

**TOWNSHIP COMMITTEE WORKSHOP MEETING – APRIL 26, 2021 – 6:00 P.M.**

**In person attendance at this meeting is permitted. In addition, video and audio access to the meeting is via [townhallstreams.com/towns/neptune\\_nj](http://townhallstreams.com/towns/neptune_nj).**

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

ROLL CALL

PRESENT/ABSENT

Keith Cafferty	_____
Robert Lane, Jr.	_____
Nicholas Williams	_____
Tassie D. York	_____
Dr. Michael Brantley	_____

Also present: Vito D. Gadaleta, Business Administrator; Gene Anthony, Township Attorney; and Richard J. Cuttrell, Municipal Clerk.

Mayor Brantley announces that the notice requirements of R.S. 10:4-18 have been satisfied by the publication of the required advertisement in The Coaster and the Asbury Park Press on April 22, 2021, which indicated the ability to attend the meeting in person and included instructions on accessing and participating in the meeting virtually through [townhallstreams.com](http://townhallstreams.com). The Notice was filed with the Municipal Clerk and posted on the Township web site ([www.neptunetownship.org](http://www.neptunetownship.org)), along with the meeting agenda, ordinances and resolutions.

ITEMS FOR DISCUSSION IN OPEN SESSION

1. Discussion – Proposed amendments to Property Maintenance ordinance. (PW)
2. Discussion – Proposed locations for Community Center.
3. Review Committee calendars.

Res. # 21-162 – Authorize an Executive Session as authorized by the Open Public Meetings Act.

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

Vote: Cafferty, \_\_\_\_\_; Lane, \_\_\_\_\_; Williams, \_\_\_\_\_; York, \_\_\_\_\_; Brantley, \_\_\_\_\_.

RESOLUTION #21-162 – 4/26/21

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 – Recommendation for third citizen member to the Police Committee.
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.

## **Rick Cuttrell**

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**To:** Michael Brantley; Nicholas Williams; Robert Lane; Keith Cafferty  
**Cc:** Vito Gadaleta; Gene J. Anthony Esq.  
**Subject:** FW: Proposed Code Changes to Chapter 12  
**Attachments:** Chapter 12 - Proposed Code Changes 4-8-2021.docx

Committee members,

Bill Doolittle, Director of Code, has submitted the attachment proposed amendments to the Township's Property Maintenance Code.

He has provided a summary of the changes as follows:

- 1. Update the fee schedule**
- 2. Remove regulations in conflict with State UCC regulations**
- 3. Include current processes such as the online portal**
- 4. Clarify ambiguities**
- 5. Tighten up the regulations by closing loopholes**
- 6. Clean up grammatical and other errors**

Since we are temporarily without a Township Committee member liaison to Code Enforcement, I am sending this to all of you for review. Any questions should be directed to Bill at x268.

I will place the matter on an upcoming Workshop Meeting agenda.

Thanks  
Rick Cuttrell  
Municipal Clerk  
Township of Neptune  
25 Neptune Boulevard  
Neptune, NJ 07753  
[RCuttrell@neptunetownship.org](mailto:RCuttrell@neptunetownship.org)  
732-988-5200 x234

**From:** Bill Doolittle  
**Sent:** Friday, April 09, 2021 12:34 PM  
**To:** Rick Cuttrell <[rcuttrell@neptunetownship.org](mailto:rcuttrell@neptunetownship.org)>  
**Subject:** RE: Proposed Code Changes to Chapter 12

The attached notes the proposed deletions and insertions. Will this along with the following suffice or will a detailed written explanation be required?

**Attached, please find proposed changes to Chapter 12, entitled Property Maintenance, Section 12-1.2jj of the General Ordinances of the Township of Neptune. There are several reasons for these proposals which includes:**

- 1. Update the fee schedule**
- 2. Remove regulations in conflict with State UCC regulations**
- 3. Include current processes such as the online portal**

## **Chapter 9 — Certificates of Inspections**

~~Modify Caption as follows: Chapter 9 — Certificates of Inspections; Transfer of Title and Certificates of Occupancy~~  
**Section-PM 901.1: Scope:**

The provisions of this chapter shall govern the procedures for a Certificate of Inspection, Transfer of Title and Certificates of Occupancy for the sale, transfer or conveyance of property; renting or leasing of property and installing or constructing improvements to all properties within the boundaries of the Township of Neptune.

### **Section-PM-901.2: Application forms**

~~Application forms:~~ Applications for Certificate of Inspection, Transfer of Title, ~~School Updates~~ and other inspections as may be applicable to this Chapter shall be made on the forms prescribed by the code official or by using the online portal. ~~Applications~~ and may be obtained by the public at the ~~Office of the Code Enforcement Officer.~~ The applicant must include the name of the owner as it appears on the deed to the property, ~~seller or landlord;~~ the name of the purchaser as it is to appear on the deed to the property or tenant; and the number and names of each occupant, and shall be signed by the Owner(s)/ Landlord(s) ~~or its designated agent and the Purchaser/Tenant or its designated agent.~~ If the Owner, Landlord, Purchaser or Tenant is a trustee, estate, corporation or other entity, the applicant shall also include the current name and address of the trustee, executor/administrator or registered agent and the registered agent's address as may be set forth in the legal documents of the entity or formation papers of the corporation and any amendments thereto. The applicant shall attach to the application a copy of the legal documents of formation and any amendments thereto, to show evidence of the registration and the name and address of the registered agent.

### **Add Section PM-901.3: Application**

~~Application:~~ The application form or forms prescribed by the municipality ~~or code officer~~ to request the code enforcement officer or construction officer to inspect a property, structure, dwelling unit, apartment, office, store, commercial or industrial building or other space to determine compliance or non-compliance with the provisions of the BOCA Basic Property Maintenance Code or any other applicable ordinances of the municipality. ~~The Application shall include a check list guide for violations that the code official will inspect.~~

~~Certificate of Inspection with Occupancy:~~ A certificate issued by the code officer or code enforcement office demonstrating that a property, structure, dwelling unit, apartment, office, store, commercial or industrial building or space is in full compliance with the provisions of the BOCA Basic Property Maintenance Code and any other applicable ordinances of the municipality, and which also permits occupancy in such property, structure, dwelling unit, etc. by those person(s) or entities included in the Application.

~~Conditional or Temporary Certificate of Inspection with Occupancy:~~ A certificate issued by the code officer or code enforcement office demonstrating that a property, structure, dwelling unit, apartment, office, store, commercial or industrial building or space is in substantial compliance with the provisions of the BOCA Basic Property Maintenance Code and any other applicable ordinances of the municipality; does not impair the habitability of the property, structure, dwelling unit, etc.; and which also permits occupancy in such property, structure, dwelling unit, etc. by those person(s) or entities included in the Application.

~~Certificate of Transfer of Title:~~ A certificate issued by the code officer or code enforcement office authorizing the sale or transfer of a property, structure, dwelling unit, apartment, office, store, commercial or industrial building or space, and which does not permit occupancy in such property, structure, dwelling unit, etc. by those person(s) or entities included in the Application until such time as an Application for, and issuance of, a Certificate of Inspection with ~~Occupancy~~ or Conditional or Temporary Certificate of Inspection with Occupancy is issued. An application for a Certificate of Inspection may be modified to a Transfer of Title (without occupancy permitted), provided that a revised application is submitted within 30 days of the original application. ~~both the Owner/Seller and the Buyer provide a notarized letter to the Code Enforcement Office requesting a modification of the application.~~

~~Certificate of Occupancy:~~ A certificate issued by the construction officer or construction office indicating that any new construction, addition, remodel, renovation, demolition or other improvement has been completed, inspected and certified to comply with the BOCA Basic Property Maintenance Code ~~and any other applicable ordinances of the municipality for occupancy.~~ New Jersey Uniform Construction Code.

## Section ~~PM-902.0~~ REQUIREMENTS

### PM-902.1 - When Required:

A Certificate of Inspection must be obtained by the owner of real property prior to the sale, transfer, lease, rental or occupancy of any structure, dwelling unit, apartment, office, store, commercial or industrial buildings located within the Township of Neptune. The Certificate of Inspection shall certify that said property is in compliance with all of the provisions of the BOCA Basic Property Maintenance Code and all other applicable ordinances of the Township of Neptune.

### PM-902.2

~~Repeal and Modify as follows:~~

Prior to the sale, transfer, lease, rental or other conveyance of, or permission of use, property located in the Township of Neptune that has any structure dwelling unit, apartment, office, store, commercial or industrial building which is or will be occupied upon the sale, transfer, lease, rental or other conveyance of or permission to use such property, the Seller, Landlord and/or Buyer shall obtain a Certificate of Inspection ~~for Occupancy~~ or a Conditional or Temporary Certificate of Inspection ~~for Occupancy~~ as may be permitted herein. An application shall be filed in the form prescribed by the Code Enforcement Department, and shall be signed by the Seller/Landlord and Buyer/Tenant, or other designated agents.

1. A Certificate of Inspection ~~for Occupancy~~ shall be issued by the municipality upon the inspection by the code enforcement officer of that portion of the property to be occupied and any common area, exterior property, accessory structures or other improvement affecting the occupancy, provided such inspection finds that it complies with all of the provisions of the BOCA Basic Property Maintenance Code and all other applicable Ordinances of the Township of Neptune.

Inspections for Condominiums, Cooperative Units, Townhouses or similar single family housing units shall be limited to the specific unit only for purposes of issuing a Certificate of Inspection ~~for Occupancy~~. If there are any violations in the common areas, notices for such violations shall be addressed to the Association, Incorporation or other owner and any interested party or agent, who shall then comply with the requirements set forth in the BOCA Basic Property Maintenance Code or any other applicable ordinances of the Township of Neptune, or be subject to fines, penalties and/or costs as permitted by the Ordinances of Neptune Township.

2. A Conditional or Temporary Certificate of Inspection ~~for Occupancy~~ may be issued, in the discretion of the Code Officer, for buildings, units or structures which are not in full compliance with the provisions of the BOCA Basic Property Maintenance Code or any other applicable ordinances of the Township of Neptune, provided that the code deficiencies do not impair the habitability of the structure or impinge on the health, safety or general welfare of the owner-occupant. Prior to the issuance of a Conditional Certificate, the potential owner-occupant(s) must provide the code officer with a signed and notarized letter signed by all potential adult occupants, which specifically enumerates the deficiencies and states that the owner-occupant(s) accept the deficiencies and agree to correct such deficiencies within thirty (30) days of closing of title, subject to extensions as may be permitted under Section PM 902.6 herein

For multi-family dwellings, the Code Officer, in his/her discretion, may issue a Conditional or Temporary Certificate of Inspection ~~for Occupancy~~ even if there are life safety violations in a particular apartment or unit, providing that the specific unit will not be occupied until the life safety violations have been corrected and a Certificate of Inspection issued, and such violations are not in the common areas and do not impair the habitability of the remaining apartments or units.

Inspections for Condominiums, Cooperative Units, Townhouses or similar single family housing units shall be limited to the specific unit only for purposes of issuing a Certificate of Inspection ~~for Occupancy~~. If there are any violations in the common areas, notices for such violations shall be addressed to the Association, Incorporation or other owner and any interested party or agent, who shall then comply with the requirements set forth in the BOCA Basic Property Maintenance Code or any other applicable ordinances of the Township of Neptune, or be subject to fines, penalties and/or costs as permitted by the Ordinances of Neptune Township.

3.—Certificate of Transfer of Title: Upon the sale or transfer of property located in the Township of Neptune that has any structure, dwelling unit, apartment, office, store, commercial or industrial building which is not occupied by any person other than the Owner at the time of the inspection, and which will not be occupied upon the closing of title, the Seller or Purchaser, prior to the closing of title and transfer of deed, Assignment of Lease or other legal document, may obtain a Certificate of Transfer of Title or Conditional Certificate of Inspection without Occupancy in lieu of a Certificate or Conditional Certificate of Inspection with Occupancy. The purchaser of such a building or structure shall not permit the building or structure to become occupied until the Purchaser-owner as it appears on the deed makes an application under this chapter for a Certificate of Inspection for owner occupancy/rental or a sale issued by the code enforcement office with Occupancy or a Certificate of Occupancy issued by the construction department, and the Certificate of Inspection with Occupancy; Conditional Certificate of Inspection with Occupancy or Certificate of Occupancy is issued by the Code Enforcement or Construction Office, as may be applicable. The present owner(s) and purchaser(s) must sign the application for a Transfer of Title and their respective signatures must be notarized.

3. — 4. — Certificate of Occupancy: An owner, agent, corporation or other responsible person or entity of any property, structure, dwelling, dwelling unit, apartment, office, store, commercial or industrial building, or otherwise, shall obtain the appropriate permits whenever the owner, agent, corporation or other person or entity shall construct, alter, modify, demolish, erect, add to or improve any property, structure, dwelling, dwelling unit, apartment, office, store, commercial or industrial building, and prior to occupancy shall obtain a Certificate of Occupancy. A Certificate of Occupancy shall be issued by the municipality upon the inspection of the building, structure and improvements thereof by the code or construction officials and a finding that the building or structure is in compliance with all of the provisions of the BOCA Basic Property Maintenance Code and any other applicable ordinances of the Township of Neptune.

#### **PM-902.3 - Certificate of Inspection Amendments; Expiration Summer Seasonal Rentals**

Add: An approved Certificate of Inspection will expire within six months of its issuance if the property has not been sold, leased or otherwise conveyed to the named occupants listed in the application. However, such expiration period shall be subject to any changes by statute or administrative regulation which may require a reinspection or as shall be established by Ordinance from time to time, or as may be otherwise authorized by law. Until the expiration date, the applicants shall be permitted to amend their application to include other immediate family members, such as children, not originally named on the application, as long as the original occupants shall also remain on the reissued Certificate. The cost, if any, for preparation of any amended or reissued Certificate of Inspection shall be as adopted from time to time by the Township of Neptune. In the event the names of occupants have changed, a Certificate of Inspection shall expire within 45 days from the date it has been issued. For purposes of this section, and by way of example only, if an inspection has been completed and approved, and the name of the Buyer or Tenant has changed after such inspection and approval, a Certificate of Inspection may be issued to a new Buyer or Tenant within 45 days from the date the original approval had been issued. However, such expiration period shall be subject to any changes by statute or administrative regulation which may require a reinspection or as shall be established by Ordinance from time to time, or as may be otherwise authorized by law. Before an amended Certificate of Inspection may be issued, the new Buyer or Tenant must accept the unexpired inspection by providing a notarized letter to the Code Department.

For purposes of this Section, a Certificate of Inspection for Occupancy for Summer Seasonal Rentals shall be made once prior to the initial occupancy by any Summer Seasonal Tenant. A summer season begins May 23<sup>rd</sup> the Saturday preceding Memorial Day and ends on September 30th. **A Summer Seasonal Update application shall be submitted with the applicable fee for each change of occupants during the summer season and shall be submitted prior to the occupancy of those occupants. The application shall include the names of all occupants and shall include the beginning and ending dates of that occupancy.**

If the names of the Summer Seasonal Rental occupants will change at any time during the summer, the applicant, upon submitting the application, shall state in the application the names of all occupants known

and the time period of each tenant's occupancy. Applicant shall pay an update fee for each change in occupancy, and if there is any change to the occupants listed in the application after the application is submitted, the applicant shall supplement the application form with such changes and pay the appropriate update fee. The update fee is as established herein.

[Ord. No. 2018-21]

#### **PM-902.4 - Change of Occupant-Tenant**

Within the first 1030 days from the application date of inspection an owner or agent may change the names of the occupants, tenants, renters as long as the property has not been occupied. There shall be a charge for this change. In the event of changes or additions after 1030 days from the application date of inspection, a new full application shall be required must be submitted. An inspection shall be required each time a renter changes within a unit or house, unless such inspection has been conducted on the same unit within the proceeding 30 days. In the event that 30 days has not lapsed since the last inspection, an additional inspection will not be required.

#### **PM 902-5 - Special/Emergency Inspections**

Inspections may be requested or required to be made during non-regular business hours (hours in which the Code Enforcement Department is closed) at an additional fee as described in Section PM 903.0 FEES.

#### **PM 902.6 Conditional or Temporary Certificate of Inspection; Expiration**

Change Heading to Section PM-902.6 - **Conditional or Temporary Certificate of Inspection; Expiration**  
Modify as follows: "The Code Officer may, in his or her discretion, issue a Conditional or Temporary Certificate of Inspection upon written notarized application by the occupant(s) in accordance with Section PM-902.2. Any conditional or temporary Certificate of Inspection with Occupancy issued pursuant to the terms of this Ordinance shall expire within thirty (30) days of the date of issuance thereof. Conditional or Temporary Certificates of Inspection are renewable with an additional notarized letter conforming to the requirements of Section PM-902.2 and approvable by the code official, in his or her discretion. The Code Officer may only issue a Conditional or Temporary Certificate of Inspection for any property where the Purchaser or Owner and his/her immediate family will be the only occupant.

#### **Section-PM 903.0 FEES**

##### **PM 903.1 - Where and when payable Payment:**

All fees are payable to the Township of Neptune and are paid in the Code Enforcement Department during regular business hours. All fees are non-refundable and non-transferable. Applications shall be considered incomplete and shall not be processed until all required fees are paid in full. Incomplete applications not processed within 15 days of receipt shall become void.

##### **PM 903.2 - Fees for Initial Certificate of Inspection; Conditional or Temporary Certificate of Inspection; Change of Occupants for Summer Seasonal Rental or Transfer of Title, including Certificate of Smoke Detector and Carbon Monoxide Compliance (CSDCMAC):**

Modify as follows:

1. For applications for a Certificate of Inspection; Conditional or Temporary Certificate of Inspection, Summer Seasonal Rental or Transfer of Title, the fees shall be as follows:  
(a) If the application is received 5 or more business days than ten (10) days prior to the anticipated closing date, occupancy date or requested inspection date:

\_\_\_\_\_ Commercial Uses, \_\_\_\_\_ \$100.00 per unit

<u>Detached Single-Family Dwellings, Townhouses, Condominiums, Structures with 2 or more Dwellings, or non-residential units</u>	\$100.00
<u>2 family and multi-family dwelling first unit</u>	\$150.00 <del>100.00</del> per structure, for the plus+ \$75.00 for each additional \$65.00 for unit within the same structure and to be inspected on the same date at the same time, each additional unit
<u>Change of Tenant (per Section 902.4)</u>	\$25.00
<u>Hotels/Motels/Rooming Houses and Boarding Houses, Schools/Day Care Facilities, Nursing Homes and Health Care Centers</u>	\$150.00 <del>125.00</del> per structure, plus \$25.00 <del>15.00</del> per room, rooming rooming unit or office
<u>Day Care Facilities</u>	\$100.00
<u>Nursing Homes and Health Care Centers</u>	\$125.00 plus \$15.00 per room
<u>Transfer of Title</u>	\$85.00 <del>65.00</del>
<u>Summer Seasonal Rental Fees for initial Certificate of Inspection shall be in accordance with the fees of this section</u>	<del>\$65.00</del> per unit, per summer month or thirty (30) day period as defined in Section 902.3 In addition, an update fee of \$15.00 shall be payable each time the occupants change within a summer- month or thirty day period.
<u>Summer Seasonal updates</u>	\$25.00 for each occupancy change

(b) If the application is received between ten (10) and five (5) or less business days prior to the anticipated closing date, occupancy date or requested inspection date, the fees under paragraph 1(a) above, shall be increased by \$50.00 ~~25.00~~ for each required inspection.

(c) If the application is received four (4) or less days prior to the anticipated closing date, occupancy date or requested inspection date, the fees under paragraph (a) above shall be increased by \$50.00 for each required inspection.

**PM 903.3 - Reinspection:**

Modify as follows:

2.1. Reinspections shall be limited to violations set forth in the prior inspection report and any additional life safety, habitability or statutorily mandated violations inspections that may be evident or mandatory at the time of the reinspection. If the prior violations are not corrected, or life safety, habitability or statutorily mandated code requirements are evident, the Code Officer shall note the violations on the inspection form and fail the inspection. The applicant would be required to complete the repairs and apply for another reinspection. All reinspections must be performed within 30 days of the original inspection date. Inspections not completed within the 30 days will be considered void and require a new application and fee to be submitted. A 30 day extension may be granted by the code enforcement officer upon receipt of a written request.



3. ~~2.~~ Reinspection fees: A reinspection application shall be filed and the fee shall be paid charged for each and every time a code officer is scheduled to reinspect a property to determine whether cited violations have been corrected. A Reinspection fees shall be required prior to the issuance of a Certificate of Inspection after a Conditional or Temporary Certificate of Inspection was issued, or to determine whether there is compliance with the Certificate of Smoke Detector and Carbon Monoxide Compliance (CSDCMAC).

The fees for each reinspection shall be as follows:

<u>Commercial Uses, Detached Single Family Dwellings, Townhouses, Condominiums, Structures with 2 or more Dwellings or non-residential units</u>	<u>\$50.00 per structure, plus \$35.00 for each additional unit within the same structure and to be inspected on the same date at the same time</u>	<u>\$35.00 per unit</u>
<u>Single Family, -2- family and multi-family dwelling</u>	<u>\$20.00 per unit to be inspected (Sales and Rentals)</u>	
<u>Hotels/Motels/Rooming Houses and Boarding Houses, Schools/ Day Facilities, Nursing Homes and Healthcare Centers</u>	<u>\$50.00/35.00 plus \$25.00/10.00 per room, rooming unit or office to be reinspected</u>	
<u>Day Care Facilities</u>	<u>\$35.00</u>	
<u>Nursing Homes and Health Care Centers</u>	<u>\$35.00 plus \$10.00 per room to be inspected</u>	
<u>Transfer of Title</u>	<u>\$25.00</u>	
<u>Summer Seasonal Rental</u>	<u>\$15.00 per update, per unit</u>	

**PM 903.4 - Fees for inspections during non-business hours are (in addition to the regular permit or applications fees as described in PM 903-2 and PM 903-3):**

<u>Minimum fee</u>	<u>\$150.00/25.00 up to two hours</u>
<u>Each man-hour in excess of 2-man hours</u>	<u>\$100.00/50.00 per man hour</u>

(Any fraction of an an man-hour shall be considered one man-hour)

**PM 903.5 — Certificate of Inspection Update for Child's Entry into Neptune Township Public Schools (School Update Inspection)**

- a. ~~The code official shall be authorized to act as a liaison between the code enforcement department and the Neptune Township Public School System to adopt rules and regulations governing the issuance of a certificate of inspection for the Public School System to ensure pupils entering into the Public School System reside in the Township of Neptune. The application and inspection procedure is the same as that for a~~

~~Certificate of Inspection with Occupancy. The scope of the inspection for issuance of a Certificate of Inspection Update (School Update Inspection) shall be as follows:~~

- ~~1. Compliance with the certificate of smoke detector and carbon monoxide compliance (CSDCMAC), as required by N.J.A.C. 5:70-4.19, N.J.A.C. 5:70-2.3 and any other related minimum statutory or administrative code mandates or inspections as may be applicable now or in the future.~~
  - ~~2. Compliance with Section PM 405.0 et al. Occupancy Limitations~~
  - ~~3. Any statutorily mandated inspections that may exist now or in the future for the sale or lease of residential property to be occupied.~~
  - ~~4. Permitted use of the property for residential purposes in accordance with the Zoning Ordinance of the Township of Neptune, and/or that the use of the property is a permitted, preexisting, noneconforming use.~~
  - ~~5. Determination that the property is used by the persons named in the application.~~
- ~~b. The code enforcement officer shall provide a list of applicable requirements to each applicant. The fee for School Update Inspections shall be \$15.00 for inspections and \$15.00 for reinspections, if necessary.~~
- ~~c. If the school inspection is for a tenant, the Landlord, Owner or designated agent must also authorize the inspection.~~
- ~~d. All violations set forth in a School Update Inspection shall be completed no later than ten (10) days from the date of inspection to ensure the safety of those persons living in the premises and compliance with minimum statutory mandates.~~

#### **PM-904.0 — AUTOMATED TRASH/RECYCLING CONTAINERS**

##### **PM-904.1 — Requirements**

The Certificate of Inspection requirements shall include a provision that the applicant for a Certificate of Inspection shall be responsible to ensure that at least one automated trash container and one automated recycling container for each housing unit will remain with the property. The Code Enforcement Department Certificate of Inspection checklist shall include verification that at least one trash container and one recycling container exist for each dwelling unit.

~~A Certificate of Inspection for Occupancy shall be issued by the municipality upon the inspection by the code enforcement officer of that portion of the property to be occupied and any common area, exterior property, accessory structures or other improvement affecting the occupancy, provided such inspection finds that it complies with all of the provisions of the BOCA Basic Property Maintenance Code and all other applicable Ordinances of the Township of Neptune. Inspections for Condominiums, Cooperative Units, Townhouses or similar single family housing units shall be limited to the specific unit only for purposes of issuing a Certificate of Inspection for Occupancy. If there are any violations in the common areas, notices for such violations shall be addressed to the Association, Incorporation or other owner and any interested party or agent, who shall then comply with the requirements set forth in the BOCA Basic Property Maintenance Code or any other applicable ordinances of the Township of Neptune, or be subject to fines, penalties and/or costs as permitted by the Ordinances of Neptune Township.~~

##### **§ 12-1.3 Saving Clause.**

[Ord. No. 1494 § 4; Ord. No. 1633 § 4; Ord. No. 96-35 § 4]

Nothing in this chapter or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this chapter.

**TOWNSHIP COMMITTEE MEETING – APRIL 26, 2021 – 7:00 P.M.**

In person attendance at this meeting is permitted. In addition, video and audio access to the meeting is via [townhallstreams.com/towns/neptune\\_nj](http://townhallstreams.com/towns/neptune_nj). Questions and comments will also be accepted via [townhallstreams.com/towns/neptune\\_nj](http://townhallstreams.com/towns/neptune_nj).

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

<u>ROLL CALL</u>	<u>PRESENT/ABSENT</u>
Keith Cafferty	_____
Robert Lane, Jr.	_____
Nicholas Williams	_____
Tassie D. York	_____
Dr. Michael Brantley	_____

Also present at the dais: Gene Anthony, Township Attorney; Vito D. Gadaleta, Business Administrator; and Richard J. Cuttrell, Municipal Clerk.

Silent Prayer and Flag Salute

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

Mayor Brantley announces that the notice requirements of R.S. 10:4-18 have been satisfied by the publication of the required advertisement in The Coaster and the Asbury Park Press on April 22, 2021, which indicated the ability to attend the meeting in person and included instructions on accessing and participating in the meeting virtually through [townhallstreams.com](http://townhallstreams.com). The Notice was filed with the Municipal Clerk and posted on the Township web site ([www.neptunetownship.org](http://www.neptunetownship.org)), along with the meeting agenda, ordinances and resolutions.

**APPROVAL OF MINUTES** – Motion offered by \_\_\_\_\_, seconded by, \_\_\_\_\_, to approve the minutes of the meeting held on April 12th.

**COMMENTS FROM THE DAIS** - Comments from the Dais regarding business on this agenda or any reports on recent events in their respective departments.

**PUBLIC HEARING – 2021 MUNICIPAL BUDGET**

Michael Bascom, C.F.O., will make a presentation on the 2021 municipal budget followed by Public Comments regarding the 2021 Municipal Budget which was introduced on March 22, 2021. The public will be permitted one opportunity to comment with a limit of five minutes.

**RESOLUTION TO AMEND APPROVED 2021 MUNICIPAL BUDGET**

Res. # 21-163 – Authorize an amendment to approved 2021 Municipal Budget.

Offered by: \_\_\_\_\_ Seconded by: \_\_\_\_\_  
Vote: Cafferty, \_\_\_\_\_; Lane, \_\_\_\_\_; Williams, \_\_\_\_\_; York, \_\_\_\_\_; Brantley, \_\_\_\_\_.

The Public Hearing on the budget amendment will be held at the May 10<sup>th</sup> regular meeting. The Resolution to adopt the 2021 Municipal Budget will also be considered on May 10<sup>th</sup>.

**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. Public comments will also be accepted remotely via [townhallstreams.com/towns/neptune\\_nj](http://townhallstreams.com/towns/neptune_nj).

**ORDINANCES** - For each ordinance with a public hearing, the public is permitted one visit to the microphone with a limit of five minutes. Public comments will also be accepted remotely via [townhallstreams.com/towns/neptune\\_nj](http://townhallstreams.com/towns/neptune_nj).

**ORDINANCE NO. 21-12** – 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 Heck Avenue and removing resident only handicapped parking zones on Benson Avenue and Cookman Avenue - Final Reading

*Explanatory Statement: This ordinance authorizes a resident only handicapped parking zone in front of 7 Heck Avenue and the removal of existing resident only handicapped parking zones in front of 37 Benson Avenue and 73 Cookman Avenue.*

Public Hearing:

Offered by: \_\_\_\_\_ Seconded by: \_\_\_\_\_  
Vote: Cafferty, \_\_\_\_\_; Lane, \_\_\_\_\_; Williams, \_\_\_\_\_; York, \_\_\_\_\_; Brantley, \_\_\_\_\_.

**ORDINANCE NO. 21-13** – Bond Ordinance providing for the acquisition of body worn cameras, vehicle mounted cameras, and related computer hardware and software for use by the Police Department, by and in the Township of Neptune, in the County of Monmouth, State of New Jersey; appropriating \$380,000 therefor and authorizing the issuance of \$361,000 bonds or notes of the Township to finance part of the cost thereof- Final Reading

*Explanatory Statement: This Bond Ordinances authorizes an appropriation of \$380,000 for the acquisition of body worn cameras, vehicle mounted cameras, and related computer hardware and software for use by the Police Department within the Township.*

Public Hearing:

Offered by: \_\_\_\_\_ Seconded by: \_\_\_\_\_  
Vote: Cafferty, \_\_\_\_\_; Lane, \_\_\_\_\_; Williams, \_\_\_\_\_; York, \_\_\_\_\_; Brantley, \_\_\_\_\_.

**ORDINANCE NO. 21-14** – Bond Ordinance amending and restating Bond Ordinance Number 18-06 finally adopted by the Township Committee of the Township of Neptune, in the County of Monmouth, State of New Jersey on March 12, 2018 in its entirety to increase the total debt appropriation therein from \$1,200,000 to \$1,400,000, to increase the amount of the NJDOT Transportation Trust Fund Grant, to increase Section 20 costs, and to amend and restate other provisions therein - Final Reading

*Explanatory Statement: This Bond Ordinance amends and restates Bond Ordinance No. 18-06 (the "Original Ordinance" which provides for improvements to Jumping Brook Road in the Township, including but not limited to the construction and reconstruction of the roadway, the construction of a bicycle path and the construction and installation of traffic calming improvements), in its entirety to (i) increase the appropriation therein by \$200,000, from \$1,200,000 to \$1,400,000 due to an increase in the grant received from the State of New Jersey Department of Transportation – Transportation Trust Fund, (ii) increase the amount therein from \$200,000 to \$500,000 for items of expense listed in and permitted under section 20 of the Local Bond Law, and (iii) amend and restate other provisions therein.*

Public Hearing:

Offered by: \_\_\_\_\_ Seconded by: \_\_\_\_\_  
Vote: Cafferty, \_\_\_\_\_; Lane, \_\_\_\_\_; Williams, \_\_\_\_\_; York, \_\_\_\_\_; Brantley, \_\_\_\_\_.

**ORDINANCE NO. 21-15** – An ordinance to amend Chapter IV, Section 4-4 of the Code of the Township of Neptune entitled “Solicitor, Canvasser, Peddler, Hawker, Itinerant Merchant or Transient Vendor” so as to add and establish a no knock registry - First Reading

*Explanatory Statement: This ordinance establishes a No Knock Registry, sets forth the process for an owner and/or occupant to be included on the Registry, and establishes exceptions and penalties.*

Offered by: \_\_\_\_\_ Seconded by: \_\_\_\_\_  
Vote: Cafferty, \_\_\_\_\_; Lane, \_\_\_\_\_; Williams, \_\_\_\_\_; York, \_\_\_\_\_; Brantley, \_\_\_\_\_.

**ORDINANCE NO. 21-16** – An ordinance to amend Chapter IV, Section 4-4 of the Code of the Township of Neptune entitled “Solicitor, Canvasser, Peddler, Hawker, Itinerant Merchant or Transient Vendor” - First Reading

*Explanatory Statement: This ordinance amends the solicitation ordinance by amending definition of exempt persons and organizations and the permitted hours/days of the week for door-to-door solicitation.*

Offered by: \_\_\_\_\_ Seconded by: \_\_\_\_\_  
Vote: Cafferty, \_\_\_\_\_; Lane, \_\_\_\_\_; Williams, \_\_\_\_\_; York, \_\_\_\_\_; Brantley, \_\_\_\_\_.

**ORDINANCE NO. 21-17** – An ordinance providing for the sale of property, known as Block 402, Lot 7, with an address of 1324 10<sup>th</sup> Avenue owned by the Township of Neptune, no longer needed for the public use, being less than the minimum size required for development under the municipal zoning ordinance to owners of contiguous land - First Reading

*Explanatory Statement: This ordinance authorizes the sale of undersized Township owned property located at 1324 10<sup>th</sup> Avenue contiguous property owners only at a minimum bid of \$52,600.00*

Offered by: \_\_\_\_\_ Seconded by: \_\_\_\_\_  
Vote: Cafferty, \_\_\_\_\_; Lane, \_\_\_\_\_; Williams, \_\_\_\_\_; York, \_\_\_\_\_; Brantley, \_\_\_\_\_.

**ORDINANCE NO. 21-18** – 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 Mt. Tabor Way and removing a resident only handicapped parking zone on Heck Avenue - First Reading

*Explanatory Statement: This ordinance authorizes a resident only handicapped parking zone in front of 69 Mt. Tabor Way and the removal of an existing resident only handicapped parking zone in front of 86 Heck Avenue.*

Offered by: \_\_\_\_\_ Seconded by: \_\_\_\_\_  
Vote: Cafferty, \_\_\_\_\_; Lane, \_\_\_\_\_; Williams, \_\_\_\_\_; York, \_\_\_\_\_; Brantley, \_\_\_\_\_.

**ORDINANCE NO. 21-19** – An ordinance authorizing a Cooperation Agreement and continuance between the Township of Neptune and the Housing Authority of the Township of Neptune and payment in lieu of taxes for the continued ownership, operation and management - First Reading

*Explanatory Statement: This ordinance authorizes the execution of a Cooperation Agreement with the Neptune Township Housing Authority to continue the provisions of a Cooperation Agreement executed in 1958 to allow the Housing Authority to continue to provide housing to citizens in need, to demolish the present facility at 1130 Heck Avenue, and construct a new facility at the same location.*

Offered by: \_\_\_\_\_ Seconded by: \_\_\_\_\_  
Vote: Cafferty, \_\_\_\_\_; Lane, \_\_\_\_\_; Williams, \_\_\_\_\_; York, \_\_\_\_\_; Brantley, \_\_\_\_\_.

The Clerk announces that the Public Hearings on Ordinances 21-15 through 21-19 will be held on Monday, May 10, 2021.

**CONSENT AGENDA**

Res. #21-164 – Place lien on various properties.

Res. #21-165 – Employ Emergency Medical Technician in the EMS Department on a part-time basis.

Res. #21-166 – Appoint member to the Fletcher Lake Commission.

Res. #21-167 – Authorize the filing of a Recycling Tonnage Grant application.

Res. #21-168 – Accept the resignation of Fred Kern as a School Crossing Guard.

Res. #21-169 – Authorize submission of a Strategic Plan for the Neptune Township Municipal Alliance Grant.

Res. #21-170 – Authorize the Mayor and Clerk to execute a Project Agreement with Monmouth County for performance and delivery of FY2108 community development projects.

Res. #21-171 – Authorize the Mayor to sign a certificate prohibiting the use of excessive force and a certificate prohibiting the use of federal funds for lobbying.

Res. #21-172 – Employ temporary seasonal personnel for the Neptune Summer Recreation Program.

Res. #21-173 – Authorize the execution of a Memorandum of Understanding with the New Jersey Board of Public Utilities in connection with the Phase II TC DER Microgrid Incentive Program.

Res. #21-174 – Accept a maintenance guarantee and release a performance bond filed by Eli Yenay for site improvements at the 7-Eleven at 311 Highway 35.

Res. #21-175 – Accept the resignation of Tassie York as a member of the Rent Leveling Board.

Res. #21-176 – Authorize the refund of taxes as a result of an overpayment (1612 Bangs Avenue).

Res. #21-177 – Approve selection of legal counsel to represent Vito Gadaleta in lawsuit for punitive damages.

Res. #21-178 – Approve selection of legal counsel to represent Committeeman Robert Lane, Jr. and former Committee members Kevin McMillan and Carol Rizzo in lawsuit for punitive damages.

Res. #21-179 – Authorize a reduction in the performance guarantees filed by Victoria Estates, LLC for site improvements at Neptune Estates Phases 1A, 1B and 2 (3351 Highway 33).

**CONSENT AGENDA** Offered by: \_\_\_\_\_ Seconded by: \_\_\_\_\_  
Vote: Cafferty, \_\_\_\_\_; Lane, \_\_\_\_\_; Williams, \_\_\_\_\_; York, \_\_\_\_\_; Brantley, \_\_\_\_\_.

Res. #21-180 – Designate the month of June as LGBTQ+ Pride Month in the Township of Neptune.

Offered by: \_\_\_\_\_ Seconded by: \_\_\_\_\_  
Vote: Cafferty, \_\_\_\_\_; Lane, \_\_\_\_\_; Williams, \_\_\_\_\_; York, \_\_\_\_\_; Brantley, \_\_\_\_\_.

Res. #21-181 – Award bid for maintenance of Township grounds.

Offered by: \_\_\_\_\_ Seconded by: \_\_\_\_\_  
Vote: Cafferty, \_\_\_\_\_; Lane, \_\_\_\_\_; Williams, \_\_\_\_\_; York, \_\_\_\_\_; Brantley, \_\_\_\_\_.

Res. #21-182 – Award bid for South Riverside Drive Bicycle and Pedestrian Path.

Offered by: \_\_\_\_\_ Seconded by: \_\_\_\_\_  
Vote: Cafferty, \_\_\_\_\_; Lane, \_\_\_\_\_; Williams, \_\_\_\_\_; York, \_\_\_\_\_; Brantley, \_\_\_\_\_.

Res. #21-183 – Appoint third non-employee resident member to the Police Committee.

Offered by: \_\_\_\_\_ Seconded by: \_\_\_\_\_  
Vote: Cafferty, \_\_\_\_\_; Lane, \_\_\_\_\_; Williams, \_\_\_\_\_; York, \_\_\_\_\_; Brantley, \_\_\_\_\_.

Res. #21-184 – Authorize the payment of bills.

Offered by: \_\_\_\_\_ Seconded by: \_\_\_\_\_  
Vote: Cafferty, \_\_\_\_\_; Lane, \_\_\_\_\_; Williams, \_\_\_\_\_; York, \_\_\_\_\_; 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. Public Comments will also be accepted remotely via [townhallstreams.com/towns/neptune\\_nj](http://townhallstreams.com/towns/neptune_nj).

**ADJOURNMENT**

ORDINANCE NO. 21-12

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 HECK AVENUE AND REMOVING RESIDENT ONLY HANDICAPPED PARKING ZONES ON BENSON AVENUE AND COOKMAN 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>
Heck Avenue	1	North side of Heck Avenue beginning 208 feet west of the northwest intersection of Heck Avenue and Ocean Avenue

SECTION 2

Volume I, Chapter VII, Section 7-21.7 – Resident Handicapped On-Street Parking, is hereby amended by *removing* the following:

<u>Name of Street</u>	<u>No. of Spaces</u>	<u>Location</u>
Benson Avenue	1	East side of Benson Avenue beginning 48 feet north of the northeast intersection of Benson Avenue and Mt. Hermon Way
Cookman Avenue	1	North side of Cookman Avenue beginning 124 feet east of the northeast intersection of Cookman and New York Avenue

SECTION 3

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



APPROVED ON FIRST READING:

April 12, 2021

APPROVED, PASSED, AND ADOPTED:

April 26, 2021

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Richard J. Cuttrell,  
Municipal Clerk

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Dr. Michael Brantley,  
Mayor

ORDINANCE NO. 21-13

BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF BODY WORN CAMERAS, VEHICLE MOUNTED CAMERAS, AND RELATED COMPUTER HARDWARE AND SOFTWARE FOR USE BY THE POLICE DEPARTMENT, BY AND IN THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$380,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$361,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

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

SECTION 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized as a general improvement or purpose to be undertaken by the Township of Neptune, in the County of Monmouth, State of New Jersey (the "Township"). For the said improvement or purpose stated in Section 3 hereof, there is hereby appropriated the sum of \$380,000, said sum being inclusive of a down payment in the amount of \$19,000 (the "Down Payment") for said improvement required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"), which Down Payment is now available from the General Capital Improvement Fund by virtue of a provision or provisions in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvement or purpose described in Section 3 hereof and to meet the part of said \$380,000 appropriation not provided for by application hereunder of the Down Payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$361,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Township in a principal amount not exceeding \$361,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. (a) The improvement hereby authorized and purpose for the financing of which said bonds or notes are to be issued is the acquisition of body worn cameras, vehicle mounted cameras, and related computer hardware and software for use by the Police Department within the Township, and all other related improvements, engineering and design work, consulting, preparation of plans and specifications, construction planning, surveying, permits, bid documents, construction inspection and contract administration, equipment rental and all work, materials, equipment, accessories, labor and appurtenances necessary therefor or incidental thereto, all in accordance with the plans and specifications therefor on file in the Office of the Township Clerk and available for public inspection and hereby approved.

(b) The estimated maximum amount of bonds or notes to be issued for said improvement or purpose is \$361,000.

(c) The estimated cost of said improvement or purpose is \$380,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the Down Payment in the amount of \$19,000 available for such improvement or purpose.

SECTION 4. In the event the United States of America, the State of New Jersey, and/or the County of Monmouth, including any State of New Jersey or Federal Body Worn Camera Programs, including but not limited to the New Jersey Office of the Attorney General Body Worn Camera Grant Program, make a contribution or grant in aid to the Township for the improvement and purpose authorized hereby and the same shall be received by the Township prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey and/or the County of Monmouth, including any State of New Jersey or Federal Body Worn Camera Programs, including but not limited to the New Jersey Office of the Attorney General Body Worn Camera Grant Program. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey and/or the County of Monmouth, including any State of New Jersey or Federal Body Worn Camera Programs, including but not limited to the New Jersey Office of the Attorney General Body Worn Camera Grant Program, shall be received by the Township after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Township as a result of using funds from this bond ordinance as "matching local funds" to receive such contribution or grant in aid.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Township, provided that no note shall mature later than one (1) year from its date or otherwise authorized by the Local Bond Law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The Capital Budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs will be on file in the office of the Clerk and will be available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense and is an improvement or purpose which the Township may lawfully

undertake as a general improvement or purpose, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is five (5) years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$361,000 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$20,000 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the purpose or improvement hereinbefore described.

SECTION 8. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the bonds or notes authorized by this bond ordinance. The bonds or notes shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Township for the payment of the bonds or notes and the interest thereon without limitation as to rate or amount.

SECTION 9. The Township reasonably expects to reimburse any expenditures toward the costs of the improvement or purpose described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Township's official intent to reimburse any expenditures toward the costs of the improvement or purpose described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations §1.150-2. All reimbursement allocations will occur not later than eighteen (18) months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized herein is paid, or (ii) the date the improvement or purpose described in Section 3 hereof is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than three (3) years after the expenditure is paid.

SECTION 10. The Township covenants to maintain the exclusion from gross income under section 103(a) of the Code of the interest on all bonds and notes issued under this bond ordinance.

SECTION 11. The Chief Financial Officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township, which are authorized herein, and to execute such disclosure document on behalf of the Township. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township, which are authorized herein, and to amend such undertaking from time to time in connection with any

change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 12. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption and approval by the Mayor, as provided by the Local Bond Law.

APPROVED ON FIRST READING: April 12, 2021

APPROVED, PASSED, AND ADOPTED: April 26, 2021

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Richard J. Cuttrel,  
Municipal Clerk

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Dr. Michael Brantley,  
Mayor

ORDINANCE NO. 21-14

BOND ORDINANCE AMENDING AND RESTATING BOND ORDINANCE NUMBER 18-06 FINALLY ADOPTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY ON MARCH 12, 2018 IN ITS ENTIRETY TO INCREASE THE TOTAL DEBT APPROPRIATION THEREIN FROM \$1,200,000 TO \$1,400,000, TO INCREASE THE AMOUNT OF THE NJDOT TRANSPORTATION TRUST FUND GRANT, TO INCREASE SECTION 20 COSTS, AND TO AMEND AND RESTATE OTHER PROVISIONS THEREIN

WHEREAS, the Township Committee of the Township of Neptune, in the County of Monmouth, State of New Jersey (the "Township") heretofore finally adopted Bond Ordinance Number 18-06 on March 12, 2018, entitled "BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO JUMPING BROOK ROAD, BY AND IN THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$1,200,000 THEREFOR (INCLUDING \$887,000 NJDOT TRANSPORTATION TRUST FUND GRANT) AND AUTHORIZING THE ISSUANCE OF \$313,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF" (the "Original Ordinance"); and

WHEREAS, the Township expects to receive an additional grant from the State of New Jersey Department of Transportation – Transportation Trust Fund to fund the improvements described in the Original Ordinance; and

WHEREAS, the Township desires to appropriate and expend such additional grant moneys toward the cost of such improvement described in the Original Ordinance; and

WHEREAS, the Township also desires to increase the amount for items of expense listed in and permitted under section 20 of the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"); and

WHEREAS, the Township Committee of the Township desires to amend and restate the Original Ordinance in its entirety in order to (i) increase the appropriation therein by \$200,000, from \$1,200,000 to \$1,400,000 due to an increase in the grant received from the State of New Jersey Department of Transportation – Transportation Trust Fund from \$887,000 to \$1,087,000, (ii) increase the amount therein from \$200,000 to \$500,000 for items of expense listed in and permitted under section 20 of the Local Bond Law, and (iii) amend and restate other provisions therein.

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

Section 1. The bond ordinance of the Township of Neptune, in the County of Monmouth, State of New Jersey (the "Township"), heretofore finally adopted by the Township Committee on March 12, 2018, numbered 18-06 and entitled, "BOND ORDINANCE PROVIDING

FOR IMPROVEMENTS TO JUMPING BROOK ROAD, BY AND IN THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$1,200,000 THEREFOR (INCLUDING \$887,000 NJDOT TRANSPORTATION TRUST FUND GRANT) AND AUTHORIZING THE ISSUANCE OF \$313,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF" (the "Original Ordinance"), is hereby amended and restated in its entirety as set forth below:

**"BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO JUMPING BROOK ROAD, BY AND IN THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$1,400,000 THEREFOR (INCLUDING \$1,087,000 NJDOT TRANSPORTATION TRUST FUND GRANT) AND AUTHORIZING THE ISSUANCE OF \$313,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF**

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

SECTION 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized as a general improvement or purpose to be undertaken by the Township of Neptune, in the County of Monmouth, State of New Jersey (the "Township"). For the said improvement or purpose stated in Section 3 hereof, there is hereby appropriated the sum of \$1,400,000, including \$1,087,000 in a State of New Jersey Department of Transportation – Transportation Trust Fund Grant (the "Grant"). No down payment for said improvements is required pursuant to Section 40A:2-11c of the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law").

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$1,400,000 appropriation not provided for by application hereunder of the Grant, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$313,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in a principal amount not exceeding \$313,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. (a) The improvement hereby authorized and purpose for the financing of which said bonds or notes are to be issued is for improvements to Jumping Brook Road in the Township, including but not limited to the construction and reconstruction of the roadway, the construction of a bicycle path and the construction and installation of traffic calming improvements, and all other related improvements including, but not limited to, as applicable, engineering and design work, consulting, preparation of plans and specifications, construction planning, surveying, permits, bid documents, construction inspection and contract administration, equipment rental and all work, materials, equipment, accessories, labor and appurtenances necessary therefor or incidental thereto, all in accordance with the plans and specifications therefor on file in the Office of the Township Clerk and available for public inspection and hereby approved.

(b) The estimated maximum amount of bonds or notes to be issued for said improvement or purpose is \$313,000.

(c) The estimated cost of said improvement or purpose is \$1,400,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the Grant in the amount of \$1,087,000 available for such improvement or purpose.

SECTION 4. Other than the Grant, in the event the United States of America, the State of New Jersey, and/or the County of Monmouth make a contribution or grant in aid to the Township for the improvement and purpose authorized hereby and the same shall be received by the Township prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey and/or the County of Monmouth. Other than the Grant, in the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey and/or the County of Monmouth, shall be received by the Township after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Township as a result of using funds from this bond ordinance as "matching local funds" to receive such contribution or grant in aid.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Township, provided that no note shall mature later than one (1) year from its date or otherwise authorized by the Local Bond Law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The Capital Budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs will be on file in the office of the Clerk and will be available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense and is an improvement or purpose which the Township may lawfully undertake as a general improvement or purpose, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.



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

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$313,000 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$500,000 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the purpose or improvement hereinbefore described.

SECTION 8. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the bonds or notes authorized by this bond ordinance. The bonds or notes shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Township for the payment of the bonds or notes and the interest thereon without limitation as to rate or amount.

SECTION 9. The Township reasonably expects to reimburse any expenditures toward the costs of the improvement or purpose described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Township's official intent to reimburse any expenditures toward the costs of the improvement or purpose described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations §1.150-2. All reimbursement allocations will occur not later than eighteen (18) months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized herein is paid, or (ii) the date the improvement or purpose described in Section 3 hereof is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than three (3) years after the expenditure is paid.

SECTION 10. The Township covenants to maintain the exclusion from gross income under section 103(a) of the Code of the interest on all bonds and notes issued under this bond ordinance.

SECTION 11. The Chief Financial Officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township, which are authorized herein, and to execute such disclosure document on behalf of the Township. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township, which are authorized herein, and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for

any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 12. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption and approval by the Mayor, as provided by the Local Bond Law."

Section 2. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption and approval by the Mayor, as provided by the Local Bond Law.

APPROVED ON FIRST READING: April 12, 2021

APPROVED, PASSED, AND ADOPTED: April 26, 2021

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Richard J. Cuttrell,  
Municipal Clerk

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Dr. Michael Brantley,  
Mayor

ORDINANCE NO. 21-15

AN ORDINANCE TO AMEND CHAPTER IV, SECTION 4-4 OF THE CODE OF THE TOWNSHIP OF NEPTUNE ENTITLED "SOLICITOR, CANVASSER, PEDDLER, HAWKER, ITINERANT MERCHANT OR TRANSIENT VENDOR" SO AS TO ADD AND ESTABLISH A NO KNOCK REGISTRY

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 Neptune Township Code of Ordinances, Volume I, Chapter IV, Section 4-4 of the Code of the Township of Neptune entitled "Solicitor, Canvasser, Peddler, Hawker, Itinerant Merchant or Transient Vendor" is hereby amended to add §4-33, entitled "No Knock Registry" as follows:

§4-33 No Knock Registry.

- a. The Police Department shall maintain a list of addresses of those premises where the owner and/or occupant has notified the Police Department that soliciting, canvassing, peddling, hawking or other actions set forth more fully in §4-4 of the Code of the Township of Neptune are not permitted on the premises (hereinafter referred to as the "No Knock Registry"). A request by owners or occupants being included on the No Knock Registry shall be by completion and submission of a form made available to the Police Department. The No Knock Registry shall be updated on January 15<sup>th</sup> and July 15<sup>th</sup> of each year.
- b. Any owner and/or occupant who has requested enlistment on the No Knock Registry, pursuant to §4-33(a) herein shall be able to purchase, for a fee of \$5.00 a sticker for display at his, her or their premises indicating enlistment on the No Knock Registry.
- c. The Police Department shall distribute the current No Knock Registry to any licensee at the time of issuance of a license to solicit, canvass, peddle, or hawk or otherwise act under §4-4 of the Code of the Township of Neptune. Said licensee shall not solicit, canvass, peddle or hawk or take any other actions subject to a license under §4-4 of any premises identified on the current No Knock Registry.

§4-33.1 Exceptions.

The following persons and/or organizations or persons representing said organizations are exempt from compliance with this section:

- a. Any charitable, religious, patriotic, political or philanthropic purpose.
- b. Any organization or person representing said organization which qualifies for tax exemption under the Internal Revenue Service Code.

- c. Any organization or person representing said organization that qualifies for exemption from sales tax under N.J.S.A. 54:32B-9 or created under Title 15A of New Jersey Statutes.
- d. Persons delivering goods, wares or merchandise in the regular course of business to the premises of persons ordering or entitled to receive said goods; such as but not limited to delivery of milk, eggs, bread, newspapers or other necessary and/or perishable articles of food or merchandise of the type commonly delivered on a house-to-house basis at intervals of less than one week.
- e. Federal Census takers and polls or surveys taken pursuant to Federal, State or Local Law.
- f. Veterans or volunteer fireman, first aid, individuals representing said groups holding a special license pursuant to N.J.S.A. 45:24-9, and shall be obligated to carry said license or proper identification.
- g. Halloween trick-or-treaters.
- h. It shall be unlawful for any person under the age of 18 to solicit under this Section unless supervised by a person at least 18 years of age or older and who will be in sight of and no more than 100 feet away from an individual who is 18 years of age or older.
- i. No person subject to the provisions of this section shall canvass, solicit or distribute circulars or other matters or call from house to house except during the hours of 1 pm through 5 pm Monday through Friday. No commercial solicitation, distribution or canvassing is permitted Saturday or Sunday in the Township.

#### §4-33.2 Violations and Penalties.

- a. Any person who appears at a property on the No Knock Registry where the property has been so posted in accordance with this section shall be considered in violation of the this Ordinance.
- b. Any person violating the terms of this section shall be subject to the following penalties:
  - 1. First offense – A fine of \$300.00.
  - 2. Second offense – A fine of \$1,000.00
  - 3. Third or subsequent offense – A fine of not less than \$1,000.00 nor more than \$2,000.00 and in the discretion of the Court, jail and/or community service or any combination thereto of not more than ninety (90) days.

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

ORDINANCE NO. 21-16

AN ORDINANCE TO AMEND CHAPTER IV, SECTION 4-4 OF  
THE CODE OF THE TOWNSHIP OF NEPTUNE ENTITLED  
"SOLICITOR, CANVASSER, PEDDLER, HAWKER, ITINERANT  
MERCHANT OR TRANSIENT VENDOR"

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 Neptune Township Code of Ordinances, Volume I, Chapter IV, Section 4-4 of the Code of the Township of Neptune entitled "Solicitor, Canvasser, Peddler, Hawker, Itinerant Merchant or Transient Vendor" is hereby amended as follows:

§4-4.5. Presently entitled "Charitable, Religious, Patriotic or Philanthropic Organizations shall be changed to "Exempt Persons and Organizations".

- a. Any person, organization, society or association desiring to solicit or have solicited in its name, money, donations of money or property, or financial assistance of any kind or desiring to sell or distribute any item of literature or merchandise for which a fee is charged or solicited from persons other than members of such organization at any place or places within the Township, said persons or organizations shall be exempt from §4-4 and will not have to file any sworn application in writing either for notification purposes or seeking a license, if said person or organization falls under the following categories:
  1. Any charitable, religious, patriotic, political or philanthropic purpose.
  2. Any organization or person representing said organization which qualifies for tax exemption under the Internal Revenue Service Code.
  3. Any organization or person representing said organization that qualifies for exemption from sales tax under N.J.S.A. 54:32B-9 or created under Title 15A of New Jersey Statutes.
  4. Persons delivering goods, wares or merchandise in the regular course of business to the premises of persons ordering or entitled to receive said goods; such as but not limited to delivery of milk, eggs, bread, newspapers or other necessary and/or perishable articles of food or merchandise of the type commonly delivered on a house-to-house basis at intervals of less than one week.
  5. Federal Census takers and polls or surveys taken pursuant to Federal, State or Local Law.
  6. Veterans or volunteer fireman, first aid, individuals representing said groups holding a special license pursuant to N.J.S.A. 45:24-9, and shall be obligated to carry said license or proper identification.

7. Halloween trick or treaters.
8. It shall be unlawful for any person under the age of 18 to solicit under this Section unless supervised by a person at least 18 years of age or older and who will be in sight of and no more than 100 feet away from an individual who is 18 years of age or older.

§4-4.7 Rules and Regulations.

Every person, society, association or organization to which a license is issued and is required to be issued under the terms of this Section shall be governed by the following rules and regulations:

- b. No person subject to the provisions of this section shall canvass, solicit or distribute circulars or other matters or call from house to house except during the hours of 1:00 p.m. through 5:00 p.m. Monday through Friday. No commercial solicitation, distribution or canvassing is permitted Saturday or Sunday in the Township.

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

ORDINANCE NO. 21-17

AN ORDINANCE PROVIDING FOR THE SALE OF PROPERTY, KNOWN AS BLOCK 402, LOT 7, WITH AN ADDRESS OF 1324 10<sup>TH</sup> AVENUE OWNED BY THE TOWNSHIP OF NEPTUNE, NO LONGER NEEDED FOR THE PUBLIC USE, BEING LESS THAN THE MINIMUM SIZE REQUIRED FOR DEVELOPMENT UNDER THE MUNICIPAL ZONING ORDINANCE TO OWNERS OF CONTIGUOUS LAND

BE IT ORDAINED, BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE IN THE COUNTY OF MONMOUTH THAT:

SECTION 1. The Township hereby determines to sell public land, no longer needed for public use, at private sale to owners of property contiguous to the land offered for sale. Said premises are sold pursuant to N.J.S.A. 40A:12-13B and N.J.S.A. 40A:12-13.2 at private sale at an amount no less than the minimum bid as set in Section 2.

SECTION 2. The premises offered for sale are less than the minimum size required for development under the Municipal Zoning Ordinance and are without any capital improvement thereon. The property offered for sale and the minimum allowable bid is as follows:

<b>BLOCK/LOT</b>	<b>ADDRESS</b>	<b>MINIMUM BID</b>
402/7	1324 10th Avenue	\$ 52,600.00

SECTION 3. All owners of any real property contiguous to the premises offered for sale shall have the right of prior refusal to purchase said land at no less than the minimum bid. In the event that there is more than one owner with property contiguous to the premises offered for sale, the said property shall be sold to the highest bidder from among all such owners.

SECTION 4. Said premises are sold for the sole purpose of being used together with the adjoining or contiguous land and premises of the purchaser.

SECTION 5. No single or separate structure shall be erected on the subject premises, nor shall same be improved, unless the subject premises are combined, by means of subdivision, with adjoining or contiguous lands and premises of the Purchaser, all in accordance with the approval of the appropriate Board or Agency of the Township of Neptune and in accordance with the minimum requirements of the Zoning Ordinances and other applicable ordinances of the Township of Neptune.

SECTION 6. Ten (10%) percent of the purchase money is to be paid at the time the property is sold in the form of a certified check, cash, or money order. If the money is not paid at that time, the property may be put up and re-sold immediately. The balance is to be paid within ninety (90) days upon delivery of a bargain and sale deed.

SECTION 7. All right, title and interest of the Township in and to the lands offered for sale are being sold subject to all applicable federal, state and municipal laws and regulations including applicable ordinances, easements, conditions, restrictions and rights-of-way of record and such facts as an accurate survey may disclose.



SECTION 8. The description and location of said lands as set forth herein are for informational purposes only and perspective bidders should examine the property prior to building to verify this information.

SECTION 9. The Township represents title to said property is good and marketable, insurable by a reputable title insurance company at its regular rates except for restrictions and easements of record. In the event that the Township cannot convey marketable title to said premises, its sole liability shall be to return without interest all monies paid by the Purchaser to the Township. Objections to the marketability of title must be made in writing to the Township at least thirty (30) days prior to delivery of the Bargain and Sale Deed or any such objection shall be deemed waived.

SECTION 10. The Purchaser shall be required at the time of closing, to pay as an additional purchase price, equal to all Township legal fees associated with the conveyance of the property. Any bidder who fails to complete his purchase will forfeit to the Township any deposit paid. Closing will take place at the Neptune Municipal Offices. All closing costs including the balance of the purchase price shall be made in the form of cash, certified check or money order.

SECTION 11. The Township reserves the following rights with regard to this sale:

A. To adjourn the sale in whole or in part at the time of sale for not more than one week without readvertising the sale.

B. To reject any and all bids received.

C. To waive such conditions of this sale as are deemed in the best interest of the Township.

SECTION 12. Closing on the subject premises shall take place no later than ninety (90) days from the date the premises are sold to the highest bidder.

SECTION 13. In the event that the Purchaser fails to comply with the terms and conditions of the sale or otherwise fails to close on the subject premises, liquidated damages in the amount of the deposit shall be retained by the Township and upon written notice by the Township to the Purchaser, the sale shall be terminated.

SECTION 14. The within premises are sold strictly in an "as is" condition. The Purchaser acknowledges bidding on the subject premises with knowledge as to the value of the land, and not on any representations made as to the character or quality by the Township.

SECTION 15. The deed shall be conveyed subject to all of the conditions hereinabove set forth.

SECTION 16. The Township Clerk is authorized to fix the date of the public auction and advertise for the notice of public auction pursuant to N.J.S.A. 40A:12-13.

SECTION 17. That all ordinances or parts of ordinances of the Township of Neptune, in conflict or inconsistent with this ordinance, are hereby repealed, but only, however, to the extent of such conflict or inconsistency; it being the legislative intent that all other ordinances, or parts of ordinances, now existing and in effect, unless the same be in conflict or inconsistent with

any of the provisions of this ordinance, shall remain in full force and effect.

SECTION 18. This ordinance shall become effective immediately upon its adoption and publication according to law.

APPROVED ON FIRST READING:

APPROVED, PASSED AND ADOPTED:

ATTEST:

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Richard J. Cuttrell,  
Municipal Clerk

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Dr. Michael Brantley,  
Mayor

ORDINANCE NO. 21-18

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 MT. TABOR WAY AND REMOVING A RESIDENT ONLY HANDICAPPED PARKING ZONE ON 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>
Mt. Tabor Way	1	North side of Mt. Tabor Way beginning 142 feet west of the northwest intersection of Mt. Tabor Way and Pilgrim Pathway

SECTION 2

Volume I, Chapter VII, Section 7-21.7 – Resident Handicapped On-Street Parking, is hereby amended by *removing* the following:

<u>Name of Street</u>	<u>No. of Spaces</u>	<u>Location</u>
Heck Avenue	1	South side of Heck Avenue beginning 97 feet west of the southwest intersection of Heck Avenue and New York Avenue

SECTION 3

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

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

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Richard J. Cuttrell,  
Municipal Clerk

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Dr. Michael Brantley,  
Mayor

ORDINANCE NO. 21-19

AN ORDINANCE AUTHORIZING A COOPERATION AGREEMENT AND CONTINUANCE BETWEEN THE TOWNSHIP OF NEPTUNE AND THE HOUSING AUTHORITY OF THE TOWNSHIP OF NEPTUNE AND PAYMENT IN LIEU OF TAXES FOR THE CONTINUED OWNERSHIP, OPERATION AND MANAGEMENT

WHEREAS, records indicate that a Cooperation Agreement, often called an Agreement for Payment in Lieu of Taxes, was entered into between Neptune Township and the Housing Authority of Neptune Township in 1958, and has been a subject of cooperation since that time; and

WHEREAS, the actual written Agreement, fully executed by the parties, has not been found. Therefore, one is now needed in order to obtain funding required for the Housing Authority for planned construction of the new Housing Authority building located at 1130 Heck Avenue, as well as improvements to other property sites; and

WHEREAS, it is considered in the best interest of the municipality to maintain the Housing Authority of Neptune Township to encourage and to provide low-rental housing to citizens in need of such housing, demolition of its present facility at 1130 Heck Avenue, Neptune Township, NJ, built in the 1960's and construction of a new facility and improvements to other projects controlled by the Housing Authority.

NOW, THEREFORE BE IT ORDAINED AND ENACTED, by the Mayor and Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey, that pursuant to N.J.S.A. 55:14K-1 et seq., which requires an Agreement to be entered into with the municipality for Payment in Lieu of Taxes, pursuant to the aforesaid statute, and that said Agreement be authorized by the governing body of the Township of Neptune, and the Township Committee hereby authorizes the Municipal Attorney to prepare a Cooperation Agreement as a continuing Agreement to that which previously existed between Neptune Township and the Housing Authority of Neptune Township, since 1958, with the understanding that the Housing Authority shall continue to exist in Neptune Township and intends to demolish the present facility and construct a new facility for low-rent resident housing, while seeking a subdivision of its present site at 1130 Heck Avenue and construct its new facility at the same site and make improvements to other sites set forth in the Agreement.

BE IT FURTHER ORDAINED AND ENACTED, that the Mayor and Clerk are hereby authorized to execute the Agreement, upon preparation of the same by the Municipal Attorney.

This Ordinance shall take effect upon final adoption and publication by notice of the adoption as required by law; and

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

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

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Richard J. Cuttrell,  
Municipal Clerk

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Dr. Michael Brantley,  
Mayor

RESOLUTION #21-163 – 4/26/21

AUTHORIZE AN AMENDMENT TO APPROVED 2021 MUNICIPAL BUDGET

WHEREAS, the local municipal budget for the year 2021 was approved on the 22nd day of March, 2021; and,

WHEREAS, the public hearing on said budget has been held as advertised on April 26, 2021, and,

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

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, of the County of Monmouth, that the following amendments to the approved budget of 2021 be made:

	Approved Budget	Amended Budget
<b>GENERAL REVENUES</b>		
1. Surplus Anticipated	\$3,300,000.00	\$3,303,000.00
3. Miscellaneous Revenues – Section B: State Aid Without Offsetting Appropriations		
Consolidated Municipal Property tax Relief Aid	\$168,897.00	116,221.00
Energy Receipts Tax	\$4,828,557.00	\$4,881,233.00
3. Miscellaneous Revenues – Section C: Dedicated Uniform Construction Code Fees		
Uniform Construction Code Fees	\$750,000.00	\$770,000.00
Total Section C: Dedicated Uniform Construction Code Fees	\$750,000.00	\$770,000.00
3. Miscellaneous Revenues – Section D: Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services – Shared Services Agreement		
Borough of Avon – EMS Program	0.00	\$1,365.12
Total Section D: Shared Services Agreements Offset with Appropriations	\$447,473.00	\$448,838.12
3. Miscellaneous Revenues – Section D: Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services – Public and Private Revenues Offset with Appropriations		
Recycling Tonnage Grant	0.00	\$68,804.38
USDOJ Bulletproof Vest Program	0.00	\$21,252.00
Older Americans Act	\$25,000.00	\$36,000.00
Total Section D: Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services – Public and Private Revenues	\$93,660.06	\$194,716.44
6. Amount to be Raised by Taxes for Support of Municipal Budget:		

c) Minimum Library Tax	\$1,468,003.00	\$1,468,004.29
<b>SUMMARY OF REVENUES</b>		
1. Surplus Anticipated	\$3,300,000.00	\$3,303,000.00
Total Section C: Dedicated Uniform Construction Code Fees	\$750,000.00	\$770,000.00
Total Section D: Shared Services Agreements Offset with Appropriations	\$447,473.00	\$448,838.12
Total Section D: Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services – Public and Private Revenues	\$93,660.06	\$194,716.44
3. Total Miscellaneous Revenues	\$9,545,370.84	\$9,667,792.34
5. Total General Revenues (Items 1,2,3 and 4)	\$13,819,629.32	\$13,945,050.82
6. c) Minimum Library Tax	\$1,468,003.00	\$1,468,004.29
7. Total General Revenues	\$47,072,641.56	\$47,198,064.35
<b>8. GENERAL APPROPRIATIONS</b>		
<b>(A) Operations – within "CAPS"</b>		
Police Department – Other Expenses	\$340,000.00	\$328,700.00
Police Department – Homeland Security	\$10,000.00	\$5,000.00
Total Operations {Item 8(A)} within "CAPS"	\$32,125,000.00	\$32,108,700.00
Detail: Other Expenses	\$13,533,000.00	\$13,272,755.00
(H-1) Total General Appropriations for Municipal Purposes within "CAPS"	\$36,842,150.00	\$36,825,850.00
<b>(A) Operations Excluded from "CAPS"</b>		
Aid to Free Public Library	\$1,468,003.00	\$1,468,004.29
Total Other Operations – Excluded from "CAPS"	\$1,533,003.00	\$1,533,04.29
<b>(A) Operations Excluded from "CAPS" – Shared Service Agreements</b>		
City of Asbury Park – Shot Spotter Program	\$0.00	\$36,300.00
Borough of Avon – EMS Program	\$0.00	\$1,365.12
Total Interlocal Municipal Service Agreements	\$919,373.00	\$957,038.12
<b>(A) Operations Excluded from "CAPS" – Public and Private Programs Offset by Revenues</b>		
Senior Citizens Program – Title III Salaries and Wages	\$213,000.00	\$224,000.00
Recycling Tonnage Grant	\$0.00	\$68,804.38
USDOJ Bulletproof Vest Program	\$0.00	\$21,252.00
Total Public and Private Programs Offset by Revenues	\$402,615.56	\$503,671.94
Total Operations – Excluded from "CAPS"	\$2,854,991.56	\$2,993,713.06
Detail: Salaries and Wages	\$453,288.00	\$465,653.12
Detail: Other Expenses	\$2,401,703.56	\$2,528,059.94
<b>(D) Municipal Debt Service – Excluded from "CAPS"</b>		
Capital Lease Obligations – Principal	\$858,000.00	\$861,000.00
Total Municipal Debt Service Excluded from "CAPS"	\$4,675,500.00	\$4,678,500.00

(H-2) Total General Appropriations for Municipal Purposes Excluded from "CAPS"	\$7,830,491.56	\$7,972,214.35
(O) Total General Appropriations – Excluded from "CAPS"	\$7,830,491.56	\$7,972,214.35
(L) Subtotal General Appropriations {Items (H-1) and (O)}	\$44,672,641.56	\$44,798,064.35
9. Total General Appropriations	\$47,072,641.56	\$47,198,064.35
<b>SUMMARY OF APPROPRIATIONS</b>		
(H-1) Total General Appropriations for Municipal Purposes within "CAPS"	\$36,842,150.00	\$36,825,850.00
(A) Operations Excluded from "CAPS"		
Other Operations	\$1,533,003.00	\$1,533,042.29
Interlocal Municipal Service Agreements	\$919,373.00	\$957,038.12
Public and Private Programs Offset by Revenues	\$402,615.56	\$503,671.94
(D) Municipal Debt Service	\$4,675,500.00	\$4,678,500.00
Total Operations Excluded from "CAPS"	\$2,854,991.56	\$2,993,713.06
Total General Appropriations	\$47,072,641.56	\$47,198,064.35
<b>10. DEDICATED SEWER UTILITY BUDGET</b>		
Operating Surplus Anticipated	\$952,400.00	\$970,614.00
Total Operating Surplus	\$952,400.00	\$970,614.00
Total Sewer Utility Revenues	\$7,628,400.00	\$7,646,614.52
<b>11. APPROPRIATIONS FOR SEWER UTILITY</b>		
Deferred Charges and Statutory Expenditures:		
Deferred Charges: Overexpenditure	\$0.00	\$18,214.52
<b>TOTAL SEWER UTILITY APPROPRIATIONS</b>	<b>\$7,628,400.00</b>	<b>\$7,646,614.52</b>
<b>10. DEDICATED MARINA UTILITY BUDGET</b>		
Operating Surplus Anticipated	\$49,000.00	\$51,260.74
Total Operating Surplus	\$49,000.00	\$51,260.74
Total Marina Utility Revenues	\$549,000.00	\$551,260.74
<b>11. APPROPRIATIONS FOR MARINA UTILITY</b>		
Deferred Charges and Statutory Expenditures:		
Deferred Charges: Overexpenditure	\$0.00	\$2,260.74
<b>TOTAL MARINA UTILITY APPROPRIATIONS</b>	<b>\$549,000.00</b>	<b>\$551,260.74</b>

BE IT FURTHER RESOLVED, that the Municipal Clerk is hereby authorized to advertise this amendment to the 2021 introduced Municipal Budget in the April 29, 2021 edition of The Coaster reflecting a public hearing on said amendments on Monday, May 10, 2021 at 7:00 p.m. at the Neptune Township Municipal Complex, 25 Neptune Blvd., Neptune, NJ

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



Offered by: Mr. Cafferty

Seconded by: Ms. York

Vote:

Cafferty: aye

Lane: aye

Williams: aye

York: aye

Brantley: aye

**CERTIFICATION**  
**HEREBY CERTIFY THE ABOVE TO BE A TRUE**  
**COPY OF A RESOLUTION ADOPTED BY THE**  
**TOWNSHIP COMMITTEE OF THE TOWNSHIP OF**  
**NEPTUNE ON APRIL 26, 2021**



**Richard J. Cuttrell, Municipal Clerk**

RESOLUTION #21-164 - 4/26/21

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

WHEREAS, the Director of Code Enforcement 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 Director of Code Enforcement 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>
509/15	16 Fisher Avenue	\$ 150.50
1003/3	121 Highway 35	829.50
503/11	1300 Heck Avenue	290.00

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

**CERTIFICATION**  
**HEREBY CERTIFY THE ABOVE TO BE A TRUE**  
**COPY OF A RESOLUTION ADOPTED BY THE**  
**TOWNSHIP COMMITTEE OF THE TOWNSHIP OF**  
**NEPTUNE ON APRIL 26, 2021**



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-165 - 4/26/21

EMPLOY EMERGENCY MEDICAL TECHNICIAN  
IN THE EMS DEPARTMENT ON A PART-TIME BASIS

WHEREAS, there is a need for an additional Emergency Medical Technician on a part-time hourly basis; and,

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

WHEREAS, the EMS Manager and Human Resources Director have made their recommendations; and,

WHEREAS, funds are available in the 2021 Municipal Budget in the appropriation entitled Emergency Medical Services 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 Katherine Scott be and is hereby employed as a part-time Emergency Medical Technician, effective April 27, 2021, contingent upon successful completion of the required background investigation and medical evaluation, at an hourly rate of \$21.22; and,

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

**CERTIFICATION**  
**HEREBY CERTIFY THE ABOVE TO BE A TRUE**  
**COPY OF A RESOLUTION ADOPTED BY THE**  
**TOWNSHIP COMMITTEE OF THE TOWNSHIP OF**  
**NEPTUNE ON APRIL 26, 2021**



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-166 - 4/26/21

APPOINT MEMBER TO THE FLETCHER LAKE COMMISSION

BE IT RESOLVED, by the Township Committee of the Township of Neptune that Robert Lane, Jr. be and is hereby appointed as the Township Committee member to the Fletcher Lake Commission for the balance of the year 2021; and,

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

**CERTIFICATION**  
**HEREBY CERTIFY THE ABOVE TO BE A TRUE**  
**COPY OF A RESOLUTION ADOPTED BY THE**  
**TOWNSHIP COMMITTEE OF THE TOWNSHIP OF**  
**NEPTUNE ON APRIL 26, 2021**



**Richard J. Cuttrell, Municipal Clerk**

RESOLUTION #21-167 - 4/26/21

AUTHORIZE THE FILING OF A RECYCLING TONNAGE GRANT APPLICATION

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and,

WHEREAS, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and,

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and,

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and,

WHEREAS, a resolution authorizing this municipality to apply for the 2020 Recycling Tonnage Grant will memorialize the commitment of this municipality to recycling and indicate the assent of the Township Committee to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and,

WHEREAS, such a resolution should designate the individual authorized to ensure that the application is properly completed and timely filed,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby endorses the submission of a recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates David Milmoie, Recycling Coordinator, to ensure that the said Application is properly filed; and,

BE IT FURTHER RESOLVED, that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling; and,

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

**CERTIFICATION**  
**HEREBY CERTIFY THE ABOVE TO BE A TRUE**  
**COPY OF A RESOLUTION ADOPTED BY THE**  
**TOWNSHIP COMMITTEE OF THE TOWNSHIP OF**  
**NEPTUNE ON APRIL 26, 2021**



**Richard J. Cuttrell, Municipal Clerk**

RESOLUTION #21-168 - 4/26/21

ACCEPT THE RESIGNATION OF FRED KERN  
AS A SCHOOL CROSSING GUARD

WHEREAS, the Chief of Police has received a letter from Fred Kern resigning as a School Crossing Guard effective April 19, 2021,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Fred Kern as a School Crossing Guard is hereby accepted effective April 19, 2021; and,

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

**CERTIFICATION**  
**HEREBY CERTIFY THE ABOVE TO BE A TRUE**  
**COPY OF A RESOLUTION ADOPTED BY THE**  
**TOWNSHIP COMMITTEE OF THE TOWNSHIP OF**  
**NEPTUNE ON APRIL 26, 2021**



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-169 – 4/26/21

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 2022 in the amount of:

DEDR	\$ 17,170.00
Cash Match	\$ 4,292.50
In-Kind	\$ 12,877.50

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 26th day of April, 2021.

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

RESOLUTION #21-170 - 4/26/21

AUTHORIZE THE MAYOR AND CLERK TO EXECUTE A PROJECT AGREEMENT WITH MONMOUTH COUNTY FOR PERFORMANCE AND DELIVERY OF FISCAL YEAR 2018 COMMUNITY DEVELOPMENT PROJECTS

WHEREAS, certain Federal funds are potentially available to Monmouth County under the Housing and Urban-Rural Recovery Act of 1974, as amended; and,

WHEREAS, the County of Monmouth expects to receive an allocation for Fiscal Year 2018 from the United States Department of Housing and Urban Development; and,

WHEREAS, the County of Monmouth has submitted its Annual Plan for Fiscal Year 2018 to the U.S Department of Housing and Urban Development, which included a project hereinafter referred to as Upgrades and Modernization of Hydraulic Elevator with a grant allocation of \$75,868.00; and,

WHEREAS, the Township of Neptune hereby met all requirements for the release of funds to begin incurring costs for this project; and,

WHEREAS, the Township of Neptune has filed with the Monmouth County Community Development Program an acceptable timetable for completion and expenditure of grant funds, which is included as an Appendix to the Project Agreement.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Municipal Clerk of the Township of Neptune are hereby authorized to execute with the County of Monmouth the attached Project Agreement on behalf of the Township of Neptune.

DATED: April 26, 2021

  
Richard J. Cuttrell, Municipal Clerk

Offered By: Mr. Cafferty  
Seconded By: Ms. York

Vote:  
Cafferty: aye  
Lane: aye  
Williams: aye  
York: aye  
Brantley: aye

**CERTIFICATION**  
**HEREBY CERTIFY THE ABOVE TO BE A TRUE**  
**COPY OF A RESOLUTION ADOPTED BY THE**  
**TOWNSHIP COMMITTEE OF THE TOWNSHIP OF**  
**NEPTUNE ON APRIL 26, 2021**

  
Richard J. Cuttrell, Municipal Clerk



RESOLUTION #21-171 - 4/26/21

AUTHORIZE THE MAYOR TO SIGN A CERTIFICATE PROHIBITING THE USE  
OF EXCESSIVE FORCE AND A CERTIFICATION PROHIBITING  
THE USE OF FEDERAL FUNDS FOR LOBBYING

WHEREAS, certain Federal funds are potentially available to Monmouth County through the Housing and Community Development Act of 1974, as amended; and,

WHEREAS, the United States Department of Housing and Urban Development has allocated funding to the County of Monmouth for Fiscal Year 2018; and,

WHEREAS, the County is making some of these funds available to certain participating municipalities and non-profit agencies; and,

WHEREAS, it is required that the Township of Neptune execute a Project Agreement with Monmouth County to undertake a project known as Upgrades and Modernization to Hydraulic Elevator at the Neptune Municipal Complex; and,

WHEREAS, the U.S. Department of Housing and Urban Development is requiring that the Mayor of the Township of Neptune sign additional certifications in order to receive these funds; and,

WHEREAS, the Township of Neptune has adopted a policy prohibiting the use of excessive force by its law enforcement agency (police force) within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and,

WHEREAS, a copy of that policy is attached to and made a part of this resolution; and,

NOW, THEREFORE, BE IT RESOLVED, that the Township of Neptune has met the conditions of receiving a Fiscal Year 2018 allocation by adopting a policy prohibiting the use of excessive force and by not using federal funds for lobbying or by disclosing that funds have been used for lobbying; and,

BE IT FURTHER RESOLVED, that the Mayor of the Township of Neptune is hereby authorized to sign the attached certifications which will become a part of the Fiscal Year 2018 Project Agreement.

DATED: April 26, 2021

  
Richard J. Cuttrell, Municipal Clerk

Offered By: Mr. Cafferty  
Seconded By: Ms. York

Vote:  
Cafferty: aye  
Lane: aye  
Williams: aye  
York: aye  
Brantley: aye

**CERTIFICATION**  
**HEREBY CERTIFY THE ABOVE TO BE A TRUE**  
**COPY OF A RESOLUTION ADOPTED BY THE**  
**TOWNSHIP COMMITTEE OF THE TOWNSHIP OF**  
**NEPTUNE ON APRIL 26, 2021**

  
Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-172 - 4/26/21

EMPLOY TEMPORARY SEASONAL PERSONNEL FOR  
THE NEPTUNE SUMMER RECREATION PROGRAM

WHEREAS, the Township of Neptune Recreation Department will be sponsoring a Summer Recreation Program; and,

WHEREAS, applications were received and the following qualified applicants have been recommended for hire by the Recreation Director; and,

WHEREAS, funds will be provided in the 2021 Municipal Budget in the appropriation entitled Recreation 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 the following persons be and are hereby employed in the Neptune Summer Recreation Program for the number of hours and days as specified herein, pending favorable results of the required background check and with the understanding that staffing levels will be based on final enrollment. This resolution does not guarantee either employment or number of hours; and,

Camp Director            \$20.00/hour    May 1 – August 14    approx. 200 hours

Kaitlyn Oates

Role Models            \$12.00/hour    June 23 – August 9    3.5 hours/day 30 days

Arien Harris  
Sierra Hollins  
Fallon Oates  
Soleil Walker

Stephanie Hogarth  
Beverly Cadet  
Maria Seidle  
Amir Wells-Crudup

Tom Shields  
Nahshon Harbour  
Sanai Taylor

Sub. Role Models      \$11.00/hour    June 23 – August 9    3.5 hours/day 30 days

David Ramirez

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

**CERTIFICATION**  
**HEREBY CERTIFY THE ABOVE TO BE A TRUE**  
**COPY OF A RESOLUTION ADOPTED BY THE**  
**TOWNSHIP COMMITTEE OF THE TOWNSHIP OF**  
**NEPTUNE ON APRIL 26, 2021**



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-173 - 4/26/21

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

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, in 2017, the BPU announced an award of \$150,000 for a Phase I feasibility study of the Neptune Township Advanced Microgrid Project; and,

WHEREAS, on July 10, 2017, the Township Committee adopted Resolution #17-304 which authorized 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

WHEREAS, based on the submitted feasibility studies statewide, on March 3, 2021, the Board of Public Utilities approved eight applicants and awarded Phase II TCDER Microgrid funding to 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 \$526,100 grant from the New Jersey Board of Public Utilities TCDER Microgrid Incentive Program to perform a Phase II TCDER Microgrid Design 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 Phase II TCDER Microgrid Design; 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.

**CERTIFICATION**  
**HEREBY CERTIFY THE ABOVE TO BE A TRUE**  
**COPY OF A RESOLUTION ADOPTED BY THE**  
**TOWNSHIP COMMITTEE OF THE TOWNSHIP OF**  
**NEPTUNE ON APRIL 26, 2021**



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-174 - 4/26/21

ACCEPT A MAINTENANCE GUARANTEE AND RELEASE A PERFORMANCE BOND  
FILED BY ELI YENAY FOR SITE IMPROVEMENTS AT THE 7-ELEVEN AT 311 HIGHWAY 35

WHEREAS, on March 9, 2020, BSD Homes, LLC filed performance bond CT024916 written by First Indemnity of America Insurance Company in the amount of \$54,769.50, guaranteeing site improvements at the 7-Eleven located at 311 Highway 35 (Block 907 and 13); and,

WHEREAS, the Township Engineer has certified that all site improvements have been completed in a satisfactory manner as of April 19, 2021 and said performance bond can be released contingent upon posting a two year maintenance bond in the amount of \$9,128.25; and,

WHEREAS, Eli Yenay has submitted a maintenance guarantee in the form of cash in the amount of \$9,128.50 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 bond is authorized to be released; and,

BE IT FURTHER RESOLVED, that the cash portion of the performance guarantee in the amount of \$6,092.96 and remaining inspection fee escrow deposited with the Township be and is hereby authorized to be refunded (\$500.00 being retained for final inspection at the end of the maintenance period); and,

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

**CERTIFICATION**  
**HEREBY CERTIFY THE ABOVE TO BE A TRUE**  
**COPY OF A RESOLUTION ADOPTED BY THE**  
**TOWNSHIP COMMITTEE OF THE TOWNSHIP OF**  
**NEPTUNE ON APRIL 26, 2021**



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-175 - 4/26/21

ACCEPT THE RESIGNATION OF TASSIE YORK  
AS A MEMBER OF THE RENT LEVELING BOARD

WHEREAS, the Municipal Clerk has received a letter from Tassie York resigning as a member of the Rent Leveling Board effective April 21, 2021,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Tassie York as a member of the Rent Leveling Board is hereby accepted effective April 21, 2021; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Secretary to the Rent Leveling Board.

**CERTIFICATION**  
**HEREBY CERTIFY THE ABOVE TO BE A TRUE**  
**COPY OF A RESOLUTION ADOPTED BY THE**  
**TOWNSHIP COMMITTEE OF THE TOWNSHIP OF**  
**NEPTUNE ON APRIL 26, 2021**



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-176 - 4/26/21

AUTHORIZE THE REFUND OF TAXES AS A RESULT  
OF AN OVERPAYMENT (1612 BANGS AVENUE)

WHEREAS, the properties listed below reflect overpayments; and,

WHEREAS, they have furnished the necessary documentation and have requested a refund;  
and,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune,  
County of Monmouth, State of New Jersey, that the Tax Collector be and is hereby authorized to  
refund the taxes as stated herein; and,

BLOCK	LOT	ASSESSED TO	ADDRESS	YEAR	AMOUNT
601	1	JENNINGS	1612 BANGS AVE	2020	708.85

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

**CERTIFICATION**  
**HEREBY CERTIFY THE ABOVE TO BE A TRUE**  
**COPY OF A RESOLUTION ADOPTED BY THE**  
**TOWNSHIP COMMITTEE OF THE TOWNSHIP OF**  
**NEPTUNE ON APRIL 26, 2021**



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-177 - 4/26/21

APPROVE SELECTION OF LEGAL COUNSEL TO REPRESENT  
VITO GADALETA IN LAWSUIT FOR PUNITIVE DAMAGES

WHEREAS, Vito Gadaleta, Business Administrator, has been named as a Defendant in the matter of Colicelli v. Neptune Township, et al. and has requested legal counsel in regards to the claim for punitive damages; and,

WHEREAS, in accordance with policy, the Township Committee must approve the selection of counsel; and,

WHEREAS, the Township will reimburse said official for legal fees incurred for personal counsel for lawsuits for punitive damages pursuant to N.J.S.A. 40A:14-155; and,

WHEREAS, the Township's reimbursement will be limited to a rate per hour not to exceed the current hourly rate of the Township Attorney, the Township reserves the right to limit the total expenditure to a reasonable cost and the Township reserves the right to not reimburse for legal fees and costs should an employee be held liable for punitive damages; and,

WHEREAS, funds will be provided in the 2021 municipal budget in the appropriation entitled Legal Services O.E. and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that approval is hereby granted to Vito Gadaleta, Business Administrator, to retain Plosia Cohen, LLC as legal counsel for the claim of punitive damages in the matter of Colicelli v. Neptune Township, et al. at an amount not to exceed \$10,000.00; and,

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

**CERTIFICATION**  
**HEREBY CERTIFY THE ABOVE TO BE A TRUE**  
**COPY OF A RESOLUTION ADOPTED BY THE**  
**TOWNSHIP COMMITTEE OF THE TOWNSHIP OF**  
**NEPTUNE ON APRIL 26, 2021**



**Richard J. Cuttrell, Municipal Clerk**

RESOLUTION #21-178 - 4/26/21

APPROVE SELECTION OF LEGAL COUNSEL TO REPRESENT COMMITTEEMAN  
ROBERT LANE, JR. AND FORMER COMMITTEEMEMBERS KEVIN MCMILLAN  
AND CAROL RIZZO IN LAWSUIT FOR PUNITIVE DAMAGES

WHEREAS, Committeeman Robert Lane, Jr. and former Committeemembers Kevin McMillan and Carol Rizzo has been named as Defendants in the matter of Colicelli v. Neptune Township, et al. and have requested legal counsel in regards to the claim for punitive damages; and,

WHEREAS, in accordance with policy, the Township Committee must approve the selection of counsel; and,

WHEREAS, the Township will reimburse said official for legal fees incurred for personal counsel for lawsuits for punitive damages pursuant to N.J.S.A. 40A:14-155; and,

WHEREAS, the Township's reimbursement will be limited to a rate per hour not to exceed the current hourly rate of the Township Attorney, the Township reserves the right to limit the total expenditure to a reasonable cost and the Township reserves the right to not reimburse for legal fees and costs should an employee be held liable for punitive damages; and,

WHEREAS, funds will be provided in the 2021 municipal budget in the appropriation entitled Legal Services O.E. and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that approval is hereby granted to Committeeman Robert Lane, Jr. and former Committeemembers Kevin McMillan and Carol Rizzo to retain the Law Firm of Sobel, Han & Cannon, LLP as legal counsel for the claim of punitive damages in the matter of Colicelli v. Neptune Township, et al. at an amount not to exceed \$10,000.00; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Business Administrator, Chief Financial Officer, Assistant C.F.O., Township Attorney and Law Firm of Sobel, Han & Cannon, LLP.

**CERTIFICATION**  
**HEREBY CERTIFY THE ABOVE TO BE A TRUE**  
**COPY OF A RESOLUTION ADOPTED BY THE**  
**TOWNSHIP COMMITTEE OF THE TOWNSHIP OF**  
**NEPTUNE ON APRIL 26, 2021**



Richard J. Cuttrell, Municipal Clerk



RESOLUTION #21-179 - 4/26/21

AUTHORIZE A REDUCTION IN THE PERFORMANCE GUARANTEES FILED  
BY VICTORIA ESTATES, LLC FOR SITE IMPROVEMENTS AT  
NEPTUNE ESTATES PHASES 1A, 1B AND 2 (3351 HIGHWAY 33)

WHEREAS, Victoria Estates, LLC filed the following performance bonds, written by Guarantee Company of North America, guaranteeing site improvements at Neptune Estates, 3351 Highway 33 (Blocks 3301 & 3302):

Phase 1A – Bond No. 76141110 - \$72,036.00  
Phase 1B – Bond No. 76141111 - \$150,012.00  
Phase 2 – Bond No. 76183686 - \$801,252.00

WHEREAS, at the request of the Developer, the Township Engineer has inspected the site improvements and has recommended a reduction in all three performance guarantees; and,

WHEREAS, the Developer will be notified to post Change Riders reducing the amount of each performance bond and the Municipal Clerk will accept said Riders when posted:

Phase 1A – Bond No. 76141110 - \$30,553.20  
Phase 1B – Bond No. 76141111 - \$66,976.20  
Phase 2 – Bond No. 76183686 - \$240,375.60

WHEREAS, the cash portions of the performance guarantees will also be reduced by the proportionate amounts,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that reductions in the Performance Guarantees posted for Neptune Estates, 3351 Highway 33 (Blocks 3301 & 3302) be and are hereby approved to the amounts as stated herein and the Change Riders submitted to affect said reductions are hereby accepted; and,

BE IT FURTHER RESOLVED, that the proportionate amount of the cash portion of each performance guarantee in the following amount shall be refunded to the Developer:

Phase 1A - \$4,630.16  
Phase 1B – \$9,260.14  
Phase 2 - \$62,412.35

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

**CERTIFICATION**  
**HEREBY CERTIFY THE ABOVE TO BE A TRUE**  
**COPY OF A RESOLUTION ADOPTED BY THE**  
**TOWNSHIP COMMITTEE OF THE TOWNSHIP OF**  
**NEPTUNE ON APRIL 26, 2021**



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-180 – 4/26/21

DESIGNATE THE MONTH OF JUNE AS LGBTQ+ PRIDE MONTH  
IN THE TOWNSHIP OF NEPTUNE

WHEREAS, Lesbian, Gay, Bisexual, Transgender, Queer (or Questioning), and Others (LGBTQ+) Pride Month is celebrated nationwide each year in the month of June; and,

WHEREAS, the month of June was chosen to commemorate the riots that took place at the Stonewall Inn in Manhattan the morning of June 28, 1969. During these riots, LGBTQ+ citizens rose up and fought against the discriminatory criminal laws that have since been declared unconstitutional; and,

WHEREAS, LGBTQ+ pride celebrations take place around the country every June to commemorate the beginning of the Stonewall Riots and it is important during this month to take time to reflect on the LGBTQ+ rights movement; and,

WHEREAS, everyone should be able to live without fear of prejudice, discrimination, violence and hatred based on race, religion, gender identity or sexual orientation; and,

WHEREAS, the Township of Neptune has a diverse and active LGBTQ+ community that includes people of all ethnicities, religions, and professions,

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby designate that the month of June as LGBTQ+ Pride Month in the Township of Neptune and urge all residents to respect and honor our diverse community and celebrate and build a culture of inclusiveness and acceptance; and,

BE IT FURTHER RESOLVED, in recognition of this designation, the rainbow flag shall be flown at the Neptune Township Municipal Complex for the month of June.

**CERTIFICATION**  
**HEREBY CERTIFY THE ABOVE TO BE A TRUE**  
**COPY OF A RESOLUTION ADOPTED BY THE**  
**TOWNSHIP COMMITTEE OF THE TOWNSHIP OF**  
**NEPTUNE ON APRIL 26, 2021**



**Richard J. Cuttrell, Municipal Clerk**

RESOLUTION #21-181 - 4/26/21

AWARD BID FOR MAINTENANCE OF TOWNSHIP GROUNDS

WHEREAS, on April 8, 2021, the Purchasing Agent received bids for the award of a contract for maintenance of Township grounds; and,

WHEREAS, said bids were reviewed by the Purchasing Agent who has recommended that the bid be awarded to the lowest bid submitted by OnSite Landscape Management; and,

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

WHEREAS, funds will be provided in the 2021 municipal budget in the appropriation entitled Maintenance of Parks, O.E., and funds in subsequent years will be subsequent year's budgets, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that a contract be awarded to OnSite Landscape Management on their lowest responsible bid for maintenance and fertilizer of municipal grounds for a period of three years from 2021 to 2023 as follows:

May through November, 2021 - \$99,000.00  
April through November, 2022 - \$111,000.00  
April through November, 2023 - \$114,000.00

Fertilizer - \$34,097.00 per year  
Seeding - \$.04/sq. ft.  
Core aeration - \$.04/sq. ft.

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

**CERTIFICATION**  
**HEREBY CERTIFY THE ABOVE TO BE A TRUE**  
**COPY OF A RESOLUTION ADOPTED BY THE**  
**TOWNSHIP COMMITTEE OF THE TOWNSHIP OF**  
**NEPTUNE ON APRIL 26, 2021**



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-182 - 4/26/21

\*\*\*TABLED\*\*\*

AWARD BID FOR SOUTH RIVERSIDE DRIVE BICYCLE AND PEDESTRIAN PATH

WHEREAS, on October 27, 2020, the Township Engineer received bids for the award of a contract for the South Riverside Drive Bicycle and Pedestrian Path; and,

WHEREAS, funding was received for this project through a New Jersey Department of Transportation Federal Aid TAP Grant; and,

WHEREAS, on December 21, 2020, the Township Committee adopted Resolution #20-419 which awarded the bid to Albert Marine Construction, later amended by adoption of Resolution #21-59 on January 1, 2021, to reflect the correct bid amount of \$447,749.55, contingent upon approval by the New Jersey Department of Transportation; and

WHEREAS, the Township received a letter from the New Jersey Department of Transportation, dated January 8, 2021, which stated that the federally required Form CR-266 submitted by Albert Marine Construction was non-compliant, all other bidders were also non-compliant, and the Township should rebid the project; and,

WHEREAS, on March 3, 2021, the Township received bids for the award of a contract for the project; and,

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

WHEREAS, said bids were reviewed by the New Jersey Department of Transportation who determined that the apparent low bidder, Seacoast Construction, Inc. was non-compliant in the required Form CR-266; and,

WHEREAS, the New Jersey Department of Transportation found the next lowest bidder, Albert Marine Construction, Inc., to be in compliance with bid requirements; and,

WHEREAS, said bids were reviewed by the Township Engineer and Township Attorney who have recommended that the bid be awarded to the lowest responsible bid submitted by Albert Marine Construction, Inc., contingent upon final approval by the New Jersey Department of Transportation; and,

WHEREAS, funds for this purpose will be provided in Ordinances No. 13-28 and the Chief Financial Officer has so certified in writing; and,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that a contract be awarded to Albert Marine Construction on their lowest responsible bid of \$471,219.00 (base bid and Alternate A) for the South Riverside Drive Bicycle and Pedestrian Path, subject to final approval by the New Jersey Department of Transportation; 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 Township Engineer.

RESOLUTION #21-183 – 4/26/21

APPOINT THIRD NON-EMPLOYEE RESIDENT MEMBER  
TO THE POLICE COMMITTEE

WHEREAS, on March 8, 2021, the Township Committee adopted Ordinance No. 21-06, amending, revising and supplementing Volume I, Chapter II, Section 2-10 of the Code of the Township of Neptune, entitled, "Police Department" which amended the composition, terms and responsibilities of the Police Committee; and

WHEREAS, the aforesaid amended Ordinance provides for the appointment of three (3) non-employee, resident members; and

WHEREAS, one of the three non-employee resident member positions is vacant,

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Township Committee of the Township of Neptune hereby appoints Bryan Acciani as a non-employee, resident member to the Police Committee for a one year term; expiring December 31, 2021.

BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be forwarded to the Business Administrator, Township Attorney and Chief of Police.

**CERTIFICATION**  
**HEREBY CERTIFY THE ABOVE TO BE A TRUE**  
**COPY OF A RESOLUTION ADOPTED BY THE**  
**TOWNSHIP COMMITTEE OF THE TOWNSHIP OF**  
**NEPTUNE ON APRIL 26, 2021**



**Richard J. Cuttrell, Municipal Clerk**

RESOLUTION #21-184 – 4/26/21

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	5,189,345.17
GRANT FUND	3,952.38
TRUST FUND	15,727.50
GENERAL CAPITAL FUND	52,909.37
SEWER OPERATING FUND	31,642.39
SEWER CAPITAL FUND	6,655.20
MARINA OPERATING FUND	6,056.78
LIBRARY TRUST	1,194.97
BILL LIST TOTAL	\$5,307,483.76

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

**CERTIFICATION**  
**HEREBY CERTIFY THE ABOVE TO BE A TRUE**  
**COPY OF A RESOLUTION ADOPTED BY THE**  
**TOWNSHIP COMMITTEE OF THE TOWNSHIP OF**  
**NEPTUNE ON APRIL 26, 2021**



**Richard J. Cuttrell, Municipal Clerk**