

**TOWNSHIP COMMITTEE WORKSHOP MEETING – JULY 10, 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; 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 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 – Freeholder Arnone and County Engineer Joe Ettore present to discuss improvements to East End Avenue bridge.
2. Discussion – November election referendum regarding resident parking permits in Ocean Grove (deadline for submittal of public questions for the November election ballot is August 18<sup>th</sup>).
3. Review Committee calendars/update on outstanding issues and capital items.  
- Various on-going capital improvement projects.

Res. # 17-297 – 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 – JULY 10, 2017 – 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>
Robert Lane, Jr.	_____
Kevin B. McMillan	_____
Carol Rizzo	_____
Nicholas Williams	_____
Dr. Michael Brantley	_____

Also present at the dais: Vito D. Gadaleta, Business Administrator; Michael J. Bascom, Chief Financial Officer; 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](http://www.neptunetownship.org).

**APPROVAL OF MINUTES**

Motion offered by \_\_\_\_\_, seconded by \_\_\_\_\_, to approve the minutes of the meetings held on June 12<sup>th</sup> and June 26<sup>th</sup>.

**PRESENTATION**

Kathi Abatamarco, representing the Gannett Foundation, will present a check to the Veterans Memorial Park

**REPORT OF THE CLERK**

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

Notice of public hearing on a Land Development Ordinance amendment in the Township of Wall.

Letter from the Hamilton Fire Company thanking the Township for the clean-up in and around Firehouse Pond.

Letter from Irene Maran complimenting the Library staff on the very informative "Snakes-N-Scales" event held on June 19<sup>th</sup>.

**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. 17-25** – An ordinance amending Volume I, Section 7-21.5 of the Code of the Township of Neptune, entitled “Handicapped Parking”, “Violations; Penalties” - Final Reading

*Explanatory Statement: This ordinance amends the penalty provisions for violations of the handicapped parking ordinance to comply with the penalty amounts established by state statute*

Public Hearing:

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

Vote: Lane, \_\_\_\_\_; McMillan, \_\_\_\_\_; Rizzo, \_\_\_\_\_; Williams, \_\_\_\_\_; Brantley, \_\_\_\_\_.

**ORDINANCE NO. 17-26** – An ordinance to amend Volume I, Section 3-21 of the Code of the Township of Neptune to prohibit the sale of tobacco to persons under the age of twenty one. - First Reading

*Explanatory Statement: This ordinance prohibits the sale of tobacco products to persons under the age of 21.*

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

Vote: Lane, \_\_\_\_\_; McMillan, \_\_\_\_\_; Rizzo, \_\_\_\_\_; Williams, \_\_\_\_\_; Brantley, \_\_\_\_\_.

**ORDINANCE NO. 17-27** – An ordinance to amend Volume I, Chapter VII of the Code of the Township of Neptune by adding resident only handicapped parking zones on Cookman Avenue, Abbott Avenue and Heck Avenue - First Reading

*Explanatory Statement: This ordinance authorizes a resident only handicapped parking zone in front of 116 Heck Avenue and authorizes the conversion of existing handicapped parking zones in front of 77 Cookman Avenue and 16 Abbott Avenue to a resident only handicapped parking zone.*

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

Vote: Lane, \_\_\_\_\_; McMillan, \_\_\_\_\_; Rizzo, \_\_\_\_\_; Williams, \_\_\_\_\_; Brantley, \_\_\_\_\_.

**ORDINANCE NO. 17-28** – An ordinance to authorize a grant of deed of open space easement to the County of Monmouth on Block 1807, Lot 2 (formerly known as Block 307.26, Lot 5) owned by the Township of Neptune – First Reading

*Explanatory Statement: This ordinance authorizes a Deed of Open Space Easement to the County of Monmouth for Block 1807, Lot 2 (Sunshine Village Fields) in connection with a County Open Space Grant received by the Township.*

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

Vote: Lane, \_\_\_\_\_; McMillan, \_\_\_\_\_; Rizzo, \_\_\_\_\_; Williams, \_\_\_\_\_; Brantley, \_\_\_\_\_.

**ORDINANCE NO. 17-29** – An ordinance to amend Volume I, Chapter II, Section 2-10 of the Code of the Township of Neptune, entitled “Police Department” – First Reading

*Explanatory Statement: This ordinance fully amends the section of the municipal code establishing the administration of the Police Department.*

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

Vote: Lane, \_\_\_\_\_; McMillan, \_\_\_\_\_; Rizzo, \_\_\_\_\_; Williams, \_\_\_\_\_; Brantley, \_\_\_\_\_.

The Public Hearings on Ordinances 17-26 through 17-29 will be held on Monday, July 24th.

**CONSENT AGENDA**

Res. # 17-298 – Authorize Revocable License Agreement with New York Concourse, LLC and Brew 35, Inc. t/a The Headliner, Block 5605, Lot 2, 1401 Highway 35 South.

Res. # 17-299 – Authorize Developer’s Agreement with Brew 35, Inc. t/a The Headliner, Block 5606, Lots 2-14.

Res. # 17-300 – Authorize lawsuit seeking removal of encroachments from municipal right-of-way on Block 5608, Lot 10 (formerly Block 558, Lot 1.14, Concourse West.

Res. # 17-301 – Authorize an amendment to the 2017 municipal budget to realize monies from a Division of Alcoholic Beverage Control COPS in Shops Grant.

Res. # 17-302 – Employ temporary seasonal personnel for the Clean Communities Program

Res. # 17-303 – Place lien on various properties.

Res. # 17-304 – Authorize the execution of a Memorandum of Understanding with the New Jersey Board of Public Utilities in connection with the TCDER Microgrid Feasibility Study Incentive Program.

Res. # 17-305 – Authorize the closing of streets in connection with Shark River Hills Property Owners Association block party at Volunteer Park.

Res. # 17-306 – Release all surety bonds and developers escrow for site improvements at 3442 West Bangs Avenue.

Res. # 17-307 – Accept a maintenance guarantee and release a performance bond filed by Shark River Beach & Yacht Club for site improvements at the Yacht Club on South Riverside Drive.

Res. # 17-308 – Authorize removal of member of the Wesley Lake Commission due to absenteeism pursuant to N.J.S.A. 40A:9-12.1.

Res. # 17-309 – Appoint member to the Wesley Lake Commission.

Res. # 17-310 – Authorize an amendment to the 2017 municipal budget to realize monies from the New Jersey Board of Public Utilities Microgrid Feasibility Study Incentive Program.

Res. # 17-311 – Authorize the purchase of energy generation services for public use through an online auction website.

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

Vote: Lane, \_\_\_\_\_; McMillan, \_\_\_\_\_; Rizzo, \_\_\_\_\_; Williams, \_\_\_\_\_; Brantley, \_\_\_\_\_.

Res. # 17-312 – Extend offer of employment for the position of Driver in the Department of Public Works.

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

Vote: Lane, \_\_\_\_\_; McMillan, \_\_\_\_\_; Rizzo, \_\_\_\_\_; Williams, \_\_\_\_\_; Brantley, \_\_\_\_\_.

Res. # 17-313 – Authorize payment of bills.

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. 17-26

AN ORDINANCE TO AMEND VOLUME I, SECTION 3-21 OF  
THE CODE OF THE TOWNSHIP OF NEPTUNE TO PROHIBIT  
THE SALE OF TOBACCO TO PERSONS UNDER THE AGE OF  
TWENTY ONE

WHEREAS, the United States Department of Health, the American Cancer Society and surveys conducted by other entities linked increased dangers and health risks associated with smoking and using tobacco products by person who started smoking as teenagers; and,

WHEREAS, the Township Committee of the Township of Neptune has concluded that it is appropriate to prohibit the sale of tobacco and nicotine delivery products within the Township of Neptune to persons under the age of twenty-one (21) years,

THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Neptune, in the County of Monmouth, that Volume I, Section 3-21 of the Code of the Township of Neptune are hereby amended as follows:

SECTION 1.

3-21 SALE OF TOBACCO TO PERSONS UNDER THE AGE OF TWENTY-ONE (21) AND  
USE OF TOBACCO VENDING MACHINES PROHIBITED

3-21.1 Retail Sale of Tobacco Products

a. No person shall sell tobacco products or nicotine delivery products in the Township of Neptune unless the sale of such products is controlled by an employee of the establishment. A person may only sell tobacco products or nicotine delivery products in a direct, face-to-face exchange between the retailer and the consumer. Self-service displays of tobacco products or nicotine delivery products shall be prohibited.

b. No person shall sell tobacco products or nicotine delivery products to any person under the age of twenty-one (21) years or give tobacco products or nicotine delivery products to any person under the age of twenty-one (21).

c. Retail establishments where tobacco products or nicotine delivery products are sold shall conspicuously post and reasonably maintain signs having a minimum size of six (6) inches by eight (8) inches where these products are displayed and at all check-out counters notifying customers that proof of age is required to purchase tobacco products or nicotine delivery products.

3-21.2 Identification Required

a. All clerks, selling tobacco products or nicotine delivery products shall verify by means of government-issued photographic identification containing the bearer's date of birth that no person purchasing the tobacco or nicotine containing products is younger than twenty-one (21) years of age. No such verification is required for any person over the age of twenty-six

(26). No clerk shall sell tobacco products or nicotine delivery products to a person under twenty-one (21) years of age who has a note from an adult requesting such sale.

b. No person selling tobacco products or nicotine delivery products shall allow an employee to sell or distribute such products until the employee has read the Monmouth County Board of Health regulations and State laws pertaining to the sale or distribution of tobacco products and nicotine delivery products and has signed a statement that the employee has read the regulations. Such form statement will be supplied by the Monmouth County Board of Health and kept on file at the establishment subject to review by the Monmouth County Board of Health.

(Sections 3-21.3 through 3-21.6 shall remain in full effect)

## SECTION 2.

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed and this Ordinance shall take effect immediately upon final passage and publication in accordance with law.

## SECTION 3.

This Ordinance shall become effective upon final passage and publication according to 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. 17-27

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING RESIDENT ONLY HANDICAPPED PARKING ZONES ON COOKMAN AVENUE, ABBOTT AVENUE 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 7-21.7 – Resident Handicapped On-Street Parking, is hereby amended by adding the following:

<u>Name of Street</u>	<u>No. of Spaces</u>	<u>Location</u>
Cookman Avenue	1	North side of Cookman Avenue beginning 25 feet east of the northeast intersection of Cookman Avenue and New York Avenue
Abbott Avenue	1	South side of Abbott Avenue beginning 25 feet east of the southeast intersection of Abbott Avenue and Beach Avenue
Heck Avenue	1	South side of Heck Avenue beginning 25 feet west of the southwest intersection of Heck Avenue and Delaware Avenue

SECTION 2

Volume I, Chapter VII, Section 7-21.1 – Handicapped Parking on Street, is hereby amended by deleting the Cookman Avenue and Abbott Avenue locations being added to Section 7-21.7.

SECTION 3

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



ORDINANCE NO. 17-28

AUTHORIZE GRANT OF DEED OF OPEN SPACE EASEMENT  
TO THE COUNTY OF MONMOUTH ON BLOCK 1807, LOT 2  
(FORMERLY KNOWN AS BLOCK 307.26, LOT 5) OWNED BY  
THE TOWNSHIP OF NEPTUNE

WHEREAS, the Township of Neptune has, or will make improvements to property used for a public park, recreation and open space uses, located at Block 1807, Lot 2 (Formerly known as Block 307.26, Lot 5) and owned by the Township of Neptune; and

WHEREAS, the Township has received, or will received an Open Space Grant of \$232,000.00 for development of said park, with the condition that the Township grant the County a Deed of Open Space Easement, which guarantees forever that the property be maintained for public park, recreation and open space uses, and prevents any use of the property that will significantly impair or interfere with the park, recreation and open space values of the property.

NOW THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Neptune of the County of Monmouth in the State of New Jersey, that pursuant to State Statute allowing municipalities to accept a grant for an Open Space Easement, the governing body hereby authorizes and grants a Deed of Open Space Easement to Monmouth County with regard to property located at Block 1807, Lot 2 (Formerly Block 307.26, Lot 5) on the Tax Map of the Township of Neptune granted at the time of development and improvement of said property, and that this Open Space Easement shall be granted to Monmouth County pursuant to the Deed of Open Space Easement attached hereto as Exhibit A.

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

This Ordinance shall become effective immediately upon its final passage and publication as required 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

## **DEED OF OPEN SPACE EASEMENT**

This EASEMENT made this            day of            2017  
between the **Township of Neptune** , located at **25 Neptune Boulevard**  
(hereinafter referred to as "MUNICIPALITY"), and the **COUNTY OF MONMOUTH**,  
located in the Hall of Records, 1 East Main Street, Freehold, New Jersey, 07728  
(hereinafter referred to as "COUNTY").

### **WITNESSETH:**

**WHEREAS**, the MUNICIPALITY is the sole owner in fee simple of a tract of  
land in Neptune Township, Monmouth County, State of New Jersey, more particularly  
described as Block 1807, Lot 2 (formerly known as Block 307.26, Lot 5) on the tax map  
of Neptune Township, Monmouth County, New Jersey (hereinafter referred to as the  
"Property; and

**WHEREAS**, the Property possesses park, recreation and open space values of  
great importance to the people of the County of Monmouth; and

**WHEREAS**, the MUNICIPALITY agrees that the park, recreation and open  
space values of the Property be preserved in perpetuity; and

**WHEREAS**, the MUNICIPALITY further agrees, as owner of the Property, to  
convey to the COUNTY the open space easement herein described to preserve and  
protect the park, recreation and open space values of the Property in perpetuity; and

**WHEREAS**, the COUNTY is a body politic and corporate of the State of New  
Jersey empowered pursuant to N.J.S.A. 40:32-2.1 to acquire interests in land and hold  
same for public park, public recreation and public welfare purposes; and

**WHEREAS**, the COUNTY has made a financial investment in the Property through the Monmouth County Municipal Open Space Grant Program by providing the MUNICIPALITY with a grant of \$232,000 for the development of the Property.

**NOW, THEREFORE**, in recognition of the foregoing and in consideration of the Municipal Open Space Grant made to the MUNICIPALITY, the MUNICIPALITY does hereby grant and convey to the COUNTY an easement over, under and right in perpetuity to restrict as set forth herein the use of the real property designated as Block 1807 Lot 2 (formerly known as Block 307.26, Lot 5) on the tax map of the Township of Neptune, Monmouth County, New Jersey.

1. **PURPOSE.** It is the purpose of this Easement to guarantee that the Property will be retained forever for public park, recreation and open space uses and to prevent any use of the Property that will significantly impair or interfere with the park, recreation and open space values of the Property.

2. **TRUST.** The property shall be held in trust in perpetuity and used exclusively for the purposes authorized by the Open Space and Farmland Preservation, Recreation, Conservation and Historical Preservation Act as may be amended from time to time [NJSA 40:12-15.6b].

3. **PUBLIC ACCESS.** The MUNICIPALITY agrees to make the open space accessible to the public, unless the MUNICIPALITY and COUNTY determines that public accessibility would be detrimental to the lands, waters, or improvements thereon, or to any natural resources associated therewith [NJSA 40:12-15.6D(3)].

4. **OPEN SPACE INVENTORY.** The MUNICIPALITY shall cause the funded property to be listed in the Municipal Recreation and Open Space Inventory at the time it is filed with the New Jersey Green Acres Program or its successors.

5. **RIGHT OF COUNTY.** To accomplish the purpose of this easement, the following rights are conveyed to the COUNTY by this easement:

A. To preserve and protect the park, recreation and open space values of the Property.

B. To prevent any activity on or use of the Property that is inconsistent with the purpose of this easement and to require the restoration of such areas or features of the Property that may be damaged by an inconsistent use or activity.

C. The COUNTY and its agents, representatives, servants or assigns, shall be permitted to enter upon the Property at all reasonable times, after giving prior reasonable notice, in order to monitor compliance with and otherwise enforce the terms of the Easement, provided that COUNTY, its agents, etc. shall not unreasonably interfere with use and quiet enjoyment of the Property.

D. The MUNICIPALITY agrees not to lease, sell, exchange or donate the Property described herein which is being acquired pursuant to P.L. 1997 c. 24, NJSA 40:12-15.6(A) except upon approval of the Monmouth County Board of Chosen Freeholders and upon such conditions as the Monmouth County Board of Chosen Freeholders may establish [NJSA 40:12-15.6(d)(4)] including, but not limited to, replacement with land of no less or greater utility, acreage and value.

6. **PROHIBITED USES.** Any activity on or use of the Property inconsistent with the purpose of this easement is prohibited.

7. **GREEN ACRES RESTRICTIONS.** If the lands being conveyed herein were purchased in part with Green Acres funding, they are subject to Green Acres restrictions as provided in N.J.S.A. 13:8C-1 et seq. and N.J.A.C. 7:36.

8. **RESERVED RIGHTS.** The MUNICIPALITY reserves to itself and to its personal representatives, heirs, successors and assigns, all rights accruing from its ownership of the Property, including the right to engage in or permit or invite others to engage in all uses of the Property that are not inconsistent with this easement.

9. **GRANTEE'S REMEDIES.** If the COUNTY determines that the MUNICIPALITY is in violation of the terms of this easement or that a violation is threatened, the COUNTY shall give written notice to the MUNICIPALITY of such violation and demand corrective action sufficient to cure the violation and, where the violation involves injury to the Property resulting from any use or activity inconsistent with the purpose of this easement, to restore the portion of the Property so injured. If the MUNICIPALITY or its assigns fail to correct the violation within sixty days after receipt of notice thereof from the COUNTY or under circumstances where the violation cannot be cured within the sixty day period or fails to diligently pursue curing such violation until finally cured, the COUNTY may bring an action at law or in equity in a court of competent jurisdiction to enforce the terms of this easement, to enjoin the violation ex parte as necessary, by temporary or permanent injunction, to recover any damages to which it may be entitled for violation of the term of this easement or injury to any park, recreation or open space values protected by this easement; to require the restoration of the Property to the condition that existed prior to such injury; and all costs and expenses, including reasonable attorney's fees incurred in enforcing the COUNTY's rights herein.

10. **COUNTY'S DISCRETION.** Enforcement of the terms of this easement shall be at the discretion of the COUNTY, and any forbearance by the COUNTY to exercise its rights under this easement in the event of any breach of any terms of this easement by the MUNICIPALITY shall not be deemed or construed to be a waiver by the COUNTY of such terms or any subsequent breach of the same or any other term of this easement or of any of the COUNTY'S rights under this easement. No delay or omission by the COUNTY in the exercise of any right or remedy upon any breach by the MUNICIPALITY shall impair such right or remedy or be construed as a waiver.

11. **SURVIVAL**. The terms of an Agreement between the MUNICIPALITY and the COUNTY dated June 30, 2017 shall survive the delivery of this Deed of Open Space Easement and the terms of which Agreement are incorporated herein by reference.

12. **WAIVER OF CERTAIN DEFENSES**. The MUNICIPALITY hereby waives any defense of laches, estoppel or prescription.

13. **ACTS BEYOND CONTROL**. Nothing contained in this easement shall be construed to entitle the COUNTY to bring any action against the MUNICIPALITY for any injury or change in the Property resulting from causes beyond the MUNICIPALITY'S control including, without limitation, fire, flood storm and earth movement, or from any prudent action taken by the MUNICIPALITY under emergency conditions to prevent, abate or mitigate injury to the Property resulting from said causes.

14. **COSTS AND LIABILITIES**. The MUNICIPALITY shall retain all responsibilities and shall bear all cost and liabilities of any kind related to the ownership, operation, upkeep and maintenance of the Property, including the maintenance of adequate comprehensive general liability insurance coverage. The MUNICIPALITY shall keep the Property free of any liens arising out of any work performed, for material furnished to or obligations incurred by the MUNICIPALITY.

15. **RISK OF LOSS**. Risk of loss or damage to the Property by fire or other casualty shall be, and is assumed, by the MUNICIPALITY. The MUNICIPALITY is required to advise the COUNTY of any occurrence which results in loss of or damage to any improvements funded by the COUNTY or which results in the impairment of the Property's park, recreation and open space use.

16. **COVENANTS**. The MUNICIPALITY covenants with the COUNTY as follows:

- (a) The MUNICIPALITY is seized of said easement and has good right and title to convey same;
- (b) The COUNTY shall quietly enjoy the said easement;
- (c) The MUNICIPALITY shall have quiet possession of the easement free from all encumbrances;

17. **SUCCESSOR.** The covenants, terms, conditions and restrictions of this easement shall be binding upon and inure to the benefit of the parties hereto and their respective personal representatives, heirs, successors and assigns, and shall continue as a servitude running in perpetuity with the Property.

This Deed of Easement is signed and attested to by Mayor Dr. Michael Brantley and Richard J. Cuttrell, Municipal Clerk, the proper corporate officers as of the date at the top of the first page. Its corporate seal is affixed.

ATTESTED BY:

\_\_\_\_\_

Richard J, Cuttrell, Municipal Clerk

BY: \_\_\_\_\_

Dr. Michael Brantley, Mayor

STATE OF NEW JERSEY:

: SS.

COUNTY OF MONMOUTH:

I CERTIFY that on \_\_\_\_\_, 2017 Richard J. Cuttrell personally came before me, the subscriber, a Notary Public of the State of New Jersey, and this person acknowledged under oath, to my satisfaction, that:

(a) this person is the Municipal Clerk of the Township of Neptune, the municipality named in this document;

(b) this person is the attesting witness to the signing of this Deed by the proper corporate officer, who is the Mayor of the municipality;

(c) this Deed was signed and delivered by the municipality as its voluntary act duly authorized by a proper resolution of its governing body;

(d) this person knows the proper seal of the municipality which was affixed to this Deed;

(e) this person signed this proof to attest to the truth of these facts; and

(f) the full and actual consideration paid or to be paid for the transfer of title is \$1.00 (such consideration is defined in N.J.S.A. 46:15-5).

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

Sworn to and subscribed before  
me this \_\_\_\_\_ day of \_\_\_\_\_,  
2017.

\_\_\_\_\_



ORDINANCE NO. 17-29

AN ORDINANCE TO AMEND VOLUME I, CHAPTER II, SECTION 2-10 OF THE CODE OF THE TOWNSHIP OF NEPTUNE, ENTITLED "POLICE DEPARTMENT"

BE IT ORDAINED by the Township Committee of the Township of Neptune of the County of Monmouth in the State of New Jersey that the general ordinances of the Neptune Township, and in particular, Chapter II, Article II, Section 2-10, entitled, "Police Department," shall be amended as follows:

§2-10.1 Department Established.

There is hereby created in and for the Township of Neptune Police Department, which shall consist of such employees and officers as shall be deemed necessary by the Township Committee and may include a Police Chief in accordance with N.J.S.A. 40A:14-118. The Township Committee shall, from time to time determine the number of employees and officers of the Police Department together with their compensation. The structure of the Police Department will include at a maximum one (1) Police Chief; one (1) Deputy Police Chief; three (3) Captains, seven (7) Lieutenants, in addition to the number of Sergeants and Patrolmen determined by the Township Committee. The governing body shall also appoint from among its members a Police Committee composed of two (2) Township Committeepersons, and a third member who may be a designee from the Police Department, or another employee from another department within the Township as chosen by the Township Committee, or a non-employee volunteer or paid professional, in the Township Committee's discretion. The governing body shall designate a person to serve as the Chairperson or Township Police Commissioner of the Police Committee from one of the two members appointed to the Police Committee from the Township Committee. The Police Committee is hereby designated as the appropriate authority as provide for in the New Jersey Statutes, and shall be responsible for the overall performance of the Police Department, as set forth more fully below.

§2-10.2 Designation of Appropriate Authority.

In accordance with N.J.S.A. 40A:14-118, the Police Committee, as set forth above, is hereby designated as the Appropriate Authority, and is hereby vested with the powers and duties of an Appropriate Authority as delegated by law.

§2-10.3 Responsibilities of Police Department, Police Committee and Chief of Police.

- a. Police Department: The Police Department shall preserve the public peace; protect life and property; detect, arrest and prosecute offenders of the laws of New Jersey and the ordinances of the Township of Neptune; direct and control traffic; provide attendance and protection during emergencies; provide appearances in court; cooperate with all other law enforcement agencies; provide training for the efficiency of its members and officers.

b. Police Committee:

1. The Police Committee shall report to the Township Committee and shall be responsible to review the performance of the Police Department. It shall serve as the administrative and executive head of the Police Department. It shall review and recommend to the Township Committee all adopted and promulgated rules and regulations for the government of the Police Department and for the discipline of its employees. The Police Committee's duties include, but are not limited to:
  - (a) Establishing the procedures to be followed by the Chief of Police and other subordinate officers for the purchase of equipment and supplies. Such procedures may include the requirement that the Police Committee approve all expenditures with regard to the equipment and supplies.
  - (b) The Police Department and Chief Financial Officer shall keep a record of all business transacted by the Police Department and approve all bills for the expense of the Police Department after review and approval of the Police Committee.
  - (c) The Police Department shall keep and maintain accurate records and submit an annual report to the Township Committee, on or before January 31, which shall assess the operations of the Police Department, and its personnel, equipment and property.
  - (d) The Police Department shall keep and maintain all records, reports, documents and other data required to be kept and maintained by the Federal and/or State government, with the Police Committee's right of review to the extent allowed by law.
  - (e) The Police Department shall keep and maintain a record of all appointments, dismissals, removals, resignations and deaths of officers and other department employees as they take place, with such other information as may be necessary, with the Police Committee's right of review to the extent allowed by law.
  - (f) The Police Department and Chief Financial Officer shall develop the annual budget for the Police Department, subject to the Police Committee overseeing any and all expenditures of the Police Department, and reviewing and approving said annual budget.
  - (g) The Police Chief shall analyze crime trends and statistics to ensure that the Police Department makes the best use of available funds, personnel, equipment and supplies, with the Police Committee's right of review.
  - (h) The Police Committee, in conjunction with the Police Department, shall evaluate the effectiveness of work program and procedures of all organizational components within the police Department and developing effective work methods for subordinates.

- (i) The Police Committee, in conjunction with the Police Department, shall undertake special studies pertaining to police functions and promoting close coordination of planning efforts.
  - (j) The Police Committee, in conjunction with the Police Department, shall establish and maintain helpful and cooperative relations with civic and business organizations, schools, and court offices, and with other groups and public authorities and other jurisdictions, and with others interested in the maintenance of law and order.
  - (k) All such other duties not specifically reserved to the Chief of Police pursuant to N.J.S.A. 40A14-118.
2. The Chief of Police or designee shall report directly to the Police Committee and the Police Committee shall receive daily or other periodic reports, as designated by the Police Committee, from the Chief of Police or designee.
  3. The Police committee shall also be responsible for ensuring that all Police Officers and employees are compensated in accordance with State and Federal Wage and Hour Requirements.
  4. The Police Committee shall be appointed by the Township Committee. The members of the Police Committee shall serve at the pleasure of the Township Committee and may be removed by the Township Committee at their discretion.
  5. In addition to the two (2) members of the Township Committee appointed to the Police Committee, and a third member, the governing body may also appoint, or the Police Committee may request, any professional needed to accomplish its duties, including Labor Counsel, the Township Attorney, Chief Financial Officer or any other consultant or professional that the Police Committee may feel appropriate.
- c. Chief of Police:
1. If a Police Chief is appointed, he/she shall exercise any and all of the rights, authorities, powers and responsibilities reserved solely to the Chief of Police pursuant to N.J.S.A. 40A:14-118. Any other rights, authorities, powers and responsibilities not reserved solely to the Chief of Police by N.J.S.A. 40A:14-118 shall be assumed or delegated by the Police Committee.
  2. If a Police Chief is not appointed, any and all of the rights, authorities, powers and responsibilities reserved solely to the Chief of Police pursuant to N.J.S.A. 40A:14-118, which cannot be performed by the Police Committee, shall be delegated to a Chief Law Enforcement Officer, which shall be highest ranking sworn officer, as designated by the Police Committee.

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

The amended Ordinance shall become effective immediately upon its final passage and publication as required 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

RESOLUTION #17-297 – 6/26/17

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:  
  
Contract negotiations – West Lake Avenue Redevelopment Plan.  
Legal opinion – Sidewalk maintenance issues.  
Personnel – Recommendation for hire to vacant Driver position.
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 #17-298 – 7/10/17

AUTHORIZE REVOCABLE LICENSE AGREEMENT WITH NEW YORK CONCOURSE, LLC  
AND BREW 35, INC., T/A THE HEADLINER, BLOCK 5605, LOT 2,  
1401 HIGHWAY 35 SOUTH

WHEREAS, New York Concourse, LLC and Brew 35, Inc. t/a The Headliner, with property located at 1401 Highway 35 South, Neptune Township, New Jersey, and more specifically identified as Block 5606, Lot 2 on the tax map of the Township of Neptune have requested a Revocable License Agreement be entered into between Neptune Township, and New York Concourse, LLC and Brew 35, Inc., t/a The Headliner concerning certain encroachments upon a municipal right-of way at Block 5605, Lot 2; and

WHEREAS, New York Concourse, LLC and Brew 35, Inc., t/a The Headliner, are seeking a license to provide and to maintain certain bollards presently encroaching on the municipal right-of-way, which the property owners intend to continue use of, subject to removal should the controlling authority have reasonable cause to believe that such encroachments need to be removed from the aforesaid municipal right-of-way, and subject to a Revocable License Agreement; and

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes a Revocable License Agreement with New York Concourse, LLC and Brew 35, Inc., t/a The Headliner, with property located 1401 Highway 35 South, Neptune Township, New Jersey, and more specifically identified as Block 5606, Lot 2, Neptune Township, New Jersey a true copy of such proposed Agreement is filed in the Office of the Municipal Clerk, subject to the conditions of the Agreement and prior review of the Township Engineer and approval of this Agreement as a minor encroachment, with a one-time payment to the Township of Neptune of \$150.00 for preparation of the Revocable License Agreement for a minor encroachment, plus costs of recording of said Revocable License Agreement in the Clerk's Office of Monmouth County, paid to the Law Office of Gene J. Anthony, Esq., and subject to all other requirements in the aforesaid Revocable License Agreement.

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

RESOLUTION #17-299 – 7/10/17

AUTHORIZE DEVELOPER'S AGREEMENT WITH BREW 35, INC.  
(A/K/A THE HEADLINER) BLOCK 5606, LOTS 2-14

WHEREAS, BREW 35, INC. sought redevelopment of property subject to an amendment to a Major Site Plan Approval by the Neptune Township Planning Board for reconstruction of an existing outdoor bar area along the south side of the existing bar/nightclub so as to provide for reconfigured bars, new DJ/stage area and new proposed pool, as well as reconfiguration of an existing parking lot to accommodate the proposed relocation of the volleyball courts further to the west, and also along with variances and waivers associated therewith before the Planning Board of the Township of Neptune; and

WHEREAS, BREW 35, INC., has agreed to enter into a Developer's Agreement with the Township of Neptune to guarantee the faithful performance of the obligations and representations associated with the application before the Planning Board of Neptune Township; and

WHEREAS, it is in the best interest of the citizens of the Township of Neptune to enter this Developer's Agreement with BREW 35, INC., to ensure the proper compliance and guaranteed performance of items and improvements made on said parcel.

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 Mayor and Clerk are hereby authorized to execute the aforesaid Developer' Agreement with BREW 35, INC., a true copy of which is on file in the office of the Municipal Clerk, for compliance with the Planning Board of Neptune Township's Resolutions #17-06, and representations upon submission and approval of all conditions arising from the aforesaid Resolution, and return the same to the Township Attorney for recording in the Clerk's office of Monmouth County.

RESOLUTION #17-300 – 7/10/17

AUTHORIZE LAWSUIT SEEKING REMOVAL OF ENCROACHMENTS FROM MUNICIPAL  
RIGHT-OF-WAY ON BLOCK 5608, LOT 10 (FORMERLY BLOCK 558, LOT 1.14),  
CONCOURSE WEST, NEPTUNE TOWNSHIP

WHEREAS, the Municipal Engineer, Leanne Hoffmann, and Municipal Attorney, Gene J. Anthony, Esq., have determined that a number of properties on the South and West Concourse have encroachments in the municipal right-of-way; and

WHEREAS, most property owners have either removed the encroachments upon demand, or have entered into Revocable License Agreements with the Township. However, encroachments existing with regard to property located at Concourse West, Block 5608, Lot 10, owned by A. J. Skora, Inc., located at 1982 Lakewood Road, Toms River, New Jersey 08755 have refused to address the encroachment issues; despite numerous demand letters; and

WHEREAS, the aforesaid encroachments consist of walkways, a fence and a part of a building in the municipal right-of-way; and,

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

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey, that the governing body hereby authorizes the Municipal Attorney, Gene J. Anthony, Esq., with offices at 48 South Street, Eatontown, New Jersey, to commence a legal action in the Superior Court of New Jersey, seeking Injunctive Relief and other remedies available in the removal of the aforesaid encroachments from the municipal right-of-way at an amount not exceed Ten Thousand Dollars (\$10,000.00) without additional approval for the purposes of this litigation; and,

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



RESOLUTION #17-301 - 7/10/17

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 \$3,400.00 which is now available from a NJDL&PS Division of Alcoholic Beverage Control Cops in Shops – Summer Shore Initiative 2017 Grant in the amount of \$3,400.00; and,

BE IT FURTHER RESOLVED that the like sum of \$3,400.00 is hereby appropriated under the caption of Cops in Shops - Summer Shore Initiative 2017; 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 2017 Summer Shore Initiative Grant in the amount of \$3,400.00; and,

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

Vote:

Lane:

McMillan:

Rizzo:

Williams:

Brantley:

RESOLUTION #17-302 - 7/10/17

EMPLOY TEMPORARY SEASONAL PERSONNEL  
FOR THE CLEAN COMMUNITIES PROGRAM

WHEREAS, the Township has created a Summer Jobs Program for high school aged residents under the Clean Communities Program; and,

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

WHEREAS, individuals were employed in the program by Resolution #17-292, dated June 26, 2017; and,

WHEREAS, the Human Resources Director and Business Administrator have forwarded their recommendation to employ two additional individuals; and,

WHEREAS, funds for this purpose are available in the 2017 Municipal Budget through the Clean Communities Program grant and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Qua-Saan Braeden-Jackson and Delvonne Leone be and are hereby employed as temporary seasonal personnel in the Clean Communities Program from July 10, 2017 to August 25, 2017, not to exceed forty (40) hours per week, at a salary of \$10.00 per hour with no health benefits; and,

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

RESOLUTION #17-303 - 7/10/17

PLACE LIEN ON VARIOUS PROPERTIES

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>
605/15	213 Myrtle Avenue	410.00
605/10	237 Myrtle Avenue	285.00
504/16	45 Ridge Avenue	285.00
503/21	21 Atkins Avenue	285.00
503/24	1209 Embury Avenue	285.00
503/26	1223 Embury Avenue	285.00
713/25	1813 Summerfield Avenue	285.00
412/18	511 Atkins Avenue	285.00
5102/10	412 Highland Avenue	285.00
5310/11	325 Highland Avenue	410.00

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 #17-304 - 7/10/17

AUTHORIZE THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING  
WITH THE NEW JERSEY BOARD OF PUBLIC UTILITIES IN CONNECTION  
WITH THE TCDER MICROGRID FEASIBILITY STUDY INCENTIVE PROGRAM

WHEREAS, the New Jersey Board of Public Utilities (BPU) is responsible for the Energy Master Plan regarding the production, distribution, and conservation of energy in the State of New Jersey; and,

WHEREAS, the BPU 2015 Energy Master Plan Update established the goal of improving energy infrastructure resiliency in extreme weather events by the increased use of microgrid technologies and applications for Distributed Energy Resources to improve the grid's resiliency and reliability in the event of a major storm; and,

WHEREAS, the BPU approved the FY17 Clean Energy Program Budget which established the Town Center Distributed Energy Resources (TCDER) Microgrid Program to provide funding for feasibility study applications; and,

WHEREAS, the Township of Neptune submitted the Neptune Township Advanced Microgrid Project for funding. The application cites the significant number of critical assets located with the municipality; and,

WHEREAS, the BPU has announced an award of \$150,000 for a Phase I feasibility study of the Neptune Township Advanced Microgrid Project,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the acceptance of a \$150,000 grant from the New Jersey Board of Public Utilities TCDER Microgrid Feasibility Study Incentive Program to perform a Phase I feasibility study of the Neptune Township Advanced Microgrid Project; and,

BE IT FURTHER RESOLVED, that the Mayor and Clerk be and are hereby authorized to execute a Memorandum of Understanding with the New Jersey Board of Public Utilities setting forth the roles and responsibilities of the Township and the BPU in connection with the TCDER Microgrid Feasibility Study Incentive Program; and,

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

RESOLUTION #17-305 – 7/10/17

AUTHORIZE THE CLOSING OF STREETS IN CONNECTION WITH  
SHARK RIVER HILLS PROPERTY OWNERS ASSOCIATION  
BLOCK PARTY AT VOLUNTEER PARK

WHEREAS, the Shark River Hills Property Owners Association has scheduled a community block party on August 12, 2017 at Volunteer Park on South Riverside Drive; and,

WHEREAS, it is necessary to temporarily close the side streets bordering Volunteer Park during this event; and,

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

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby designates the temporary closure of the following streets on August 12, 2017 from 4:00 P.M. to 7:00 P.M. for the Shark River Hills Property Owners Association Community Block Party:

Highland Avenue between South Riverside Drive and Valley Road  
Melrose Place between South Riverside Drive and Valley Road

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 #17-306 - 7/10/17

RELEASE ALL SURETY BONDS AND DEVELOPERS ESCROW FOR  
SITE IMPROVEMENTS AT 3442 WEST BANGS AVENUE

WHEREAS, Edmar Developers, LLC filed a cash maintenance bond in the amount of \$3,171.60, guaranteeing the maintenance of site improvements for two years at 3442 West Bangs Avenue (former Block 7108, Lot 6.01); and,

WHEREAS, the two year maintenance period has expired and the Township Engineer has conducted an inspection; and,

WHEREAS, on July 5, 2017, the Township Engineer certified that all site work has been completed and said maintenance bond may be released,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the release of the maintenance bond as stated herein; and,

BE IT FURTHER RESOLVED, that all remaining balances of the cash performance guarantee account and inspection escrow account be and are hereby authorized to be refunded; and,

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

RESOLUTION #17-307 - 7/10/17

ACCEPT A MAINTENANCE GUARANTEE AND RELEASE A PERFORMANCE BOND  
FILED BY SHARK RIVER BEACH & YACHT CLUB FOR SITE IMPROVEMENTS  
AT THE YACHT CLUB ON SOUTH RIVERSIDE DRIVE

WHEREAS, on February 1, 2015, Shark River Beach & Yacht Club posted a cash performance guarantee in the amount of \$52,440.00, guaranteeing site improvements at the Shark River Beach & Yacht Club, 306 South Riverside Drive (Block 5322, Lot 4); and,

WHEREAS, said performance bond was subsequently reduced and currently is in the amount of \$15,732.00; and,

WHEREAS, the Township Engineer has certified that all site improvements have been completed in a satisfactory manner as of July 5, 2017 and said performance bond can be released; and,

WHEREAS, the Township will retain the amount of \$7,866.00 from the cash performance guarantee escrow to serve as a Maintenance Bond guaranteeing said site improvements for a period of two years,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the maintenance guarantee as stated above be and is hereby accepted and the performance guarantee is authorized to be released; and,

BE IT FURTHER RESOLVED, that the cash portion of the performance guarantee in the amount of \$7,948.76 be and is hereby authorized to be refunded (with \$7,866.00 being retained to serve as the two year maintenance guarantee); and,

BE IT FURTHER RESOLVED, that the inspection fee escrow be and is hereby authorized to be refunded (with \$200.00 being retained for final inspection at the end of the two year maintenance period); and,

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

RESOLUTION #17-308 – 7/10/17

APPROVE REMOVAL OF MEMBER OF THE WESLEY LAKE COMMISSION  
DUE TO ABSENTEEISM PURSUANT TO N.J.S.A. 40A:9-12.1

WHEREAS, N.J.S.A. 40A:9-12.1 establishes the basis for an office of any person appointed as being deemed vacant; and

WHEREAS, N.J.S.A. 40A:9-12.1(g) establishes that in any case where a member of a board fails to attend and participate at meetings of a public body for a period of eight consecutive weeks, or for four consecutive regular meetings, whichever shall be of a longer duration, the appointing authority may officially remove said member, construe the position as vacant, and fill the position or office for the unexpired term of said member, pursuant to N.J.S.A. 40A:9-12.1(h); and

WHEREAS, the Wesley Lake Commission has notified the Township Committee that Damaris Adamo has not attended any Wesley Lake Commission Meetings since her appointment on February 8, 2016,

THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune that the governing body hereby finds the position held by Damaris Adamo on the Wesley Lake Commission as vacant pursuant to N.J.S.A. 40A:9-12.1, as a result of the Township Committee's official action in removing Damaris Adamo from the Wesley Lake Commission for failure to attend four or more consecutive meetings in the years 2016 and 2017 in accordance with N.J.S.A. 40A:9-12.1(g), effective with the adoption of this resolution, and shall separately, after the adoption of this resolution, fill the aforesaid positions for the unexpired terms in the manner prescribed by law; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Secretary of the Wesley Lake Commission.



RESOLUTION #17-309 - 7/10/17

APPOINT MEMBER TO THE WESLEY LAKE COMMISSION

WHEREAS, the Business Administrator's representative on the Wesley Lake Commission is vacant and the Township Committee desires to appoint a member to this vacancy,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Susan Tyler be and is hereby appointed as a member of the Wesley Lake Commission (Business Administrator representative) for an unexpired three year term expiring December 31, 2018; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Secretary to the Wesley Lake Commission.

RESOLUTION #17-310 - 7/10/17

AUTHORIZE AN AMENDMENT TO THE 2017 MUNICIPAL BUDGET TO REALIZE  
MONIES FROM THE NEW JERSEY BOARD OF PUBLIC UTILITIES  
MICROGRID FEASIBILITY STUDY INCENTIVE PROGRAM

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 \$150,000.00 which is now available from a NJBPU – Microgrid Feasibility Study Incentive Program Grant in the amount of \$150,000.00; and,

BE IT FURTHER RESOLVED that the like sum of \$150,000.00 is hereby appropriated under the caption of NJBPU – Neptune Advanced Microgrid Project; and,

BE IT FURTHER RESOLVED, that the above is the result of funds from a NJBPU – Microgrid Feasibility Study Incentive Program Grant in the amount of \$150,000.00; and,

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

Vote:

Lane:

McMillan:

Rizzo:

Williams:

Brantley:

RESOLUTION #17-311 - 7/10/17

AUTHORIZE THE PURCHASE OF ENERGY GENERATION SERVICES  
FOR PUBLIC USE THROUGH AN ONLINE AUCTION WEBSITE

WHEREAS, Neptune Township has determined to proceed with the Best Practice Energy Reverse Auction in order procure electricity for Neptune Township; and,

WHEREAS, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) (the "Act") authorizes the purchase of energy generation service for public use through the use of an online auction service; and,

WHEREAS, Neptune Township will utilize the online auction services of Best Practice Energy, an approved vendor pursuant to the Act, located at [www.bestpracticeenergy.com](http://www.bestpracticeenergy.com); and,

WHEREAS, Best Practice Energy is compensated for all services rendered through the participating supplier that a contract is awarded to; and,

WHEREAS, the auction will be conducted pursuant to the Local Unit Technology Pilot Program and Study Act,

WHEREAS, if the auction achieves a price of \$0.08581 / kWh or less for a 12 month term, a price of \$0.08709 / kWh or less for an 18 month term, or a price of \$0.08635 / kWh or less for a 24 month term; Neptune Township may award a contract to the winning supplier for the selected term,

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 on behalf of Neptune Township any electricity contract proffered by the participating supplier that submits the winning bid in the Best Practice Energy if the auction achieves a price of \$0.08581 / kWh or less for a 12 month term, a price of \$0.08709 / kWh or less for an 18 month term, or a price of \$0.08635 / kWh or less for a 24 month term; and,

BE IF FURTHER RESOLVED, that a certified copy of the within Resolution be forwarded to the Chief Financial Officer, Township Engineer and Assistant C.F.O.

RESOLUTION #17-312 - 7/10/17

EXTEND OFFER OF EMPLOYMENT FOR THE POSITION OF DRIVER  
IN THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, there is a vacancy in the position of Driver in the Public Works Department; and,

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

WHEREAS, the Human Resources Director and Business Administrator have made their recommendation; and,

WHEREAS, funds will be provided for the 2017 municipal budget in the appropriation entitled Solid Waste Collection 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 Donnell Coleman for the position of Driver in the Department of Public Works, 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 July 17, 2017, at an annual salary of \$31,200.00; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Public Works Director, Chief Financial Officer, Assistant C.F.O., AFSCME Local #2792, and Human Resources Director.

RESOLUTION #17-313 – 7/10/17

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	\$116,510.89
GRANT FUND	7,645.54
TRUST FUND	13,233.07
GENERAL CAPITAL FUND	154,973.88
SEWER OPERATING FUND	16,735.20
SEWER CAPITAL FUND	5,475.00
MARINA OPERATING FUND	3,429.96
LIBRARY TRUST	1,999.36
BILL LIST TOTAL	\$320,002.90

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