

**TOWNSHIP COMMITTEE WORKSHOP MEETING – JUNE 27, 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 – Shorelink shuttle service.
  
  
  
  
  
  
  
  
  
  
2. Outstanding parking lot items. (PW)

Res. # 11-269 – 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 – JUNE 13, 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](http://www.neptunetownship.org).

**APPROVAL OF MINUTES**

Motion offered by \_\_\_\_\_, seconded by \_\_\_\_\_, to approve the minutes of the meetings held on April 11<sup>th</sup> and June 20<sup>th</sup>.

**PROCLAMATION**

The Mayor will proclaim the month of July as Recreation and Parks Month in the Township of Neptune.

**REPORT OF THE CLERK**

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

Senior Beacon for July.

Monmouth County Board of Health agenda for the June 2<sup>nd</sup> meeting and minutes of the April 19<sup>th</sup> meeting.

Notice of public hearing on an amendment to the Land Development Ordinance of the Township of Wall.

**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. 11-30** - An ordinance authorizing a Lease Agreement between the County of Monmouth and the Monmouth County Sheriff's Office and the Township of Neptune – Final Reading

Public Hearing:

*Explanatory Statement: This ordinance authorizes execution of a Lease Agreement with the County of Monmouth and the County Sheriff's Office for the current Senior Center facility for use as a County Emergency Services Dispatch Center. The lease requires an annual payment of \$150,000 to the Township.*

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

**ORDINANCE NO. 11-31** - An ordinance authorizing the guaranty by the Township of Neptune, New Jersey of payment of principal and interest on the Capital Equipment Lease Revenue Bonds, Series 2011 (Neptune Project) of the Monmouth County Improvement Authority – First Reading

*Explanatory Statement: This ordinance guarantees payment by the Township of principal and interest on Capital Lease Revenue Bonds through the Monmouth County Improvement Authority for the lease of eight police vehicles.*

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

**ORDINANCE NO. 11-32** - An ordinance authorizing the leasing of certain capital equipment (police vehicles) by the Township of Neptune, New Jersey from the Monmouth County Improvement Authority and the execution of a lease and agreement relating thereto – First Reading

*Explanatory Statement: This ordinance authorizes the capital lease of eight police vehicles through the Monmouth County Improvement Authority at an amount not to exceed \$270,000.*

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

**ORDINANCE NO. 11-33** - An ordinance authorizing the leasing of certain capital equipment (other equipment) by the Township of Neptune, New Jersey from the Monmouth County Improvement Authority and the execution of a lease and agreement relating thereto – First Reading

*Explanatory Statement: This ordinance authorizes the capital lease of capital equipment for various departments through the Monmouth County Improvement Authority at an amount not to exceed \$1,390,000.*

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

**ORDINANCE NO. 11-34** - An ordinance to amend Ordinance #09-43 entitled "An ordinance amending and setting the salary ranges for existing job titles of the Township of Neptune and repealing all parts of previous ordinances inconsistent herewith." by creating the positions of and salary ranges for Interlocal Agreement – Tax Assessor; Interlocal Agreement – Assistant Tax Assessor; and Community Service Officer – First Reading

*Explanatory Statement: This ordinance establishes positions and salary ranges for two stipend positions in the Assessing Department necessitated by the Interlocal Services Agreement with the City of Asbury Park and for the part-time position of Community Services Officer.*

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

**ORDINANCE NO. 11-35** - An ordinance amending and supplementing Section 411.07 of the Land Development Ordinance of the Township of Neptune as it relates to porches and decks – First Reading

*Explanatory Statement: This ordinance amends the Land Use Ordinance to further delineate and define setback requirements for porches and decks both in the historic district and the remainder of the Township.*

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

**ORDINANCE NO. 11-36** - An ordinance to amend Volume I, Chapter VII of the Code of the Township of Neptune by adding a handicapped parking zone on New York Avenue and a no parking zone on a portion of Benson Avenue. – First Reading

*Explanatory Statement: This ordinance establishes a handicapped parking zone on the west side of New York Avenue just south of Franklin Avenue and confirms the no parking zone on the east side of Benson Avenue between Main Avenue and Broadway*

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

**ORDINANCE NO. 11-37** – An ordinance amending Volume I, Chapter II of the Code of the Township of Neptune by rescinding Section 2-67 and the responsible contractor ordinance and requirements – First Reading

*Explanatory Statement: This ordinance rescinds a section of Township Code known as the Responsible Contractors Ordinance*

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

The Public Hearings on Ordinances 11-31 through 11-37 will be held on Monday, July 11, 2011.

### **CONSENT AGENDA**

Res. # 11-270 – Authorize the execution of subordination agreements in connection with a UDAG mortgage and Façade Improvement mortgages granted to All American Turf (3502 West Bangs Avenue).

Res. # 11-271 – Place lien on various properties.

Res. # 11-272 – Accept a grant from the Hazardous Discharge Site Remediation Fund Public Entity Program through the New Jersey Economic Development Authority and the Department of Environmental Protection (former Chidnese property, 1825 West Lake Avenue – remedial investigation and action)

Res. # 11-273 – Accept a grant from the Hazardous Discharge Site Remediation Fund Public Entity Program through the New Jersey Economic Development Authority and the Department of Environmental Protection (former Chidnese property, 1825 West Lake Avenue – site investigation)

Res. # 11-274 – Authorize Birdsall Services Group to perform remediation activities at the former Chidnese property (1825 West Lake Avenue)

Res. # 11-275 – Authorize Birdsall Services Group to perform remedial investigation activities at the former Chidnese property (1825 West Lake Avenue)

Res. # 11-276 – Authorize a reduction in the performance guarantee filed by Neptune Estates, LLC for Phase 1A site improvements at Neptune Estates (3351 Highway 33)

Res. # 11-277 – Accept performance bond filed by Neptune Estates, LLC for Phase 1B of the Neptune Estates subdivision (3351 Highway 33)

Res. # 11-278 – Amend authorization for the removal and disposal of soil/materials at the former Chidnese property (1825 West Bangs Avenue)

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

Res. # 11-279 – Authorize execution of an Agreement with Meadowlink to provide a Summer Shuttle Bus Service.

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

Res. # 11-280 – Approve the form and authorizing the execution and delivery of a Letter of Representation and a Continuing Disclosure Agreement in connection with the issuance and delivery of the Monmouth County Improvement Authority's Capital Equipment Pooled Lease Revenue Bonds, Series 2011 and authorize an authorized municipal representative to do all other things deemed necessary or advisable in connection with the issuance, sale and delivery of such bonds.

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

Res. # 11-281 – Authorize the purchase of four pick-up trucks under the New Jersey State Cooperative Purchasing Program.

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

Res. # 11-282 – Authorize the purchase of two thermal imaging cameras and associated equipment under the New Jersey State Cooperative Purchasing Program.

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

Res. # 11-283 – Employ part-time Violations Clerk in the Municipal Court on a probationary basis.

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

Res. # 11-284 – Authorize the payment of bills.

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

Res. # 11-285 – Authorize change in title and text in 2011 municipal budget to provide matching funds for Summer Shuttle Bus Service.

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

Res. # 11-286 – Employ Special Law Enforcement Officers in the Police Department on a part-time basis.

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. 11-31

AN ORDINANCE AUTHORIZING THE GUARANTY BY THE TOWNSHIP OF NEPTUNE, NEW JERSEY OR PAYMENT OF PRINCIPAL AND INTEREST ON THE CAPITAL EQUIPMENT LEASE REVENUE BONDS, SERIES 2011 (NEPTUNE PROJECT) OF THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY

BE IT ORDAINED by the TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. Pursuant to Section 80 of the County Improvement Authorities Law, N.J.S.A. 40:37A-44 et. seq., the Township of Neptune, New Jersey (the "Municipality") is hereby authorized to unconditionally and irrevocably guaranty the punctual payment of the principal of and the interest on the Capital Equipment Lease Revenue Bonds, Series 2011 (Neptune Project) (the "Bonds") of The Monmouth County Improvement Authority (the "Authority") Outstanding (as that term is defined in the following described resolution) under the resolution of the Authority entitled "Capital Equipment Lease Revenue Bond Resolution (Neptune Project)" (the "Bond Resolution") to be adopted in a form approved by counsel to the Municipality. The Authority plans to issue the Bonds to finance the acquisition and subsequent leasing of certain capital equipment to the Municipality pursuant to a lease and agreement to be entered into by the Authority and the Municipality (the "Lease"). Such guaranty shall be given in accordance with the guaranty agreement (the "Guaranty Agreement") between the Municipality and the Authority in substantially the form submitted to this Municipality, a copy of which is on file in the office of the Clerk of the Municipality, with such changes as may be approved by counsel to the Municipality. The Mayor is hereby authorized to execute the Guaranty Agreement on behalf of the Municipality in substantially such form as submitted hereto and with such changes as may be approved by the Mayor, and the Clerk of the Municipality is hereby authorized to attest such signature affixing the seal of the Municipality. All representatives, officials and employees of the Municipality are hereby authorized to enforce and to implement the Guaranty Agreement.

Section 2. The following additional matters are hereby determined, declared, recited and state:

- (1) The maximum principal amount of the Bonds of the Authority hereby and hereunder to be guaranteed as to payment of principal and interest shall not exceed the sum of the amount necessary to acquire the Municipality's equipment as set forth in Schedule A which will be subject to the Lease and to pay the Municipality's share of the costs of issuance, but in no event shall such principal amount exceed \$270,000.
- (2) The Bonds shall mature within eleven years of the date of issue.
- (3) The Bonds shall remain Outstanding to their respective stated maturity dates and the guaranty authorized herein shall remain effective until all Bonds shall have been paid in full in accordance with their terms notwithstanding the occurrence of any other event.

(4) The guaranty authorized herein may be made and this ordinance may be adopted notwithstanding any statutory debt or other limitations, including particularly any limitation or requirement under or pursuant to the Local Bond Law, N.J.S.A. 40A:2-1, et. seq., but the principal amount of any Outstanding Bonds shall be included after their issuance in the gross debt of the Municipality for the purpose of determining the indebtedness of the Municipality under or pursuant to the Local Bond Law. The principal amount of the Bonds included in the gross debt of the Municipality shall be deducted from the gross debt of the Municipality under and all for all the purposes of the Local Bond Law (a) from and after the time of issuance of the Bonds until the end of the fiscal year beginning next after the acquisition of the equipment to be financed from the proceeds of the Bonds and (b) in any Annual Debt Statement filed pursuant to the Local Bond Law as of the end of such fiscal year or any subsequent fiscal year if the revenues or other receipts or moneys of the Authority in such year are sufficient to pay its expenses of operation and maintenance in such year and all amounts payable in such year on account of the principal of and the interest on all such Bonds, all bonds of the Municipality issued as provided under N.J.S.A. 40:37A-79 and all bonds of the Authority issued under the County Improvement Authorities Law.

Section 3. Upon payment of the principal of and the interest due on the Bonds by the Authority or by the defeasance of the Bonds pursuant to the Bond Resolution, the guaranty authorized herein will cease to exist and the gross debt of the Municipality shall be reduced to the extent that such Bonds cease to be Outstanding under the Bond Resolution.

Section 4. This ordinance shall take effect 20 days after the first publication thereof after final adoption in accordance with the County Improvement Authorities Law and the Local Bond Law.

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

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Richard J. Cuttrel,  
Municipal Clerk

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Kevin B. McMillan,  
Mayor

**SCHEDULE A - EQUIPMENT LIST**

Township of Neptune

<u>Equipment</u>	<u>Useful Life (Years)</u>	<u>Lease Term (Years)</u>	<u>Estimated Cost</u>
Police Cars (7 cars & 1 SUV Outfitted)	3	3	\$250,000

ORDINANCE NO. 11-32

AN ORDINANCE AUTHORIZING THE LEASING OF CERTAIN CAPITAL EQUIPMENT BY THE TOWNSHIP OF NEPTUNE, NEW JERSEY FROM THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY AND THE EXECUTION OF A LEASE AND AGREEMENT RELATING THERETO

BE IT ORDAINED by the Township Committee of the Township of Neptune, New Jersey (not less than two-thirds of all members thereof affirmatively concurring) as follows:

Section 1. Pursuant to Section 7-8 of the County Improvement Authorities Law, N.J.S.A. 40:37A-44, et seq., the Township of Neptune (the "Municipality") is hereby authorized to unconditionally and irrevocably lease certain items of capital equipment from The Monmouth County Improvement Authority (the "Authority") pursuant to a Lease and Agreement, substantially in the form submitted to this meeting (the "Lease"), a copy of which is on file in the office of the Clerk to the Municipality. The Mayor is hereby authorized to execute the Lease on behalf of the Municipality in substantially such form as submitted to this meeting and with such changes as may be approved by the Mayor, which approval shall be conclusively evidenced by the execution thereof, and the Clerk to the Municipality is hereby authorized to affix and attest the seal of the Municipality.

Section 2. The following additional matters are hereby determined, declared, recited and stated:

- (a) In recognition of the fact that the lease payment of the Municipality under the Lease will be based, in part, on the amount of bonds issued by the Authority to finance the acquisition of the leased equipment and the interest thereon, the maximum amount of bonds which the Authority shall issued to finance the acquisition of the equipment to be leased to the Municipality shall not exceed \$270,000 and the interest rate on said bonds shall not exceed five and fifty hundredths percent (5.50%) per annum;
- (b) The items to be leased from the Authority shall be as set forth in Schedule A hereto; provided that the Mayor or any authorized municipal representative (as defined in the Lease) may substitute or add items of equipment in accordance with the provisions of the Lease; and
- (c) The lease term applicable to a particular item of leased equipment shall not exceed the useful life of such item.

Section 3. This ordinance shall take effect twenty (20) days after the first publication thereof after final adoption as provided by law.

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

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Richard J. Cuttrel,  
Municipal Clerk

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Kevin B. McMillan,  
Mayor

## SCHEDULE A - EQUIPMENT LIST

Township of Neptune

<u>Equipment</u>	<u>Useful Life (Years)</u>	<u>Lease Term (Years)</u>	<u>Estimated Cost</u>
Police Cars (7 cars & 1 SUV Outfitted)	3	3	\$250,000

ORDINANCE NO. 11-33

AN ORDINANCE AUTHORIZING THE LEASING OF CERTAIN CAPITAL EQUIPMENT BY THE TOWNSHIP OF NEPTUNE, NEW JERSEY FROM THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY AND THE EXECUTION OF A LEASE AND AGREEMENT RELATING THERETO

BE IT ORDAINED by the Township Committee of the Township of Neptune, New Jersey (not less than two-thirds of all members thereof affirmatively concurring) as follows:

Section 1. Pursuant to Section 7-8 of the County Improvement Authorities Law, N.J.S.A. 40:37A-44, et seq., the Township of Neptune (the "Municipality") is hereby authorized to unconditionally and irrevocably lease certain items of capital equipment from The Monmouth County Improvement Authority (the "Authority") pursuant to a Lease and Agreement, substantially in the form submitted to this meeting (the "Lease"), a copy of which is on file in the office of the Clerk to the Municipality. The Mayor is hereby authorized to execute the Lease on behalf of the Municipality in substantially such form as submitted to this meeting and with such changes as may be approved by the Mayor, which approval shall be conclusively evidenced by the execution thereof, and the Clerk to the Municipality is hereby authorized to affix and attest the seal of the Municipality.

Section 2. The following additional matters are hereby determined, declared, recited and stated:

- (a) In recognition of the fact that the lease payment of the Municipality under the Lease will be based, in part, on the amount of bonds issued by the Authority to finance the acquisition of the leased equipment and the interest thereon, the maximum amount of bonds which the Authority shall issued to finance the acquisition of the equipment to be leased to the Municipality shall not exceed \$1,390,000 and the interest rate on said bonds shall not exceed five and fifty hundredths percent (5.50%) per annum;
- (b) The items to be leased from the Authority shall be as set forth in Schedule A hereto; provided that the Mayor or any authorized municipal representative (as defined in the Lease) may substitute or add items of equipment in accordance with the provisions of the Lease; and
- (c) The lease term applicable to a particular item of leased equipment shall not exceed the useful life of such item.

Section 3. This ordinance shall take effect twenty (20) days after the first publication thereof after final adoption as provided by law.

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

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Richard J. Cuttrel,  
Municipal Clerk

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Kevin B. McMillan,  
Mayor

## SCHEDULE A - EQUIPMENT LIST

Township of Neptune

<u>Equipment</u>	<u>Useful Life (Years)</u>	<u>Lease Term (Years)</u>	<u>Estimated Cost</u>
Garbage Truck	15	10	\$ 150,000
Recycling Truck	15	10	150,000
Loader        15		10	150,000
Tractor        15		10	100,000
Leaf Machine	15	5	50,000
Sewer Line Camera System (Trail Mounted)	15	10	210,000
Computers/Servers	5	5	150,000
HazMat Metering Equipment	15	10	50,000
Personal Protective Equipment	5	5	25,000
4WD Truck Outfitted for Response	5	5	50,000
Rescue Equipment	5	5	25,000
Hybrid 4WD SUV Trucks	5	5	<u>150,000</u>
\$1,260,000			

ORDINANCE NO. 11-34

AN ORDINANCE TO AMEND ORDINANCE #09-43 ENTITLED "AN ORDINANCE AMENDING AND SETTING THE SALARY RANGES FOR EXISTING JOB TITLES OF THE TOWNSHIP OF NEPTUNE AND REPEALING ALL PARTS OF PREVIOUS ORDINANCES INCONSISTENT HEREWITH." BY CREATING THE POSITIONS OF AND SALARY RANGES FOR INTERLOCAL AGREEMENT – TAX ASSESSOR; INTERLOCAL AGREEMENT – ASSISTANT TAX ASSESSOR; AND COMMUNITY SERVICE OFFICER

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

Section 1. The job titles of Interlocal Agreement – Tax Assessor; Interlocal Agreement – Assistant Tax Assessor and Community Service Officer.

Section 2. The job titles of Interlocal Agreement – Tax Assessor and Interlocal Agreement Assistant Tax Assessor shall be in effect only during such time as the Interlocal Services Agreement for Tax Assessing services with the City of Asbury Park is in full force and effect.

Section 3. Ordinance No. 09-43 be and is hereby amended to add the salary ranges of the aforesaid positions as follows:

<u>TITLE</u>	<u>MINIMUM SALARY</u>	<u>MAXIMUM SALARY</u>
Interlocal Agreement – Tax Assessor	\$10,000.00	\$25,000.00
Interlocal Agreement – Asst. Tax Assessor	\$ 5,000.00	\$12,000.00
<u>Hourly positions</u>		
Community Service Officer	\$ 14.00	\$ 19.00

Section 4. The above ordinance shall be effective immediately upon publication in accordance with law.

APPROVED ON FIRST READING:

APPROVED, PASSED AND ADOPTED:

ATTEST:

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

\_\_\_\_\_  
Kevin B. McMillan,  
Mayor

ORDINANCE NO. 11-35

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 411.07 OF THE LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF NEPTUNE AS IT RELATES TO PORCHES AND DECKS

WHEREAS, the Neptune Township Planning Board adopted Resolution #11-12 requesting that the Township Committee amend Section 411.07 of the Land Development Ordinance with respect to porches and decks,

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

SECTION 1. Section 411.07 – Porches and Decks – is hereby amended in its entirety as follows:

Section 411.07 PORCHES AND DECKS

§ 411.07A Porches and Decks (in all areas of Neptune Township other than the Historic District)

1. Applicability. This Subsection includes regulations for attached, accessory porches and decks located on properties used for residential purposes outside the historic zone districts.
2. Deck setbacks. For one and two family residential structures, a deck may extend no further than fifteen (15) feet into a required rear yard setback area, provided the principal structure conforms to minimum rear yard setback requirements. In no instance shall a deck be closer than ten (10) feet to a rear or side lot line. No deck for a residential structure may extend into a side setback area. No deck shall be located in a front yard area. No deck associated with a multi-family residential use may extend into any required setback area.
3. Porch setbacks: For one and two family residential structures, a porch may extend no more than eight (8) feet into the required front and/or rear setback area. No porch for a residential structure may extend into a side setback area. No porch associated with any multi-family residential use may extend into any setback area. The front yard setback of a porch shall not be considered the front yard setback of the principal building to which it is attached.
4. Enclosure: A porch shall not be heated or air-conditioned and at least fifty (50) percent of the exterior wall area shall be open and non-glazed.

5. Entry platforms: Any entry platform not more than six (6) feet in height above the average finish grade, nor greater than fifty (50) square feet in area, may project six (6) feet into a required front yard and not more than four (4) feet into any required side yard.

§411.07B Porches and Decks and yard requirements in the Historic Zone District:

1. Applicability: This Subsection includes regulations for attached, accessory porches and decks located on properties used for residential purposes within the Historic Zone districts.
2. Deck setbacks: For one and two family residential structures, a deck may not encroach into any setback/yard area. No deck for a residential structure may encroach into a side, rear or front yard/setback area. No deck associated with a multi-family residential use may extend into any required setback area.
3. Porch setbacks: For one and two family residential structures, unless superseded by Paragraphs 5 through 12 of this section, a porch may not encroach into any setback/yard areas. No porch for a residential structure may encroach into a side, rear or front yard/setback area. No porch associated with any multi-family residential use may extend into any setback area.
4. Entry platforms: An entry platform not more than six (6) feet in height above the average finish grade, nor greater than fifty (50) square feet in area, may not project into any required yard/setback area.
5. For lots in the HD-R-1 Zone District, west of Central Avenue, the front building line shall have a minimum front yard setback of ten (10) feet from the street line and the front porch line shall be set back at a minimum distance of four (4) feet from the street line, except as modified by Paragraph 8 hereunder.
6. For lots east of Central Avenue except those fronting Olin and McClintock Streets, the front building line shall have a minimum front yard setback that is created by a line running directly from a point ten (10) feet back from the property line at the corner of Central Avenue to a point two (2) feet back from the property line at the corner of Ocean Avenue, except as modified by Paragraph 8 hereunder.
7. For lots fronting Olin and McClintock Streets, the front building line shall have a minimum front yard setback that is created by a line running directly from a point ten (10) feet back from the property line at the corner of Central Avenue to a point six (6) feet back from the property line at the corner of Ocean Avenue, except as modified by Paragraph 8 hereunder.
8. No building line or front porch line need be set back farther than the average alignment of those front building and front porch lines of existing buildings within 200 feet on each side of the lot and within the same block front and within the same Zone District. This provision does not permit the encroachment of buildings or porches into the flared open space area.

9. For lots east of Central Avenue, except those fronting Olin and McClintock Streets, the lot area and lot depth requirement shall be measured from the curb line rather than the property line. A calculation of building and lot coverage requirements shall be based on the resultant lot area. These provisions shall not affect any of the required yard setbacks.
10. All buildings and porches shall be so located that the roofs, steps or extensions of the same shall not extend upon or overhang any public street, public avenue, public sidewalk, or any other lot unless permission is granted by that lot owner.
11. Original open air balconies where being reconstituted by the renovation are not restricted. New open air balconies may not exceed 150 square feet and shall be setback a minimum of one (1) foot, six inches (1'6") from the applicable front or side yard setback line. In the event the covered porch directly below it has projecting steps or stairs, such steps or stairs shall be excluded from the area footprint in the calculation.

SECTION 2. Section 413.06 – Yard Requirements - is hereby deleted in its entirety.

SECTION 3. ZONING SCHEDULE B – ZONING DISTRICT BULK REGULATIONS is hereby amended to read “Section 411.07B relating to supplementary yard regulations in Ocean Grove” and all references to Section 413.06 are hereby deleted.

SECTION 4. Any Ordinance, or parts thereof, inconsistent with the provisions of this Ordinance, be and the same are hereby repealed to the extent of such inconsistency.

SECTION 5. Should any section, paragraph, clause or any other portion of this Ordinance be adjusted by a Court of competent jurisdiction to be invalid, such judgment shall not affect or impair the remainder of this Ordinance.

SECTION 6. This Ordinance shall take effect upon its passage and publication according to law and upon the filing of a certified copy thereof with the Monmouth County Planning Board.

APPROVED ON FIRST READING:

APPROVED, PASSED AND ADOPTED:

ATTEST:

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

\_\_\_\_\_  
Kevin  
Mayor

\_\_\_\_\_  
B. McMillan

ORDINANCE NO. 11-36

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING A HANDICAPPED PARKING ZONE ON NEW YORK AVENUE AND A NO PARKING ZONE ON A PORTION OF BENSON 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>
New York Avenue	1	West side of New York Avenue beginning 50 feet south of the southwest intersection of New York Avenue and Franklin Avenue.

SECTION 2

Volume I, Chapter VII, Section 7-7.7 – Parking Prohibited at All Times on Certain Streets, is hereby amended by adding the following:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Benson Avenue	East	Between Main Avenue and Broadway.

SECTION 3

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

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

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

\_\_\_\_\_  
Kevin  
Mayor

\_\_\_\_\_  
B. McMillan,

ORDINANCE NO. 11-37

AN ORDINANCE AMENDING VOLUME I, CHAPTER II OF THE  
CODE OF THE TOWNSHIP OF NEPTUNE BY RESCINDING  
SECTION 2-67 AND THE RESPONSIBLE CONTRACTOR  
ORDINANCE AND REQUIREMENTS

WHEREAS, the Township Committee of the Township of Neptune approved Ordinance 09-18 entitled "An Ordinance Amending the Code of the Township of Neptune to Implement a Responsible Contractor Policy" on May 11, 2009; and,

WHEREAS, the aforesaid Ordinance was amended with regards to Section 2-67, Volume I, Chapter II of the Code of the Township of Neptune on January 24, 2011; and,

WHEREAS, the Township Committee needs to further study possible amendments and limitations to the present Ordinance while eliminating the uncertainties of the present Ordinance with regard to the bidding process,

NOW THEREFORE BE IT ORDAINED by the Mayor and Township Committee of the Township of Neptune, that the Neptune Township known as the "Responsible Contractor's Ordinance" consisting of Volume I, Chapter II, Section 2-67 of the Code of the Township of Neptune is hereby repealed and rescinded and,

BE IT FURTHER ORDAINED that this Ordinance shall take effect upon final adoption and publication in the manner prescribed by law.

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

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

\_\_\_\_\_  
Kevin B. McMillan,  
Mayor

RESOLUTION #11-269 – 6/27/11

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,

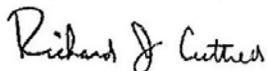
WHEREAS, this public body is of the opinion that such circumstances presently exist,

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:  
  
Litigation – Dredging litigation/Neptune v. NJDEP  
Personnel – Municipal Court Violations Clerk
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 06/27/11



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

RESOLUTION #11-270 - 6/27/11

AUTHORIZE THE EXECUTION OF SUBORDINATION AGREEMENTS IN CONNECTION WITH A UDAG MORTGAGE AND FAÇADE IMPROVEMENT MORTGAGES GRANTED TO ALL AMERICAN TURF (3502 WEST BANGS AVENUE)

WHEREAS, the Township of Neptune holds mortgages in connection with a UDAG loan, Façade Improvement Loan and Façade Improvement Grant awarded to Mole Hill Inn, LLC d/b/a All American Turf, Inc. at 3502 West Bangs Avenue; and,

WHEREAS, specifically, these mortgages are as follows:

<u>Program</u>	<u>Date</u>	<u>Amount</u>
UDAG Loan	June 14, 2007	\$100,000.00
Façade Loan	June 14, 2007	\$ 5,000.00
Façade Grant	June 14, 2007	\$ 5,000.00

WHEREAS, Mole Hill Inn, LLC has requested that the Township of Neptune subordinate these mortgages to second position in order that Mole Hill Inn, LLC may secure an additional mortgage on the premise; and;

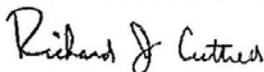
WHEREAS, the Township desires to subordinate its mortgages to allow the business owner to secure additional capital,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Mayor and Clerk be and they are hereby authorized to execute Subordination Agreement in connection with the UDAG loan, Façade Improvement Loan and Façade Improvement Grant issued to Mole Hill Inn, LLC d/b/a All American Turf, Inc. located at 3502 West Bangs Avenue; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Grant Coordinator.

**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 06/27/11



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

RESOLUTION #11-271 - 6/27/11

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,

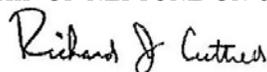
THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Tax Collector be and is hereby authorized to place the following costs as a lien against the following properties; and,

<u>BLOCK/LOT</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
167/335	1210 7 <sup>th</sup> Avenue	470.00

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**

I HEREBY CERTIFY THE ABOVE TO BE A TRUE  
COPY OF A RESOLUTION ADOPTED BY  
THE TOWNSHIP COMMITTEE OF THE  
TOWNSHIP OF NEPTUNE ON 06/27/11



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

RESOLUTION #11-272 - 6/27/11

ACCEPT A GRANT FROM THE HAZARDOUS DISCHARGE SITE REMEDIATION FUND  
PUBLIC ENTITY PROGRAM THROUGH THE NEW JERSEY ECONOMIC DEVELOPMENT  
AUTHORITY AND THE DEPARTMENT OF ENVIRONMENTAL PROTECTION  
(FORMER CHIDNESE PROPERTY – REMEDIAL INVESTIGATION AND ACTION)

WHEREAS, the Township of Neptune has applied for and has been awarded a grant in the amount of \$43,280.00 from the Hazardous Discharge Site Remediation Fund Municipal Grant Program through the Department of Environmental Protection and the New Jersey Economic Development Authority for the Remedial Investigation and Remedial Action along with report preparation of the former Chidnese property in West Lake Avenue,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the above referenced grant is hereby accepted and the Mayor is hereby authorized to execute grant documents as an authorized representative thereunder, as the representative for the Township of Neptune; and,

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to the New Jersey Economic Development Authority, the Chief Financial Officer, Business Administrator and Administrative Assistant to the C.F.O.

Date

Adopted by Committee: June 27, 2011

(seal)

Attest:

\_\_\_\_\_  
Kevin

\_\_\_\_\_  
B. McMillan, Mayor

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

RESOLUTION #11-273 - 6/27/11

ACCEPT A GRANT FROM THE HAZARDOUS DISCHARGE SITE REMEDIATION FUND  
PUBLIC ENTITY PROGRAM THROUGH THE NEW JERSEY ECONOMIC DEVELOPMENT  
AUTHORITY AND THE DEPARTMENT OF ENVIRONMENTAL PROTECTION  
(FORMER CHIDNESE PROPERTY – SITE INVESTIGATION)

WHEREAS, the Township of Neptune has applied for and has been awarded a grant in the amount of \$60,524.00 from the Hazardous Discharge Site Remediation Fund Municipal Grant Program through the Department of Environmental Protection and the New Jersey Economic Development Authority for the Site Investigation along with report preparation of the former Chidnese property in West Lake Avenue,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the above referenced grant is hereby accepted and the Mayor is hereby authorized to execute grant documents as an authorized representative thereunder, as the representative for the Township of Neptune; and,

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to the New Jersey Economic Development Authority, the Chief Financial Officer, Business Administrator and Administrative Assistant to the C.F.O.

Date

Adopted by Committee: June 27, 2011

(seal)

Attest:

\_\_\_\_\_  
Kevin

\_\_\_\_\_  
B. McMillan, Mayor

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

RESOLUTION #11-274 - 6/27/11

AUTHORIZE BIRDSALL SERVICES GROUP TO PERFORM REMEDIATION ACTIVITIES  
AT THE FORMER CHIDNESE PROPERTY (1825 WEST LAKE AVENUE)

WHEREAS, the Township desires to engage the services of Birdsall Services Group to perform remediation activities in connection with a former underground fuel oil tank at the former Chidnese property at 1825 West Lake Avenue; and,

WHEREAS, Birdsall Services Group has completed, and is also currently engaged, in other remediation projects on this site; and,

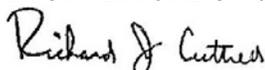
WHEREAS, funds for this purpose will be provided through a Hazardous Discharge Site Remediation Grant in the amount of \$10,339.00 and the balance (\$4,886.00) through the 2011 Municipal Budget in the appropriation entitled Eng OE, known as Account No. 165-020, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes Birdsall Services Group to perform the services as stated herein at an amount not to exceed \$15,225.00; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Chief Financial Officer, Assistant C.F.O., Birdsall Services Group, Director of Engineering and Planning, and the Business Administrator.

**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 06/27/11



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

RESOLUTION #11-275 - 6/27/11

AUTHORIZE BIRDSALL SERVICES GROUP TO PERFORM REMEDIAL INVESTIGATION  
ACTIVITIES AT THE FORMER CHIDNESE PROPERTY (1825 WEST LAKE AVENUE)

WHEREAS, the Township desires to engage the services of Birdsall Services Group to perform remedial investigation activities at the former Chidnese property at 1825 West Lake Avenue; and,

WHEREAS, Birdsall Services Group has previously completed remediation work at this site and the NJDEP is requiring additional remediation work; and,

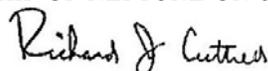
WHEREAS, funds for this purpose will be provided through a Hazardous Discharge Site Remediation Grant in the amount of \$32,941.00 and the balance (\$29,639.00) through the 2011 Municipal Budget in the appropriation entitled ENG OE, known as Account No. 165-020, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes Birdsall Services Group to perform the services as stated herein at an amount not to exceed \$62,580.00; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Chief Financial Officer, Assistant C.F.O., Birdsall Services Group, Director of Engineering and Planning, and the Business Administrator.

**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 06/27/11



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

RESOLUTION #11-276 - 6/27/11

AUTHORIZE A REDUCTION IN THE PERFORMANCE GUARANTEE FILED BY  
NEPTUNE ESTATES, LLC FOR PHASE 1A SITE IMPROVEMENTS AT  
NEPTUNE ESTATES (3351 HIGHWAY 33)

WHEREAS, on May 10, 2010, the Township Committee adopted a resolution which accepted performance bond 1039630 in the amount of \$240,732.60 filed by Neptune Estates LLC written by Lexon Insurance Company guaranteeing site improvements at Neptune Estates Phase 1A, 3351 Highway 33 (Block 7018, Lot 9); and,

WHEREAS, the Township Committee adopted Resolution #10-351 on September 13, 2010 authorizing a reduction in said bond to the amount of \$181,666.80; and,

WHEREAS, at the request of the Developer, the Township Engineer has inspected the site improvements and has recommended a further reduction in the performance guarantee to reflect the portion of the site improvements that have been completed; and,

WHEREAS, the Engineer recommends reducing the amount of the performance bond from \$181,666.80 to \$134,834.76; and,

WHEREAS, the Developer will be instructed to provide a Change Rider to the original performance guarantee to reflect the reduced amount,

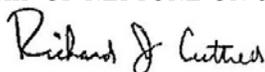
THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that a reduction in the Performance Guarantee for Neptune Estates, LLC, Phase 1A (Block 7018, Lot 9) be and is hereby approved to the amount of \$134,834.76 and the Municipal Clerk is directed to accept a Change Rider submitted by the Developer to reflect said reduction; and,

BE IT FURTHER RESOLVED, that the proportionate amount of the cash portion of the performance guarantee in the amount of \$5,257.59 shall be refunded to the Developer; and,

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

**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 06/27/11



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

RESOLUTION #11-277 - 6/27/11

ACCEPT PERFORMANCE GUARANTEE FILED BY NEPTUNE ESTATES, LLC  
FOR PHASE 1B OF THE NEPTUNE ESTATES SUBDIVISION (3351 HIGHWAY 33)

WHEREAS, Neptune Estates, LLC has filed performance bond 1070127, written by Lexon Insurance Company, Inc. in the amount of \$491778.00, guaranteeing Phase 1B site improvements at the subdivision located at 3351 Highway 33 (Block 7018, Lot 9); and,

WHEREAS, the Township Attorney has reviewed and approved said bond; and,

WHEREAS, the required 10% cash surety and inspection fee escrow have been posted; and,

WHEREAS, an executed Developer's Agreement has been received, executed and recorded which covers all phases of this project; and,

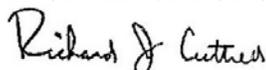
WHEREAS, the acceptance of this Performance Guarantee does not authorize the issuance of any licenses or permits by the Construction Department but serves as certification to the Planning Board/Board of Adjustment that compliance with the Land Development Ordinance of the Township of Neptune has been met;

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby accepts the Performance Guarantee for Neptune Estates Phase 1B as stated above; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be forwarded to the Township Engineer, Planning Board, Construction Department, Director of Engineering and Planning, Chief Financial Officer and the Developer.

**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 06/27/11



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

RESOLUTION #11-278 - 6/23/11

AMEND AUTHORIZATION FOR THE REMOVAL AND DISPOSAL OF SOIL/MATERIALS  
AT THE FORMER CHIDNESE PROPERTY (1825 WEST BANGS AVENUE)

WHEREAS, on April 15, 2011, the Township Committee adopted Resolution #11-202 which authorized Enterprise Network Solutions, Inc. to remove and dispose of soil/materials at the former Chidnese property at 1825 West Bangs Avenue for the amount of \$19,123.00; and,

WHEREAS, based on soil test results, additional excavation of on containeof soil/materials (up to 22 tons) is required; and,

WHEREAS, this extra material is above the original scope of the project and will require an additional appropriation of \$6,000.00; and,

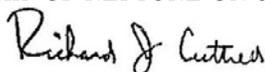
WHEREAS, funds for this purpose will be provided in the 2011 Municipal Budget in the appropriation entitled Engineering O.E., known as Account No. 165-202, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Resolution #11-202, which awarded a contract to Enterprise Network Solutions, Inc. for the removal and disposal of soil/materials at the former Chidnese property at 1825 West Bangs Avenue, be and is hereby amended to authorize an additional \$6,000.00 to perform the services as stated herein; and,

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

**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 06/27/11



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

RESOLUTION #11-279 - 6/27/11

AUTHORIZE EXECUTION OF AN AGREEMENT WITH MEADOWLINK  
TO PROVIDE A SUMMER SHUTTLE BUS SERVICE

WHEREAS, NJ Transit and the Federal Transit Administration has awarded Meadowlink with a federal grant under the Congestion Mitigation and Air Quality Improvement Program, which will cover 75% of the cost of a summer season shuttle service called *Shorelink*, connecting certain NJ Transit train stations with the beaches and Main Street in neighboring communities; and

WHEREAS, Neptune Township is desirous of participating in the proposed shuttle program and improve the circulation system in the Township during the peak summer months, which would benefit its businesses, the residents and the visitors. In particular, the shuttle will serve the Ocean Grove section of Neptune Township; and,

WHEREAS, the Shorelink Shuttle Service will connect the Bradley Beach Train Station, Ocean Grove beach, Ocean Grove Main Avenue business district and the Asbury Park Train Station from July 1, 2011 to September 5, 2011, Thursdays through Sundays (including Monday, July 4th and Monday, September 5<sup>th</sup>) with the option to extend service through the balance of September; and,

WHEREAS, the Township of Neptune and Borough of Bradley Beach will equally share in the 25% of the cost not covered by the federal grant, which equates to \$8.75 per hour of shuttle operation; and,

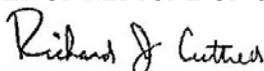
WHEREAS, funds for this purpose will be provided in the 2011 Municipal Budget in the appropriation entitled Shorelink Shuttle, known as Account No. \_\_\_\_\_, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the Mayor and Clerk to execute an Agreement with Meadowlink, a copy of which is on file with the Municipal Clerk, to provide a Summer Shuttle Bus Service during specified days as further described herein; and,

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

**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 06/27/11



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

RESOLUTION #11-280 - 6/27/11

A RESOLUTION OF THE TOWNSHIP OF NEPTUNE, NEW JERSEY APPROVING THE FORM AND AUTHORIZING THE EXECUTION AND DELIVERY OF A LETTER OF REPRESENTATION AND A CONTINUING DISCLOSURE AGREEMENT IN CONNECTION WITH THE ISSUANCE AND DELIVERY OF THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY'S CAPITAL EQUIPMENT POOLED LEASE REVENUE BONDS, SERIES 2011 AND AUTHORIZING AN AUTHORIZED MUNICIPAL REPRESENTATIVE TO DO ALL OTHER THINGS DEEMED NECESSARY OR ADVISABLE IN CONNECTION WITH THE ISSUANCE, SALE AND DELIVERY OF SUCH BONDS

WHEREAS, the Township of Neptune, New Jersey (the "Municipality") desires to lease and permanently finance the cost of acquisition of certain capital equipment (the "Equipment") from The Monmouth County Improvement Authority (the "Authority"); and

WHEREAS, the Authority will provide for the financing of the cost of the acquisition of the Equipment by the issuance of its Capital Equipment Lease Revenue Bonds, Series 2011 (Neptune Project) (the "Bonds") payable from rentals by the Municipality pursuant to a Lease and Agreement by and between the Municipality and the Authority (the "Lease"); and

WHEREAS, in order to induce the Authority to issue and deliver the Bonds and its Capital Equipment Pooled Lease Revenue Bonds, Series 2011, there has been prepared and submitted to the Municipality a Letter of Representative in the form attached hereto as Exhibit A; and

WHEREAS, there has been prepared and submitted to the Municipality a Continuing Disclosure Agreement in the form appended hereto as Exhibit B for execution by the Municipality if the Authority shall determine that the Municipality is or will be an "obligated person" with respect to the Authority's Capital Equipment Lease Revenue Bonds, Series 2011 within the meaning of Rule 15c2-12 of the United States Securities and Exchange Commission (an "Obligated Person"):

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP OF NEPTUNE AS FOLLOWS:

Section 1. That the Letter of Representation, in the form presented to this meeting, be and the same is hereby approved, and any Authorized Municipal Representative (as that term is defined in the Lease) is hereby authorized to, and one of such officers shall execute the Letter of Representation, with such additions, deletions or modifications as such officer shall approve, and to deliver the same to the addressees designated on such Letter of Representation, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 2. That the Continuing Disclosure Agreement in the form presented to this meeting, be and the same is hereby approved, and any Authorized Municipal Representative is hereby authorized to, and one of such officers shall execute the Continuing

Disclosure Agreement, with such additions, deletions or modifications as such officer shall approve, and to deliver the same upon the determination by the Authority that the Municipality is or will be an Obligated Person, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 3. That any Authorized Municipal Representative is hereby authorized and directed to execute and deliver any and all documents and instruments and to do and cause to be done any and all acts and things necessary or proper for carrying out the sale, issuance and delivery of the Bonds, the Authority's Capital Equipment Pooled Lease Revenue Bonds, Series 2011 and all related transactions contemplated by this resolution.

Section 4. All resolutions or proceedings or parts thereof, in conflict with the provisions of this resolution are to the extent of such conflict hereby repealed.

Section 5. This resolution shall become effective immediately.

Date: June 27, 2011

VOTE:                    AYES                    NAYS                    ABSTAIN                    ABSENT

This is to certify that the foregoing Resolution was adopted by the Township Committee of the Township of Neptune at their meeting held on June 27, 2011

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Richard J. Cuttrell, Municipal Clerk

RESOLUTION #11-281 - 6/27/11

AUTHORIZE THE PURCHASE OF FOUR PICK-UP TRUCKS UNDER THE  
NEW JERSEY STATE COOPERATIVE PURCHASING PROGRAM

WHEREAS, the Township of Neptune wishes to purchase four 2011 Ford F-350 pick-up trucks for the Public Works Department (with one of the four having a diesel engine and assigned to the Sewer Department) through an authorized vendor 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, Warnock Fleet has been awarded New Jersey State Contract No. A78848 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 amount of the three pick-up trucks assigned to the Public Works Department shall not exceed \$34,612.00 each (total of \$103,836.00); and the amount of the pick-up truck with a diesel engine assigned to the Sewer Department shall not exceed \$38,842.00; and,

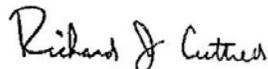
WHEREAS, funds for the purchase of three pick-up trucks for the Public Works Department are available in Ordinance No. 09-36 and funds for the diesel engine pick-up truck for the Sewer Department are available in Ordinance No. 09-37, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the purchase of four 2011 Ford F-350 pick-up trucks through the New Jersey Cooperative Purchasing Program at an amount not to exceed \$103,836.00 for three pick-up trucks assigned to the Public Works Department and \$38,842.00 for one diesel engine pick-up truck assigned to the Sewer Department; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Director of Public Works, 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 06/27/11



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

RESOLUTION #11-282 - 6/27/11

AUTHORIZE THE PURCHASE OF TWO THERMAL IMAGING CAMERAS AND ASSOCIATED EQUIPMENT UNDER THE NEW JERSEY STATE COOPERATIVE PURCHASING PROGRAM

WHEREAS, the Neptune Township Office of Emergency Management wishes to utilize grant funding to purchase two thermal imaging cameras and associated equipment through an authorized vendor 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, Firefighter One has been awarded New Jersey State Contract No. A76364 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 amount of the two thermal imaging cameras and associated equipment shall not exceed \$24,508.70; and,

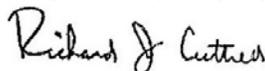
WHEREAS, funds for this purpose are available through a 2009 EMPG/Exercise Support Grant and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the purchase of two thermal imaging cameras and associated equipment through the New Jersey Cooperative Purchasing Program for the Neptune Township Office of Emergency Management at an amount not to exceed \$24,508.70; 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 06/27/11



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

RESOLUTION #11-283 - 6/27/11

EMPLOY PART-TIME VIOLATIONS CLERK IN THE MUNICIPAL COURT  
ON A PROBATIONARY BASIS

WHEREAS, on June 13, 2011, the Township adopted Resolution #11-263 which authorized the employment of Sean Brown as a part-time Violations Clerk; and,

WHEREAS, the Municipal Court Administrator recommends that this authorization be rescinded and that a different individual be employed in the position; and,

WHEREAS, funds will be provided in the 2011 Municipal Budget in the appropriation entitled Court S & W, known as Account No 490-010, and the Chief Financial Officer has so certified in writing,

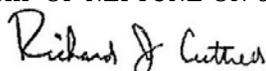
THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the employment of Sean Brown as a part-time Violations Clerk, as authorized by Resolution #11-263, be and is hereby rescinded; and,

BE IT FURTHER RESOLVED, that Rosa Aubrey be and is hereby employed as a part-time Violations Clerk in the Municipal Court, on a probationary basis for a period of not less than 90 days and not exceeding one year, pending favorable results of the required physical, effective June 28, 2011, at a hourly salary of \$12.00, for an average of 20 hours per week (no health benefits); and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Business Administrator, Municipal Court Administrator, Chief Financial Officer, Assistant C.F.O., AFSCME Local #1844, Carina Santos and Mandy To.

**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 06/27/11



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

RESOLUTION #11-284 – 6/27/11

AUTHORIZE THE PAYMENT OF BILLS

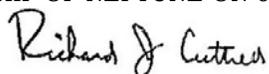
BE IT RESOLVED, by the Township Committee of the Township of Neptune that the following bills be paid if properly certified:

CURRENT FUND	3,734,832.01
FEDERAL & STATE GRANT FUND	4,885.29
TRUST OTHER	15,865.79
GENERAL CAPITAL FUND	206,020.07
SEWER OPERATING FUND	360.24
MARINA OPERATING FUND	967.68
MARINA CAPITAL FUND	13,164.28
DOG TRUST	7,646.50
LIBRARY TRUST	1,310.65
BILL LIST TOTAL	\$3,985,052.51

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 06/27/11



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

RESOLUTION #11-285 - 6/27/11

AUTHORIZE CHANGE IN TITLE AND TEXT IN 2011 MUNICIPAL BUDGET  
TO PROVIDE MATCHING FUNDS FOR SUMMER SHUTTLE BUS SERVICE

WHEREAS, N.J.S. 40A:4-85 provides that the Director of the Division of Local Finance may, at the request of, or with the consent of, the governing body of the county or municipality, make changes of the title, text or amount of any appropriation appearing in the budgets as may be necessary to make said item of appropriation available for the purpose or purposes required for the needs of any such county or municipality; and,

NOW, THEREFORE, BE IT RESOLVED that in accordance with the provisions of N.J.S. 40A:4-85, the Township of Neptune hereby requests the Director of the Division of Local Finance to make the following corrections in the budget of the year 2011;

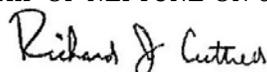
<u>Appropriations:</u>		<u>From</u>	<u>To</u>
Matching Funds for Grants	\$	10,000.00	\$ 5,000.00
Shorelink Shuttle – Match	\$	0.00	\$ 5,000.00

BE IT FURTHER RESOLVED that the foregoing correction is, in the opinion of the governing body, warranted and authorized by the statute above referred to, and is necessary for the orderly operation of the municipality for the reasons hereinafter set forth: The appropriation "Matching Funds for Grants" is a non-spending appropriation which must be transferred into a specific line-item for use by the municipality. The municipality has been awarded funding from New Jersey Transit and the Federal Transit Administration, under the Congestion Mitigation and Air Quality Improvement Program which requires a 25% municipal cash match for operations which is expected to be \$5,000.00 for 2011.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Business Administrator, Chief Financial Officer, 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 06/27/11



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

RESOLUTION #11-286 - 6/27/11

EMPLOY SPECIAL LAW ENFORCEMENT OFFICERS  
IN THE POLICE DEPARTMENT ON A PART-TIME BASIS

WHEREAS, there is a need for an additional Special Law Enforcement Officers – Class II in the Police Department on a part-time hourly basis; and,

WHEREAS, the positions were duly posted and advertised and applicants have been interviewed; and,

WHEREAS, the Chief of Police has made his recommendations; and,

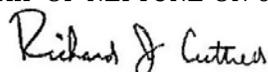
WHEREAS, funds will be provided in the appropriation entitled Police S & W, known as Account No. 240-010, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Michael Kyle and Robert Miller be and are hereby employed as part-time Special Law Enforcement Officers – Class II and to perform such other duties as prescribed by the Chief of Police, contingent upon successful completion of a background investigation and medical evaluation, effective July 5, 2011 at an hourly rate of \$17.00; and,

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

**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 06/27/11



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