

TOWNSHIP COMMITTEE WORKSHOP MEETING – JANUARY 24, 2011

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

| <u>ROLL CALL</u> | <u>PRESENT/ABSENT</u> |
|----------------------|-----------------------|
| J. Randy Bishop | _____ |
| Dr. Michael Brantley | _____ |
| Eric J. Houghtaling | _____ |
| Mary Beth Jahn | _____ |
| Kevin B. McMillan | _____ |

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

Mayor McMillan 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 January 6, 2011, posting the notice on the Board in the Municipal Complex, and filing a copy of said notice with the Municipal Clerk.

ITEMS FOR DISCUSSION IN OPEN SESSION

1. Discussion – Amendments to RV/boat storage ordinance. (PW)

2. Discussion – HPC recommendation for amendments to the Architectural Design Guidelines for exterior siding, finishes, facings and materials. (PW)

3. Discussion – Hourly rates for part-time positions. (PW)

4. Outstanding parking lot items. (PW)

Res. # 11-79 – Authorize an Executive Session as authorized by the Open Public Meetings Act.

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

TOWNSHIP COMMITTEE MEETING – JANUARY 24, 2011

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

| <u>ROLL CALL</u> | <u>PRESENT/ABSENT</u> | <u>PRESS REPRESENTATIVES</u> |
|----------------------|-----------------------|---------------------------------------|
| J. Randy Bishop | _____ | Don Stine The Coaster |
| Dr. Michael Brantley | _____ | |
| Eric J. Houghtaling | _____ | Michelle Gladden Asbury Park Press |
| Mary Beth Jahn | _____ | |
| Kevin B. McMillan | _____ | |

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

Silent Prayer and Flag Salute

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

Mayor McMillan 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 January 6, 2011, posting the notice on the Board in the Municipal Complex, and filing a copy of said notice with the Municipal Clerk. In addition, the meeting agenda, resolutions and ordinances are posted online at www.neptunetownship.org.

APPROVAL OF MINUTES

Motion offered by _____, seconded by _____, to approve the minutes of the meeting held on December 13th.

REPORT OF THE CLERK

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

Monmouth County Board of Health agenda for the January 18th meeting and minutes of the November 16th meeting.

Letters from Patrick and Dolores Daugherty and Irene Brew complimenting the snow removal efforts of the Public Works Department.

A letter from Mr. & Mrs. Jones thanking Charles Borges for his snow removal efforts on Brookside Road.

COMMENTS FROM THE DAIS

The Mayor will now request comments from the Dais regarding business on this agenda or any reports on recent events in their respective departments.

PUBLIC COMMENTS ON RESOLUTIONS

Public comments regarding resolutions presented on this agenda only. The public will be permitted one

visit to the microphone with a limit of five minutes.

ORDINANCES

For each ordinance with a public hearing, the public will be permitted one visit to the microphone with a limit of five minutes.

ORDINANCE NO. 11-01 - An ordinance to amend Volume I, Chapter II, Section 2-67 of the Code of the Township of Neptune to amend the existing responsible contractor requirements – Final Reading

Public Hearing:

Explanatory Statement: This ordinance clarifies the existing responsible contractors ordinance by indicating that all contractors and sub-contractors are subject to the provision of the ordinance if they perform work valued in excess of the bidding threshold. Also, the ordinance defines apprenticeship program as participation in a United States Department of Labor Registered Apprenticeship Program.

Offered by: _____ Seconded by: _____

Vote: Bishop, _____; Brantley, _____; Houghtaling, _____; Jahn, _____; McMillan, _____.

ORDINANCE NO. 11-02 - Bond Ordinance providing for various improvements to the Senior Citizens Center, by and in the Township of Neptune, in the County of Monmouth, State of New Jersey; appropriating \$600,000 therefor (including a \$176,765 grant from the Community Development Block Grant Program) and authorizing the issuance of \$403,075 bonds or notes of the Township to finance part of the cost thereof. – Final Reading

Public Hearing:

Explanatory Statement: This ordinance provides for various improvements to the Senior Citizens Center, including but not limited to, as applicable, parking lot reconstruction, the acquisition and installation, as applicable, of various ADA accessibility improvements, the acquisition and installation, as applicable, of various site lighting, curbing, sidewalks and other similar site work, the acquisition and installation of various security systems, including all necessary related equipment and apparatus thereof, and the replacement of the telephone and communications system

Offered by: _____ Seconded by: _____

Vote: Bishop, _____; Brantley, _____; Houghtaling, _____; Jahn, _____; McMillan, _____.

ORDINANCE NO. 11-03 - Bond Ordinance providing for various improvements to the Shark River Marina, by and in the Township of Neptune, in the County of Monmouth, State of New Jersey; appropriating \$300,000 therefor and authorizing the issuance of \$285,000 in bonds or notes to finance the cost thereof – Final Reading

Public Hearing:

Explanatory Statement: This ordinance provides for various improvements to the Shark River Municipal Marina, including but not limited to, the construction of docks, acquisition and installation of various lighting, various plumbing improvements, acquisition, installation and utilization, as applicable, of alternative energy resources, various facility improvements, and other related, pertinent improvements

Offered by: _____ Seconded by: _____

Vote: Bishop, _____; Brantley, _____; Houghtaling, _____; Jahn, _____; McMillan, _____.

ORDINANCE NO. 11-04 - Bond Ordinance providing for the South Riverside Drive Flood Mitigation Project – Phase I, by and in the Township of Neptune, in the County of Monmouth, State of New Jersey; appropriating \$700,000.00 therefor (including a \$508,441.50 grant from the Federal Emergency Management Agency) and authorizing the issuance of \$182,433.00 bonds or notes of the Township to finance part of the cost thereof – Final Reading

Public Hearing:

Explanatory Statement: This ordinance provides for the South Riverside Drive Flood Mitigation Project – Phase I, which includes but is not limited to, as applicable, the construction of various bulkheads, the construction and reconstruction various storm water management infrastructure along South Riverside Drive

Offered by: _____ Seconded by: _____

Vote: Bishop, _____; Brantley, _____; Houghtaling, _____; Jahn, _____; McMillan, _____.

ORDINANCE NO. 11-05 - Bond Ordinance providing for the Concourse/Seaview Island Flood Mitigation Project, by and in the Township of Neptune, in the County of Monmouth, State of New Jersey; appropriating \$650,000.00 therefor (including a \$430,176.75 grant from the Federal Emergency Management Agency) and authorizing the issuance of \$209,353.00 bonds or notes of the Township to finance part of the cost thereof – Final Reading

Public Hearing:

Explanatory Statement: This ordinance provides for the Concourse / Seaview Island Flood Mitigation Project, which includes but is not limited to, as applicable, the construction of various bulkheads, the construction and reconstruction various storm water management infrastructure along South Concourse, Concourse, and on Seaview Island

Offered by: _____ Seconded by: _____

Vote: Bishop, _____; Brantley, _____; Houghtaling, _____; Jahn, _____; McMillan, _____.

ORDINANCE NO. 11-06 - Bond Ordinance providing for the acquisition and the payment of the purchase price of real property being designated as Block 217, Lot 58 on the official tax map of the Township of Neptune and various improvements thereof, by and in the Township of Neptune, in the County of Monmouth, State of New Jersey; appropriating \$300,000 therefor and authorizing the issuance of \$285,000 bonds or notes of the Township to finance part of the cost thereof – Final Reading

Public Hearing:

Explanatory Statement: This ordinance authorizes the acquisition and the payment of the purchase price of real property, a lawful public purpose, such real property being designated as Block 217, Lot 58 on the Official Tax Map of the Township, with a street address of 1700 West Lake Avenue, including but not limited to, as applicable, demolition of existing structures, various site remediation and restoration, including any renovations and improvements thereto.

Offered by: _____ Seconded by: _____

Vote: Bishop, _____; Brantley, _____; Houghtaling, _____; Jahn, _____; McMillan, _____.

ORDINANCE NO. 11-07 - An ordinance authorizing condemnation of 1700 West Lake Avenue, Neptune, New Jersey also known as tax Block 217, Lot 58-61 of the tax map of Neptune Township – Final Reading

Public Hearing:

Explanatory Statement: This ordinance authorizes the Municipal Attorney to commence condemnation proceedings and seek possession and title to the property located at 1700 West Lake Avenue, Neptune, and authorizes that the amount of \$215,000.00 be posted with the Court, based on the Township's appraisal, towards the acquisition of the property.

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

ORDINANCE NO. 11-08 - An ordinance making the provisions of Subtitle 1 of Title 39 with various traffic regulations applicable to "Eldridge Trailer Park" also known as "Eldridge Mobile Home Park", Block 266, Lot 10 on the tax map of the Township of Neptune regulating the use of said roadways, streets, driveways and parking areas used by motor vehicles – First Reading

Explanatory Statement: This ordinance authorizes the Township to enforce traffic regulations such as stop intersections, no parking zones and speed limits within Eldridge Mobile Home Park.

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

ORDINANCE NO. 11-09 - An ordinance to amend Volume I, Chapter VII of the Code of the Township of Neptune by adding a handicapped parking zone on Stockton Avenue. - First Reading

Explanatory Statement: This ordinance authorizes a handicapped parking stall on the public roadway in front of 144 Stockton Avenue

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

ORDINANCE NO. 11-10 - An ordinance to add Volume I, Chapter XXI, Section 21-10 of the Code of the Township of Neptune by requiring that refuse containers and dumpsters be covered at all times and prohibiting the discharge of contents into the storm water system – First Reading

Explanatory Statement: This ordinance requires dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times and prohibits the spilling, dumping, leaking, or otherwise discharge of liquids, semi-liquids or solids from the containers to the municipal separate storm sewer system(s) operated by the Township and/or the waters of the State.

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

ORDINANCE NO. 11-11 - An ordinance to amend Section 528 of the Land Development Ordinance of the Township of Neptune by requiring the retrofitting of existing storm drain inlets in direct contact with private property undergoing an infrastructure change or alteration. – First Reading

Explanatory Statement: An ordinance requiring the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, or resurfacing or alterations of facilities on private property, to prevent the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and other litter) to the municipal storm sewer system operated by the Township.

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

ORDINANCE NO. 11-12 - An ordinance to amend Section 1001 of the Land Development Ordinance of the Township of Neptune by amending the Affordable Housing Contribution requirements and procedures in accordance with Council on Affordable Housing regulations – First Reading

Explanatory Statement: This ordinance establishes standards for the collection, maintenance, and expenditure of development fees pursuant to Council on Affordable Housing’s regulations. Fees collected pursuant to this ordinance shall be used for the sole purpose of providing low-and moderate-income housing. This ordinance shall be interpreted within the framework of COAH’s rules on development fees, codified at N.J.A.C. 5:97-8.

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

The Public Hearings on Ordinances 11-08 through 11-12 will be held on Monday, February 14, 2011.

CONSENT AGENDA

Res. # 11-80 – Authorize issuance of duplicate Tax Sale Certificate (107 Asbury Avenue).

Res. # 11-81 – Authorize issuance of duplicate Tax Sale Certificate (112 Webb Avenue).

Res. # 11-82 – Accept the resignation of Michael Davenport as a member of the Environmental/Shade Tree Commission.

Res. # 11-83 – Authorize the sale of Veterans Poppies.

Res. # 11-84 – Release all surety bonds and developer’s escrow for improvements at the Social Security Building at 3310 Route 66.

Res. # 11-85 – Deny request for release of performance guarantee filed by GM Coastal Properties for site improvements at Route 33 and Schoolhouse Road.

Res. # 11-86 – Authorize the refund of taxes as a result of an overpayment.

Res. # 11-87 – Authorize stand-by duty payment to Office of Emergency Management personnel.

CONSENT AGENDA Offered by: _____ Seconded by: _____
Vote: Bishop, _____; Brantley, _____; Houghtaling, _____; Jahn, _____; McMillan, _____.

Res. # 11-88 – Authorize the purchase of Bulletproof Body Armor for the Police Department under the New Jersey State Cooperative Purchasing Program.

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

Res. # 11-89 – Authorize Change Order #2 in connection with the 6th Avenue Pedestrian and ADA Accessibility Project.

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

Res. # 11-90 – Authorize the payment of bills.

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

PRIVILEGE OF THE FLOOR/PUBLIC COMMENTS

Members of the public may address any concern relating to the Township. The public will be permitted one visit to the microphone with a limit of five minutes.

ADJOURNMENT

ORDINANCE NO. 11-08

AN ORDINANCE MAKING THE PROVISIONS OF SUBTITLE 1 OF TITLE 39 WITH VARIOUS TRAFFIC REGULATIONS APPLICABLE TO "ELDRIDGE TRAILER PARK" ALSO KNOWN AS "ELDRIDGE MOBILE HOME PARK" BLOCK 266, LOT 10 ON THE TAX MAP OF THE TOWNSHIP OF NEPTUNE REGULATING THE USE OF SAID ROADWAYS, STREETS, DRIVEWAYS AND PARKING AREAS USED BY MOTOR VEHICLES

WHEREAS, "Eldridge Trailer Park" also known as "Eldridge Mobile Home Park" has entered into an agreement to consent and allow the municipal enforcement of Title 39 violations at its properties located at Block 266, Lot 10 on the Tax Map of the Township of Neptune with regards to all semi-public roads, streets, driveways and parking areas at the mobile home park consisting of approximately 6.4 acres with an entrance on New Jersey State Highway 33 in the Township of Neptune, County of Monmouth,

THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Neptune in the County of Monmouth, that the following regulations shall be enforced:

SECTION 1.

The Code of the Township of Neptune shall be amended as follows:

CHAPTER 7-26 – ELDRIDGE TRAILER PARK, shall be added as follows:

7-26.1 – General Parking

a. All vehicles must park in designated areas between the lines provided.

b. No person shall stop or stand a vehicle upon any of the streets or parts of streets described below, except as designated in Exhibit C of a Stipulation of Settlement entered into between Garden Homes Management, Corp. and Third Garden Park Limited Partnership v. the Township of Neptune in the Superior Court of New Jersey, County of Monmouth, Law Division, Docket No. MON-L-280-09 filed on August 5, 2010 and based on said Exhibit, signage will properly identify parking and no-parking areas in the streets listed below:

| <u>Name of Street</u> | <u>Sides</u> | <u>Hours</u> | <u>Location</u> |
|-----------------------|--------------|--------------|--|
| Kelly Avenue | All | All | As indicated on Exhibit C of Stipulation of Settlement |
| Ashley Lane | All | All | As indicated on Exhibit C of Stipulation of Settlement |
| Bradley Place | All | All | As indicated on Exhibit C of Stipulation of Settlement |

| | | | |
|-------------|-----|-----|--|
| Chad Drive | All | All | As indicated on Exhibit C of Stipulation of Settlement |
| Dean Street | All | All | As indicated on Exhibit C of Stipulation of Settlement |

7-26.2 – Stop Intersections

The following described intersections are hereby designated as Stop Intersections. Stop signs shall be installed as provided herein:

| <u>Intersection</u> | <u>Stop Sign On:</u> |
|-----------------------------------|----------------------|
| Kelly Avenue and Highway Route 33 | Kelly Avenue |
| Kelly Avenue and Ashley Lane | Ashley Lane |
| Kelly Avenue and Bradley Place | Bradley Place |
| Kelly Avenue and Chad Drive | Chad Drive |
| Kelly Avenue and Dean Street | Dean Street |
| Ashley Lane and Bradley Place | Ashley Lane |
| Dean Street and Chad Drive | Dean Street |

7-26.3 – Speed Limits

a. The speed limit for both directions of travel on the following roadways are:

| <u>Name of Roadway</u> | <u>M.P.H.</u> | <u>Limits</u> |
|------------------------|---------------|---------------|
| Kelly Avenue | 15 | Entire length |
| Ashley Lane | 15 | Entire length |
| Bradley Place | 15 | Entire length |
| Chad Drive | 15 | Entire length |
| Dean Street | 15 | Entire length |

b. Regulatory and warning signs shall be erected and maintained to effect the above designated speed limits authorized by the Township of Neptune.

7-26.4 – Tow-Away Zones

Any vehicle parked or standing as to obstruct or impede a normal flow of traffic, block entrances or exit ways, loading zones, oil fills, any grassy area, pedestrian walkway, or present in any way a safety or traffic hazard may be removed by towing the vehicle at the owner's or operator's expense.

SECTION 2. 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 3. The above ordinance shall be effective upon publication in accordance with the law and subject to approvals, if necessary.

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

Richard J. Cuttrel,
Municipal Clerk

Kevin B. McMillan,
Mayor

ORDINANCE NO. 11-09

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII OF THE
CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING A
HANDICAPPED PARKING ZONE ON STOCKTON AVENUE

BE IT ORDAINED, by the Township Committee of the Township of Neptune that the Code of the Township of Neptune is hereby amended as follows:

SECTION 1

Volume I, Chapter VII, Section 7-21.2 - Handicapped Parking Spaces on Public Roads - Locations Designated, is hereby amended by adding the following:

| <u>Name of Street</u> | <u>No. of Spaces</u> | <u>Location</u> |
|-----------------------|----------------------|--|
| Stockton Avenue | 1 | South side of Stockton Avenue beginning 25 feet east of the southeast intersection of Stockton Avenue and Lawrence Avenue. |

SECTION 2

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

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

Richard J. Cuttrel,
Municipal Clerk

Kevin B. McMillan,
Mayor

ORDINANCE NO. 11-10

AN ORDINANCE TO ADD VOLUME I, CHAPTER XXI, SECTION 21-10 OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY REQUIRING THAT REFUSE CONTAINERS AND DUMPSTERS BE COVERED AT ALL TIMES AND PROHIBITING THE DISCHARGE OF CONTENTS INTO THE STORM WATER SYSTEM

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 XXI, Section 21-10 – REFUSE CONTAINERS AND DUMPSTERS – COVERED AND FREE FROM LEAKAGE, is hereby added as follows:

21-10.1 - Purpose:

An ordinance requiring dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times and prohibits the spilling, dumping, leaking, or otherwise discharge of liquids, semi-liquids or solids from the containers to the municipal separate storm sewer system(s) operated by the Township of Neptune and/or the waters of the State so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

21-10.2 - Definitions:

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Ordinance clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

- a. Municipal separate storm sewer system (MS4) – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Township of Neptune or other public body, and is designed and used for collecting and conveying stormwater.
- b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- c. Refuse container – any waste container that a person controls whether owned, leased, or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.
- d. Stormwater – means water resulting from precipitation (including rain and snow) that runs off the land’s surface, is transmitted to the subsurface, is captured by separate

storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

- e. Waters of the State – means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

21-10.3 - Prohibited Conduct:

Any person who controls, whether owned, leased, or operated, a refuse container or dumpster must ensure that such container or dumpster is covered at all times and shall prevent refuse from spilling out or overflowing.

Any person who owns, leases or otherwise uses a refuse container or dumpster must ensure that such container or dumpster does not leak or otherwise discharge liquids, semi-liquids or solids to the municipal separate storm sewer system(s) operated by the Township of Neptune.

21-10.4 - Exceptions to Prohibition:

- a. Permitted temporary demolition containers
- b. Litter receptacles (other than dumpsters or other bulk containers)
- c. Individual homeowner trash and recycling containers
- d. Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES permit
- e. Large bulky items (e.g., furniture, bound carpet and padding, white goods placed curbside for pickup)

21-10.5 - Enforcement:

This ordinance shall be enforced by the Township Police Department or Code Enforcement of the Township of Neptune.

21-10.6 - Penalties:

Any person(s) who is found to be in violation of the provisions of this

ordinance shall be subject to a fine not to exceed in accordance with Chapter 1 Section 1-5 General Penalty of the General Code of the Township of Neptune.

SECTION 2

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

SECTION 3

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

Richard J. Cuttrell,
Municipal Clerk

Kevin B. McMillan,
Mayor

ORDINANCE NO. 11-11

AN ORDINANCE TO AMEND SECTION 528 OF THE LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF NEPTUNE BY REQUIRING THE RETROFITTING OF EXISTING STORM DRAIN INLETS IN DIRECT CONTACT WITH PRIVATE PROPERTY UNDERGOING AN INFRASTRUCTURE CHANGE OR ALTERATION

BE IT ORDAINED, by the Township Committee of the Township of Neptune that the Land Development Ordinance of the Township of Neptune is hereby amended as follows:

SECTION 1

Section 528 – Stormwater Management, is hereby amended by adding the following:

528.11 – RETROFITTING OF EXISTING STORM DRAIN INLETS

I. Purpose:

An ordinance requiring the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, or resurfacing or alterations of facilities on private property, to prevent the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and other litter) to the municipal separate storm sewer system(s) operated by **the Township of Neptune** so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

II. Definitions:

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

- a. Municipal separate storm sewer system (MS4)– a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by [insert name of municipality] or other public body, and is designed and used for collecting and conveying stormwater.
- b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- c. Storm drain inlet- an opening in a storm drain used to collect stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, slotted inlet, and combination inlet.

- d. Waters of the State – means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

III. Prohibited Conduct:

No person in control of private property (except a residential lot with one single family house) shall authorize the repaving, repairing (excluding the repair of individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen), reconstructing or altering any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet either:

1. Already meets the design standard below to control passage of solid and floatable materials; or
2. Is retrofitted or replaced to meet the standard in Section V below prior to the completion of the project.

IV. Design Standard:

Storm drain inlets identified in Section IV above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, “solid and floatable materials” means sediment, debris, trash, and other floating, suspended, or settle able solids. For exemptions to this standard see Section V.3 below.

1. Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
 - a. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or
 - b. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.

2. Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.
3. This standard does not apply:

- a. Where the municipal engineer agrees that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;
- b. Where flows are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
 - i. A rectangular space four and five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or
 - ii. A bar screen having a bar spacing of 0.5 inches.
- c. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1") spacing between the bars; or
- d. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

V. Enforcement:

This ordinance shall be enforced by the **Neptune Township Police Department and/or Code Enforcement of the Township of Neptune.**

VI. Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed that is in accordance with Chapter 1 Section 1-5 entitled "General Penalty of the general code of the Township of Neptune, for each storm drain inlet that is not retrofitted to meet the design standard.

SECTION 2

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

SECTION 3

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

Richard J. Cuttrell,
Municipal Clerk

Kevin B. McMillan,
Mayor

ORDINANCE NO. 11-12

AN ORDINANCE TO AMEND SECTION 1001 OF THE LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF NEPTUNE BY AMENDING THE AFFORDABLE HOUSING CONTRIBUTION REQUIREMENTS AND PROCEDURES IN ACCORDANCE WITH COUNCIL ON AFFORDABLE HOUSING REGULATIONS

BE IT ORDAINED, by the Township Committee of the Township of Neptune that the Land Development Ordinance of the Township of Neptune is hereby amended as follows:

SECTION 1

Section 1001 – Affordable Housing Contribution, is hereby amended in its entirety and replaced with the following:

1001 – AFFORDABLE HOUSING CONTRIBUTION

I. Purpose

- a) In Holmdel Builder's Association V. Holmdel Township, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 (the Act), N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's (COAH's) adoption of rules.
- b) Pursuant to P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), COAH is authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of the Council or court of competent jurisdiction and have a COAH-approved spending plan may retain fees collected from non-residential development.
- c) This ordinance establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH's regulations and in accordance P.L.2008, c.46, Sections 8 and 32-38. Fees collected pursuant to this ordinance shall be used for the sole purpose of providing low- and moderate-income housing. This ordinance shall be interpreted within the framework of COAH's rules on development fees, codified at N.J.A.C. 5:97-8.

II. Basic Requirements

- a) This ordinance shall not be effective until approved by COAH pursuant to N.J.A.C. 5:96-5.1.

- b) Neptune Township shall not spend development fees until COAH has approved a plan for spending such fees in conformance with *N.J.A.C. 5:97-8.10* and *N.J.A.C. 5:96-5.3*.

III. Definitions

- a) The following terms, as used in this ordinance, shall have the following meanings:
 - i. **“Affordable housing development”** means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable development.
 - ii. **“COAH”** or the **“Council”** means the New Jersey Council on Affordable Housing established under the Act which has primary jurisdiction for the administration of housing obligations in accordance with sound regional planning consideration in the State.
 - iii. **“Development fee”** means money paid by a developer for the improvement of property as permitted in *N.J.A.C. 5:97-8.3*.
 - iv. **“Developer”** means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.
 - v. **“Equalized assessed value”** means the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with sections 1, 5, and 6 of P.L.1973, c.123 (C.54:1-35a through C.54:1-35c).

The following residential and non-residential fees shall be determined annually by resolution of the Township Committee, in accordance with *N.J.A.C. 5:97-8.3*, limited to the following:

IV. Residential Development Fees

- a) Imposed fees
 - i. Within the all zoning districts, residential developers, except for developers of the types of development specifically exempted below, shall pay a fee up to one and a half (1.5%) percent of the equalized assessed value for residential development provided no increased density is permitted.
 - ii. When an increase in residential density pursuant to *N.J.S.A. 40:55D-70d(5)* (known as a “d” variance) has been permitted, developers may be required to pay a development fee of up to six percent (6%) percent of the equalized assessed value for each additional unit that may be realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted

by right during the two-year period preceding the filing of the variance application.

Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal up to one and a half (1.5) percent of the equalized assessed value on the first two units; and the specified higher percentage up to six (6) percent of the equalized assessed value for the two additional units, provided zoning on the site has not changed during the two-year period preceding the filing of such a variance application.

- b) Eligible exactions, ineligible exactions and exemptions for residential development
- i. Affordable housing developments, developments where the developer is providing for the construction of affordable units elsewhere in the municipality, and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.
 - ii. Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval.

A “substantial change” is a revision to an approved preliminary or final site plan or subdivision which meets any one (1) of the following limitations:*

- (a) Five (5) feet of improvements into any yard setback;
- (b) Seven (7) feet in building height;
- (c) One (1) percent in floor area ratio;
- (d) One (1) percent in impervious coverage;
- (e) Five (5) feet in building spacing or location;
- (f) Three (3) parking spaces;
- (g) Five (5) feet in driveway locations;
- (h) One (1) percent in site disturbances;
- (i) Five (5) feet in lot line locations;
- (j) Any change in residential density;
- (k) Any new variances pursuant to N.J.S.A. 40-55D-70.c or d;
- (l) Any such change encumbered above shall not alter the percentage of low/moderate income housing in an approved project, if applicable.

* A substitution of similar landscaping material, lighting fixtures and signage is not a substantial change as long as there is no change in approved quantities or dimensions.

Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.

- iii. Owner-occupied residential structures demolished and replaced as a result of a fire, flood, or natural disaster shall be exempt from paying a development fee.
- iv. Public government agencies and schools, which are classified by the Tax Assessor as exempt from payment of property taxes (Property Classes 15A & 15C), shall be exempt from paying development fees.

V. Non-Residential Development Fees

- a) Imposed fees
 - i. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee up to two and one-half (2.5) percent of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.
 - ii. Non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal up to two and one-half (2.5) percent of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.
 - iii. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of up to two and a half percent (2.5%) shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvement and the equalized assessed value of the newly improved structure, i.e. land and improvement, at the time final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.
- iv. Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval.

A “substantial change” is a revision to an approved preliminary or final site plan or subdivision which meets any one (1) of the following limitations:*

1. Five (5) feet of improvements into any yard setback;
2. Seven (7) feet in building height;
3. One (1) percent in floor area ratio;
4. One (1) percent in impervious coverage;
5. Five (5) feet in building spacing or location;
6. Three (3) parking spaces;
7. Five (5) feet in driveway locations;
8. One (1) percent in site disturbances;
9. Five (5) feet in lot line locations;
10. Any change in residential density;
11. Any new variances pursuant to N.J.S.A. 40-55D-70.c or d;

12. Any such change encumbered above shall not alter the percentage of low/moderate income housing in an approved project, if applicable.

* A substitution of similar landscaping material, lighting fixtures and signage is not a substantial change as long as there is no change in approved quantities or dimensions.

Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.

- c) Eligible exactions, ineligible exactions and exemptions for non-residential development
- i. The non-residential portion of a mixed-use inclusionary or market rate development shall be subject to a fee up to the two and a half (2.5) percent development fee, unless otherwise exempted below.
 - ii. The 2.5 percent fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
 - iii. Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to P.L.2008, c.46, as specified in the Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" Form. Any exemption claimed by a developer shall be substantiated by that developer.
 - iv. A developer of a non-residential development exempted from the non-residential development fee pursuant to P.L.2008, c.46 shall be subject to it at such time the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.
 - v. If a property which was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by Neptune Township as a lien against the real property of the owner.
 - vi. Public government agencies and schools, which are classified by the Tax Assessor as exempt from payment of property taxes (Property Classes 15A & 15C), shall be exempt from paying development fees.
 - vii. Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and replaced, or is expanded, if the expansion is not otherwise exempt from the development fee

VI. Collection Procedures

- a) Upon the granting of a preliminary, final or other applicable approval, for a development, the applicable approving authority shall direct its staff to notify the construction official responsible for the issuance of a building permit.
- b) For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" to be completed as per the instructions provided. The developer of a non-residential development shall complete Form N-RDF as per the instructions provided. The construction official shall verify the information submitted by the non-residential developer as per the instructions provided in the Form N-RDF. The Tax assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
- c) The construction official responsible for the issuance of a building permit shall notify the local tax assessor of the issuance of the first building permit for a development which is subject to a development fee.
- d) Within 90 days of receipt of that notice, the municipal tax assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
- e) The construction official responsible for the issuance of a final certificate of occupancy notifies the local assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
- f) Within 10 business days of a request for the scheduling of a final inspection, the municipal assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- g) Should Neptune Township fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in subsection b. of section 37 of P.L.2008, c.46 (C.40:55D-8.6).

Fifty percent of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.

- i) Appeal of development fees

- 1) A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest bearing escrow account by Neptune Township. Appeals from a determination of the Board may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
- 2) A developer may challenge non-residential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest bearing escrow account by Neptune Township. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

VII. Affordable Housing Trust Fund

- a) There is hereby created a separate, interest-bearing housing trust fund to be maintained by the Chief Financial Officer for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.
- b) The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
 1. payments in lieu of on-site construction of affordable units;
 2. developer contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible;
 3. rental income from municipally operated units;
 4. repayments from affordable housing program loans;
 5. recapture funds;
 6. proceeds from the sale of affordable units; and
 7. Any other funds collected in connection with Neptune Township's affordable housing program.
- c) Within seven days from the opening of the trust fund account, Neptune Township shall provide COAH with written authorization, in the form of a three-party escrow agreement between the municipality, the bank, and COAH to permit COAH to direct the disbursement of the funds as provided for in N.J.A.C. 5:97-8.13(b).
- d) All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities approved by COAH.

VIII. Use of Funds

- a) The expenditure of all funds shall conform to a spending plan approved by COAH. Funds deposited in the housing trust fund may be used for any activity approved by COAH to address the Neptune Township's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, rehabilitation, new construction of affordable housing units and related costs, accessory apartment, market to affordable, or regional housing partnership programs, conversion of existing non-residential buildings to create new affordable units, green building strategies designed to be cost saving and in accordance with accepted national or state standards, purchase of land for affordable housing, improvement of land to be used for affordable housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, administration necessary for implementation of the Housing Element and Fair Share Plan, or any other activity as permitted pursuant to N.J.A.C. 5:97-8.7 through 8.9 and specified in the approved spending plan.
- b) Funds shall not be expended to reimburse Neptune Township for past housing activities.
- c) At least 30 percent of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30 percent or less of median income by region.
 - i. Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, and assistance with emergency repairs.
 - ii. Affordability assistance to households earning 30 percent or less of median income may include buying down the cost of low or moderate income units in the municipal Fair Share Plan to make them affordable to households earning 30 percent or less of median income.
 - iii. Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
- d) Neptune Township may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:96-18.
- e) No more than 20 percent of all revenues collected from development fees, may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an

affirmative marketing program. In the case of a rehabilitation program, no more than 20 percent of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with COAH's monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or action are not eligible uses of the affordable housing trust fund.

IX. Monitoring

- a) Neptune Township shall complete and return to COAH all monitoring forms included in monitoring requirements related to the collection of development fees from residential and non-residential developers, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, barrier free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with Neptune Township's housing program, as well as to the expenditure of revenues and implementation of the plan certified by COAH. All monitoring reports shall be completed on forms designed by COAH.

X. Ongoing Collection of Fees

- a) The ability for Neptune Township to impose, collect and expend development fees shall expire with its substantive certification unless Neptune Township has filed an adopted Housing Element and Fair Share Plan with COAH, has petitioned for substantive certification, and has received COAH's approval of its development fee ordinance. If Neptune Township fails to renew its ability to impose and collect development fees prior to the expiration of substantive certification, it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to section 20 of P.L.1985, c.222 (C.52:27D-320). Neptune Township shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its substantive certification or judgment of compliance, nor shall Neptune Township retroactively impose a development fee on such a development. Neptune Township shall not expend development fees after the expiration of its substantive certification or judgment of compliance.

SECTION 2

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

SECTION 3

This Ordinance shall be in full force and effect from and after its adoption and publication as may be required by law and upon approval by the Council on Affordable Housing.

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

Richard J. Cuttrell,
Municipal Clerk

Kevin B. McMillan,
Mayor

RESOLUTION #11-79 – 1/24/11

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

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

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

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

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

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

Contract negotiations – JSUMC representatives present to discuss street vacation and proposed Ronald McDonald house

Contract negotiations – Liquor License Hotel/Motel exception

Contract negotiations – Recreation contracts

Personnel – Recreation Committee appointment

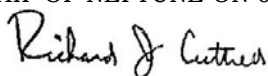
Real Estate negotiations – Request from Habitat for Humanity for vacant Township owned property

3. It is anticipated at this time that the above stated subject matters will be made public when matters are resolved.

4. This Resolution shall take effect immediately.

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 01/24/2011



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

RESOLUTION #11-80 - 1/24/11

AUTHORIZE ISSUANCE OF DUPLICATE TAX SALE CERTIFICATE
(107 ASBURY AVENUE)

WHEREAS, Lynn N. Antonov & Macar Antonov previously purchased Tax Sale Certificate 03-010, comprising a lien on property known as Block 94, Lot 29, 107 Asbury Avenue, assessed to David J. Beneduci, and has filed a duly executed affidavit swearing that they are still the lawful owner of said certificate but has lost same; and,

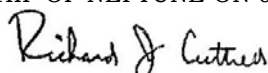
WHEREAS, the Tax Collector has recommended the issuance of a duplicate tax sale certificate pursuant to Chapter 99, P.L. 1997,

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 hereby is authorized to issue a duplicate tax sale certificate to be marked "Duplicate Certificate" to Lynn N. Antonov & Macar Antonov upon payment of the sum of \$100.00; and,

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 01/24/2011



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

RESOLUTION #11-81 - 1/24/11

AUTHORIZE ISSUANCE OF DUPLICATE TAX SALE CERTIFICATE
(112 WEBB AVENUE)

WHEREAS, Lynn N. Antonov & Macar Antonov previously purchased Tax Sale Certificate 03-011, comprising a lien on property known as Block 100, Lot 979, 112 Webb Avenue, assessed to Wendel Thomas & Joan Leung Lo Hing, and has filed a duly executed affidavit swearing that they are still the lawful owner of said certificate but has lost same; and,

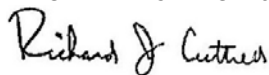
WHEREAS, the Tax Collector has recommended the issuance of a duplicate tax sale certificate pursuant to Chapter 99, P.L. 1997,

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 hereby is authorized to issue a duplicate tax sale certificate to be marked "Duplicate Certificate" to Lynn N. Antonov & Macar Antonov upon payment of the sum of \$100.00; and,

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 01/24/2011



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

RESOLUTION #11-82 - 1/24/11

ACCEPT THE RESIGNATION OF MICHAEL DAVENPORT AS A
MEMBER OF THE ENVIRONMENTAL/SHADE TREE COMMISSION

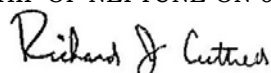
WHEREAS, the Township Committee has received a letter from Michael Davenport resigning as a member of the Environmental/Shade Tree Commission effective January 1, 2011,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Michael Davenport as a member of the Environmental/Shade Tree Commission is hereby accepted effective January 1, 2011; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Secretary of the Environmental/Shade Tree Commission.

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 01/24/2011



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

RESOLUTION #11-83 - 1/24/11

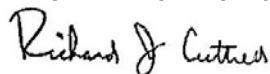
AUTHORIZE THE SALE OF VETERANS POPPIES

BE IT RESOLVED, that the Neptune Township American Legion Auxiliary Unit No. 346 and the O'Brien Major Post No. 2639 be and is hereby authorized to sell Veterans Poppies in the Township of Neptune for the month of May at various locations throughout the Township; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Neptune Township American Legion Auxiliary Unit No. 346, O'Brien Major Post No. 2639 and the Neptune Township Police Department.

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 01/24/2011



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

RESOLUTION #11-84 - 1/24/11

RELEASE ALL SURETY BONDS AND DEVELOPERS ESCROW FOR
IMPROVEMENTS AT THE SOCIAL SECURITY BUILDING AT 3310 ROUTE 66

WHEREAS, Claremont Neptune, LLC filed a maintenance bond written by The Service Insurance Company, Inc. in the amount of \$59,125.05, guaranteeing the maintenance of site improvements for two years at the project known as the Social Security Building at 3310 Route 66 (Block 9025, Lot 52.01); and,

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

WHEREAS, on January 12, 2011, the Township Consulting Engineer certified that all site work has been completed and said maintenance bond may be released,

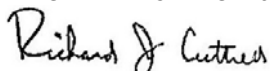
THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the release of the maintenance bond as stated herein; and,

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

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 01/24/2011



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

RESOLUTION #11-85 - 1/24/11

DENY REQUEST FOR RELEASE OF PERFORMANCE GUARANTEE
FILED BY GM COASTAL PROPERTIES FOR SITE IMPROVEMENTS
AT ROUTE 33 AND SCHOOLHOUSE ROAD

WHEREAS, GM Coastal Properties has filed a performance bond in the amount of \$127,656.00 guaranteeing the improvements of an amended subdivision and site plan at the project known as the Coastal Medical Building located at the intersection of Route 33 and Schoolhouse Road (Block 1405, Lots 12, 13 and 13.01); and,

WHEREAS, the Developer requested a release of said performance bond; and,

WHEREAS, the Township Consulting Engineer has conducted an inspection and issued a punch list of items that require completion before the performance bond can be released; and,

WHEREAS, the punch list items have been forwarded to the Developer for completion,

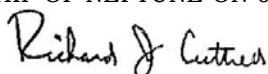
THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby denies the request of GM Coastal Properties to release the performance bond as stated herein; and,

BE IT FURTHER RESOLVED, that the Township Consulting Engineer is directed to re-inspect said site plan upon notification from the Developer that deficiencies as noted in the punch list have been satisfactorily completed; and,

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 01/24/2011



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

RESOLUTION #11-86 - 1/24/11

AUTHORIZE THE REFUND OF TAXES
AS A RESULT OF AN OVERPAYMENT

WHEREAS, the properties listed below reflect overpayments; and,

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

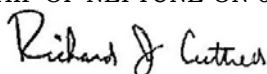
THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth, State of New Jersey, that the Tax Collector be and is hereby authorized to refund the taxes as stated herein; and,

| BLOCK/LOT | ASSESSED TO | ADDRESS | YEAR | AMOUNT |
|------------------|--------------------|----------------|-------------|---------------|
| 412/76 | WALTSK | 18 BENTON PL | 2010 | 2,890.91 |
| 10023/ 8 | FETTER | 36 TOOMIN DR | 2010 | 1,665.95 |

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 01/24/2011



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

RESOLUTION #11-87 - 1/24/11

AUTHORIZE STAND-BY DUTY PAYMENT TO OFFICE OF
EMERGENCY MANAGEMENT PERSONNEL

WHEREAS, volunteer personnel in the Office of Emergency Management were placed on stand-by duty as a result of the snowstorm on January 11 & 12, 2011; and,

WHEREAS, overtime payment at the rate of \$10.00 per hour is authorized by resolution of the Township Committee to be paid to said personnel in the event of a long duration situation such as storm or disaster which requires readiness and staffing; and,

WHEREAS, funds will be provided for the first three months of 2011 in the 2011 Temporary Budget in the appropriation entitled OEM S & W known as Account No. 252-010 and funds for the balance of 2011 will be provided in the Budget for the year 2011, when finally adopted, and the Chief Financial Officer has so certified in writing; and,

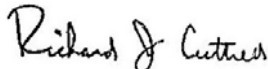
THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that stand-by duty payment at the rate of \$10.00 per hour be and is hereby authorized to the following Office of Emergency Management staff for the hours indicated as a result of the snowstorm on January 11, 2011 and January 12, 2011:

| | |
|---------------------|------------|
| Jeffrey Devlin | 16 hours |
| Kenneth Sprague | 16 hours |
| Edward Sims | 18 hours |
| Daryn Moure | 16 hours |
| Salvador Galvan | 16 hours |
| Chris Devlin | 12.5 hours |
| George Waterman | 15 hours |
| David Shotwell, Jr. | 13 hours |

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 01/24/2011



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

RESOLUTION #11-88 - 1/24/11

AUTHORIZE THE PURCHASE OF BULLETPROOF BODY ARMOR FOR THE POLICE DEPARTMENT UNDER THE NEW JERSEY STATE COOPERATIVE PURCHASING PROGRAM

WHEREAS, the Neptune Township Police Department wishes to purchase Point Blank Body Armor under the State of New Jersey Cooperative Purchasing Program 1-NJCP; and,

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

WHEREAS, Lanigan Associates, Inc. has been awarded New Jersey State Contract No. A74004 for this equipment; and,

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

WHEREAS, the cost of this equipment shall not exceed \$62,500.00; and,

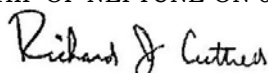
WHEREAS, funds will be provided from a Federal Bulletproof Vest Program Grant and a State of New Jersey Body Armor Replacement Grant and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the purchase of Point Blank Body Armor through the New Jersey Cooperative Purchasing Program for officers of the Neptune Township Police Department be and is hereby authorized at an amount not to exceed \$62,500.00; and,

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE COPY OF A RESOLUTION ADOPTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE ON 01/24/2011



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

RESOLUTION #11-89 - 1/24/11

AUTHORIZE CHANGE ORDER #2 IN CONNECTION WITH THE
6th AVENUE PEDESTRIAN AND ADA ACCESSIBILITY PROJECT

WHEREAS, on July 12, 2010, a contract was awarded to Fernandes Construction, Inc. in the amount of \$370,207.50 in connection with the 6th Avenue pedestrian and ADA accessibility project; and

WHEREAS, on September 13, 2010, the Township Committee adopted Resolution #10-375 which authorized Change Order #1 resulting in a net decrease of \$10,475.00 to the contract amount; and,

WHEREAS, changes to the contract have been experienced as a result final as-built quantities and drainage improvements in the right-of-way that will be reimbursed by the County of Monmouth; and,

WHEREAS, funds for this purpose will be provided in Ordinance No. 09-20 and the Chief Financial Officer has so certified in writing,

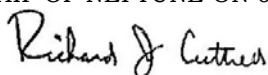
WHEREAS, these changes have been approved by Birdsall Engineering, Inc., Consulting Engineer; and,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Mayor and Clerk be and are hereby authorized to execute Change Order #2 in the contract with Fernandes Construction in connection with the 6th Avenue Pedestrian and ADA Accessibility Project resulting in a net increase of \$30,815.00 revising the total contract amount to \$386,547.50; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to Birdsall Engineering, Chief Financial Officer; Business Administrator and Director of Engineering and Planning.

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 01/24/2011



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

RESOLUTION #11-90 – 1/24/11

AUTHORIZE THE PAYMENT OF BILLS

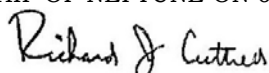
BE IT RESOLVED, That the following bills be paid if properly certified:

| | |
|----------------------------|----------------|
| CURRENT FUND | 4,119,332.94 |
| FEDERAL & STATE GRANT FUND | 1,814.76 |
| TRUST OTHER | 10,621.09 |
| GENERAL CAPITAL FUND | 194,472.20 |
| SEWER OPERATING FUND | 152,959.56 |
| MARINA OPERATING FUND | 665.18 |
| DOG TRUST | 7,375.10 |
| U.D.A.G. TRUST | 750.00 |
| LIBRARY TRUST | 720.96 |
| BILL LIST TOTAL | \$4,488,711.79 |

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 01/24/2011



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