeguards concerning the safe and efficient administration of the public interest entrusted to such a Fund; and,

WHEREAS, the Township Committee of the Township of Neptune (hereinafter referred to as the "Municipality") has determined that membership in the Garden State Municipal Joint Insurance Fund (hereinafter referred to as the "Fund") is in the best interests of itself and its citizens,

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Neptune, in the County of Monmouth, and State of New Jersey, does hereby resolve and agree to become a member of the Fund for a period not to exceed three (3) years beginning January 1, 2018 for the purpose of establishing the following types of coverage:

- Workers' Compensation and Employers' Liability
- Equipment Breakdown Coverage
- Inland Marine Coverage
- General Liability including law enforcement and public officials liability
- Motor vehicle liability
- Property damage (building, contents)
- Cyber liability
- Non-owned aircraft liability
- Crime and Public Official Position Bonds

BE IT FURTHER RESOLVED, that the Municipality has never defaulted on claims and has not been cancelled for non-payment of insurance premiums for a period of at least two (2) years prior to the adoption of this Resolution; and,

BE IT FURTHER RESOLVED, that the Municipality's Fund Commissioner is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying membership in the Fund and to deliver same to the Executive Director of the Fund with the express reservation that said document shall become effective only upon approval by the New Jersey Department of Banking and Insurance.

I hereby certify that the above is a true and exact copy of the Resolution adopted by the Township Committee of the Township of Neptune at their Regular Meeting held on December 11, 2017

Richard J. Cuttrell, Municipal Clerk

RESOLUTION #17-472 – 12/11/17

AUTHORIZE THE TEMPORARY CLOSING OF A PORTION OF ABBOTT AVENUE IN CONNECTION WITH AN OCEAN GROVE CHAMBER OF COMMERCE HOLIDAY EVENT

WHEREAS, the Ocean Grove Chamber of Commerce has scheduled a "Meet Santa" refreshment and meeting location as part of its Lights of Ocean Grove Holiday Walking Tour; and,

WHEREAS, it is necessary to temporarily close one block of Abbott Avenue during this 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 the temporary closure of Embury Avenue between New York Avenue and Pilgrim Pathway on December 16, 2017 from 5:00 P.M. to 7:00 P.M. for the Ocean Grove Chamber of Commerce Lights of Ocean Grove Holiday Walking Tour; and,

BE IT FURTHER RESOLVED, that the Director of Public Works is hereby directed to provide the necessary barricades to effectuate these street closures; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Chief of Police, Lt. Michael Zarro, and Director of Public Works.

RESOLUTION #17-473 – 12/11/17

AUTHORIZE THE EXECUTION OF AN INTERLOCAL SERVICE AGREEMENT
WITH THE TOWNSHIP OF WALL FOR THE TEMPORARY ASSIGNMENT OF A
NEPTUNE TOWNSHIP REFUSE TRUCK AND ASSOCIATED MANPOWER

WHEREAS, the Township of Wall owns a single front loader garbage truck which is disabled and being repaired; and,

WHEREAS, the Township of Wall has requested that the Neptune Township Public Works Department provide a front loader garbage truck and a Driver to pick-up of about 100 garbage and recycling canisters in the Township of Wall; and,

WHEREAS, the Township of Neptune and the Township of Wall desire to enter into an Interlocal Service Agreement pursuant to N.J.S.A. 40:8A-1 et seq. to outline the terms of this temporary arrangement; and,

WHEREAS, Wall Township will pay Neptune Township for the cost associated with the use of Neptune Township equipment and manpower,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the execution of an Interlocal Services Agreement with the Township of Wall, a copy of which is on file in the Office of the Municipal Clerk, providing for the collection of garbage and recycling canisters in the Township of Wall utilizing Township of Neptune equipment and manpower; and,

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

RESOLUTION #17-474 - 12/11/17

AUTHORIZE EXECUTION OF A SETTLEMENT AGREEMENT AND CANCELLATION
OF A MORTGAGE WITH CITYWORKS NEPTUNE OFFICE, LLC
IN CONNECTION WITH A UDAG LOAN

WHEREAS, the Township of Neptune authorized a UDAG reciprocal loan to Cityworks Neptune Office, LLC for construction of an office building at the intersection of West Lake Avenue and State Highway 35; and,

WHEREAS, in connection with said loan, the Township holds a mortgage, dated June 18, 2013, in the amount of \$34,785.50, which currently has a balance owed of \$19,481.45; and,

WHEREAS, the property is in foreclosure and the Township's mortgage is in position behind multiple larger mortgages; and,

WHEREAS, the market value of the property is less than the value of the three mortgages ahead of the Township's mortgage; therefore, it is in the best interest of the Township, and the building tenants, to accept a settlement on the balance due and cancel the UDAG mortgage,

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the execution of a Settlement Agreement in connection with the UDAG mortgage dated June 18, 2013 issued to Cityworks Neptune Office, LLC for the office building located at the intersection of West Lake Avenue and State Highway 35 which provides payment to the Township in the amount of \$3,000.00 and the cancellation of said mortgage; and,

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

RESOLUTION #17-475 - 12/11/17

EXTEND OFFERS OF EMPLOYMENT FOR THE POSITION
OF SCHOOL CROSSING GUARD

WHEREAS, there is a need for additional School Crossing Guards; and,

WHEREAS, the position was posted and applicants interviewed, and the Human Resources Director has made her recommendations; and,

WHEREAS, funds for this purpose are available in the 2017 municipal budget in the appropriation entitled Police S&W, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT FURTHER RESOLVED, that the Township Committee of the Township of Neptune hereby extends conditional offers of employment to Gail Hepburn-Bey, William Bloxom, and Gail Scott to serve as School Crossing Guards contingent upon favorable results of required pre-employment screening and background check, at an hourly rate of \$15.00 per hour; and,

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

RESOLUTION #17-476 - 12/11/17

REJECT ALL BIDS FOR LOFFREDO FIELD IMPROVEMENTS

WHEREAS, on November 1, 2017, the Township Engineer received bids for the award of a contract for Loffredo Field Improvements; and,

WHEREAS, said bids were reviewed by the Township Engineer who has recommended that all bids be rejected because they all exceed the Engineer's estimate and funding allotment; and,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that all bids received for Loffredo Field Improvements be and are hereby rejected because all bids exceed the Engineer's estimate and funding allotment; and,

BE IT FURTHER RESOLVED, that the Township Engineer is hereby authorized to refine the project scope, revise the specifications, and advertise for the receipt of bids for the project; and,

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

RESOLUTION #17-477 - 12/11/17

AUTHORIZE CHANGE ORDER #1 IN CONNECTION WITH LAKE ALBERTA
DREDGING AND DRAINAGE IMPROVEMENTS

WHEREAS, on August 14, 2017, a contract was awarded to Precise Construction, Inc. in the amount of \$735,625.00 in connection with Lake Alberta dredging and drainage improvements; and,

WHEREAS, a change to the contract has been experienced as a result of the recommendation to install a perimeter walkway and add new aerator fountains; and,

WHEREAS, this change has been approved by the Township Engineer; and,

WHEREAS, funds for this purpose are available in Ordinance No. 15-07 and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Mayor and Clerk be and are hereby authorized to execute Change Order #1 in the contract with Precise Construction, Inc. in connection with Lake Alberta dredging and drainage improvements resulting in a net increase of \$40,470.00 revising the total contract amount to \$776,095.00; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Contractor, Chief Financial Officer; Assistant C.F.O. and Township Engineer.

RESOLUTION #17-478 - 12/11/17

AUTHORIZE THE TOWNSHIP ENGINEERING CONSULTANT TO PERFORM
ENGINEERING SERVICES FOR THE 11TH AVENUE SANITARY SEWER
REHABILITATION PROJECT

WHEREAS, the Township of Neptune desires to undertake a project to replace approximately 1800 linear feet of sanitary sewer lines under 11th Avenue; and,

WHEREAS, it is necessary for a Township Engineer Consultant, from the approved list of 2017 Engineering Consultants appointed via Request for Proposals, to perform professional engineering services including preparation of design, plans, specifications, permitting, and construction administration in connection with this project; and,

WHEREAS, CME Associates has submitted a proposal for this work to the Township Engineer; and,

WHEREAS, funds for this purpose will be provided in Ordinance No. 17-19, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes CME Associates to perform the services as stated herein as Township Engineering Consultant at an amount not to exceed \$68,170.00; and,

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

RESOLUTION #17-479 - 12/11/17

AUTHORIZE THE PURCHASE OF A FORD AMBULANCE THROUGH THE
HOUSTON-GALVESTON AREA COUNCIL PURCHASING PROGRAM

WHEREAS, the Township Committee wishes to authorize the purchase of a Ford E-450 Type III Medallion 170 Ambulance utilizing pricing through the Houston-Galveston Area Council Purchasing Program; and,

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

WHEREAS, the Township of Neptune, is authorized pursuant to N.J.S.A. 52:34-6.2(b)(3) to use procurement methods by entering into a nationally recognized cooperative agreement; and;

WHEREAS, the Houston-Galveston Area Council has a nationally recognized cooperative agreement and has awarded Contract No. AM10-16 to PL Custom Body & Equipment Co., Inc.; and,

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

WHEREAS, the cost to purchase this equipment shall not exceed \$160,841.00; and,

WHEREAS, funds for this purpose are available from Ordinance No. 17-31 and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township of Neptune Committee of the Township of Neptune that the purchase of a 2016 Ford E-450 Type III Medallion 170 Ambulance for use by the Township's Emergency Medical Services be and is hereby authorized through the Houston-Galveston Area Council Purchasing Program at an amount not to exceed \$160,841.00; and,

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

RESOLUTION #17-480 - 12/11/17

EXTEND OFFER OF EMPLOYMENT FOR THE POSITION OF
VIOLATIONS CLERK IN THE MUNICIPAL COURT

WHEREAS, there is a vacancy in the position of Violations Clerk in the Municipal Court; and,

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

WHEREAS, the Human Resources Director and Municipal Court Administrator have made a recommendation; and,

WHEREAS, funds will be provided in the 2017 municipal budget in the appropriation entitled Municipal Court S&W and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that an offer of employment be and is hereby extended to Nikki Rogers for the position of Violations Clerk in the Municipal Court, on a probationary basis for a period of not less than 90 days and not exceeding one year, contingent upon favorable results of the required pre-employment testing, effective December 18, 2017, at an annual salary of \$27,300.00; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Municipal Court Administrator, Chief Financial Officer, Assistant C.F.O., AFSCME Local #1844, and Human Resources Director.

RESOLUTION #17-481 - 12/11/17

EXTEND OFFERS OF EMPLOYMENT FOR THE POSITION OF JAILER
IN THE POLICE DEPARTMENT

WHEREAS, there are vacancies in the position of Jailer in the Police Department; and,

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

WHEREAS, the Chief of Police and Police Committee have made their recommendations;
and,

WHEREAS, funds will be provided in the 2017 municipal budget, in the appropriation entitled Police S&W, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that an offer of employment be and is hereby extended to Kristen Narciso and Syessence Davis for the position of Jailer in the Police Department, on a probationary basis for a period of not less than 90 days and not exceeding one year, contingent upon successful completion of the required background investigation and medical evaluation, effective December 18, 2017, at an annual salary of \$36,500.00; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Chief of Police, Chief Financial Officer, Assistant C.F.O., AFSCME Local #1844, Police Committee, and Human Resources Director.

RESOLUTION #17-482 – 12/11/17

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	\$2,357,295.64
GRANT FUND	41,232.49
TRUST FUND	121,839.93
GENERAL CAPITAL FUND	296,616.70
SEWER OPERATING FUND	96,330.26
MARINA OPERATING FUND	44,276.80
MARINA CAPITAL FUND	28,478.00
LIBRARY TRUST	5,599.71
BILL LIST TOTAL	\$2,991,669.53

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

RESOLUTION #17-483 – 12/11/17

AMEND STANDARD OPERATING PROCEDURE FOR PROMOTION –
NEPTUNE TOWNSHIP POLICE DEPARTMENT ADOPTED
BY THE TOWNSHIP COMMITTEE ON NOVEMBER 27, 2017

WHEREAS, the Chief of Police issued a Standard Operating Procedure (SOP) for promotion within the Neptune Township Police Department on September 13, 2017 involving the ranks of Deputy Chief through Sergeant; and

WHEREAS, neither the Neptune Township Police Committee, as the appropriate authority, nor the Governing Body of the Township of Neptune ever had an opportunity to review and approve said Order (SOP) prior to its issuance by the Chief of Police; and

WHEREAS, the Police Committee, as the appropriate authority, believes that the aforesaid Order (SOP) should be amended; subject to a complete review of procedures for promotion and recommendations made to the Township Committee for future adoption by Resolution; and

WHEREAS, the Township Committee adopted a recommended Standard Operating Procedure for promotion of the Neptune Township Police Department by Resolution #17-462 on November 27, 2017; and

WHEREAS, the Police Committee, by recommendation, has requested that the Township Committee adopt an amendment to the aforesaid SOP with regard to "Deputy Chief" to change Paragraph 4 of the SOP from a minimum of ten (10) years' experience in a police supervisory capacity, to that of a minimum of five (5) years' experience in a police supervisory capacity.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey, that based on the recommendation of the Police Committee of the Township of Neptune, the Governing Body hereby adopts an amended Standard Operating Procedure from that previously adopted by the Township Committee on November 27, 2017, which amends, under the title of "Deputy Chief" Paragraph 4 to now read, "Applicants for the position of Deputy Chief must have held the rank of Captain, and shall have a minimum of five (5) years' experience in a police supervisory capacity, supplemented by the completion of approved course work in police administration, police science or related fields." A true copy of the entire Standard Operating Procedure as amended on December 11, 2017 is attached hereto and made a part hereof as Exhibit A; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Police Committee and Chief of Police.

NEPTUNE TOWNSHIP POLICE DEPARTMENT STANDARD OPERATING PROCEDURE

SUBJECT: PROMOTION

ACCREDITATION STANDARDS: 2.3.1

EFFECTIVE DATE: DECEMBER 11, 2017

**BY THE ORDER OF: NEPTUNE TOWNSHIP POLICE COMMITTEE, AS APPROVED BY
THE NEPTUNE TOWNSHIP COMMITTEE**

**AMENDS ORDERS: PROMOTION SOP V2C18 09/18/15 AND
ORDER OF 09/13/2017 AND 11/27/17**

PURPOSE: To provide all eligible candidates for promotion with fair notice and equal access to the promotional process. Additionally, to strive to identify the most qualified members of the police department for promotion to leadership positions within the department and to set forth the components of the promotional process that will be utilized by the Police Department, the Neptune Township Police Committee and Neptune Township Committee in carrying out the process. In situations where the Chief of Police position is vacant, the Deputy Chief or Acting Deputy Chief shall assume all roles and duties herein that are assigned to the Chief of Police. All promotions require the final authorization, approval and concurrence of the Police Committee as the appropriate authority and the Governing Body of the Township of Neptune by way of Resolution, which is approved at a public meeting.

POLICY: Promotion denotes vertical movement in the organization hierarchy from one rank to another, accompanied by increases in salary. The promotional process begins with identifying employees who have the potential for assuming greater responsibility and who possess the skills, knowledge and abilities required to perform at the level being considered for promotion. This agency will use a promotional process governed by N.J.S.A. Title 40A, as well as one which is in compliance with applicable standards of the New Jersey State Association of Chiefs of Police (NJSACOP).

PROCEDURE:

I. Eligibility and Process

General Considerations: All prior Orders that have established as a minimum requirement for promotion an Associate's Degree from an accredited college/university or an honorable discharge from active duty military service in any branch of the United States Military Service, or which established that as of January 1, 2018 that a minimum requirement

would be to have a Bachelor's Degree are hereby rescinded pending review by the Police Committee and ultimate approval by the Governing Body of the Township of Neptune. Until completion of that review and approval by the Governing Body, existence of an Associate's Degree, honorable discharge from the United States Military Service and/or a Bachelor's Degree will be considerations for point credits in evaluating eligibility, but not be a minimal requirement or dispositive of eligibility, and the existence or non-existence shall be utilized to weigh eligibility of the candidate with other credits, including experience and prior service in the Neptune Township Police Department and/or other law enforcement agencies.

A. Deputy Chief

1. It is recognized that the position of Deputy Chief is an appointment made based on the review and recommendation of the Police Committee and approval by Resolution of the Governing Body of the Township of Neptune; after consultation by the Police Committee with the Chief of Police.
2. Applicants for the position of Deputy Chief, or any other position until further review of the Police Committee and the Governing Body of the Township of Neptune, shall not be required to possess a minimum of an Associate's Degree from an accredited college/university or be honorably discharged from the active military service in the branch of the United States Military, or be in possession of a Bachelor's Degree beginning January 1, 2018; but all such degrees and honorable discharges shall be taken into consideration as point credits in any evaluation.
3. The position of Deputy Chief will consist of an oral interview conducted by the Neptune Township Police Committee. The Police Committee conducting the interview will have access to the candidate's resume; the candidate's experience report; personnel file, consisting of past evaluations, career experience, accommodations, disciplinary notices and sustained abuse of sick time (if any). The Police Committee will also take into consideration the candidate's experience, seniority, accomplishments, time and service with regard to the Neptune Township Police Department or other law enforcement agencies, education and honorable military service. Applicants will submit a letter of intent, resume and complete a candidate experience report prior to the deadline established by the Police Committee.
 - a. Each candidate shall prepare and provide a typed Personal Profile of himself/herself. This Profile shall include, at a minimum, the candidate's career objectives, educational achievements (including but not limited to academic, law enforcement-related, management, instructor certification and military experience), past and current responsibilities with the Police Department, commendations/letters, any and all

disciplinary actions taken against the candidate (including the results of each action), any volunteer work performed and record of sick days used in the past five years. The candidate may include any additional information at his or her choosing. Each candidate is responsible for obtaining and ensuring the accuracy of all required information included in this profile. A candidate may be rejected for a deficiency in their personal profile. This report is to be completed by the candidate and is to be submitted to the Police Committee with their resume and letter of intent. This report is an opportunity for the candidate to identify those specific career experiences that the candidate believes qualifies him/her to serve as Deputy Chief.

4. Applicants for the position of Deputy Chief must have held the rank of Captain, and shall have a minimum of five (5) years' experience in a police supervisory capacity, supplemented by the completion of approved course work in police administration, police science or related fields.
5. In accordance with N.J.S.A. 40A:14-129, due consideration shall be given to the length and merit of service and to seniority in service to any candidate for promotion to Deputy Chief. Due consideration shall also be given to the recommendation of the Police Committee after consultation with the Chief of Police, which shall be based on the aforementioned factors and a review of the performance of the candidates.
6. This process shall take place in a private closed-door session.
7. The Governing Body of the Township of Neptune, upon recommendation of the Police Committee, may appoint an Acting Deputy Chief of Police while reviewing the eligibility of the Deputy Chief of Police Position, said appointment of which would not affect the ultimate recommendation of the Police Committee and appointment by the Governing Body of the Township of Neptune of a Deputy Chief of Police.

B. Captain

No change from Order of September 13, 2017; subject to future review and approval by the Police Committee and the Governing Body of the Township of Neptune.

C. Lieutenant

No change from Order of September 13, 2017; subject to future review and approval by the Police Committee and the Governing Body of the Township of Neptune.

D. Sergeant

No change from Order of September 13, 2017; subject to future review and approval by the Police Committee and the Governing Body of the Township of Neptune.

II. Record Review

No change from Order of September 13, 2017; subject to future review and approval by the Police Committee and the Governing Body of the Township of Neptune.

III. Scoring Matrix – Sergeant

No change from Order of September 13, 2017; subject to future review and approval by the Police Committee and the Governing Body of the Township of Neptune.

IV. Security of Promotional Materials

No change from Order of September 13, 2017; subject to future review and approval by the Police Committee and the Governing Body of the Township of Neptune.

V. Appeals and Process

A. Within ten (10) days of the position of promotions, a candidate may file a written letter of appeal. Said letter must contain the reasons or justification for an appeal, and must be submitted to the Police Committee, through the appropriate change of command. The Police Committee will assess the request, and make a determination on how the request will be addressed on a case-by-case basis. Such requests may address the following areas of the promotional process:

1. Review and re-tabulation of the scored elements of the selection process.
2. Review any evaluation or internal document that was used in the selection process related to the applicant/appellant.
3. If the appeal impacts upon the results of the promotion(s) as determined by the Police Committee, the applicant/appellant may be permitted to be re-evaluated.

B. Any candidate for promotion, who believes that may have a conflict with a supervisor conducting a review of the candidate in the promotional process, may request, in writing, to the Police Committee, detailing their perceived conflict. The Police Committee shall evaluate the request and render a decision if the evaluator is to be replaced or not.

VI. Eligibility Lists

No change from Order of September 13, 2017; subject to future review and approval by the Police Committee and the Governing Body of the Township of Neptune. One exception being that the Police Committee shall rank all eligible candidates for promotion in descending order based upon his/her evaluation or score.

VII. Miscellaneous Items

- A. All references above that have not been changed by this Order that make reference to the Chief of Police as the evaluating/grading party shall be amended to refer to the Police Committee as the appropriate authority for review, evaluation and consideration.
- B. Any conflict between this Order and any prior Orders, including Orders for which this Order hereby amends or rescinds, shall be considered determined by this Order alone, based on its wording and intent.