

**TOWNSHIP COMMITTEE WORKSHOP MEETING – NOVEMBER 28, 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 – Township Flexible Spending Account Program for employees as mandated by state legislation.
  
  
  
  
  
  
  
  
  
  
2. Outstanding parking lot items. (PW)

Res. # 11-441 – 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 – NOVEMBER 28, 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	_____	Charles Layton Blogfinger
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 October 24<sup>th</sup> and November 14<sup>th</sup>.

**PROCLAMATION**

The Mayor will proclaim the month of December as Drunk and Drugged Driving Prevention Month in the Township of Neptune.

**PRESENTATION**

The Mayor will present a proclamation to Robert McDonald, member of Unexcelled Fire Company and former Neptune Fire Chief, for his heroic actions in rescuing several occupants from an overturned vehicle on fire.

**REPORT OF THE CLERK**

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

Senior Beacon for November, Senior Center monthly statistics for October and Tax Collector's monthly report for October.

Notice of public hearing on NJAWC petition to increase water rates.

A note from the Neptune High School Student Council thanking the Public Works Department for the use of the facility to construct floats for the Homecoming Parade.

The Senior Center staff received thank you notes from Maxine Zea, Anne & Jack McGarry, The Bridge Group, Dolly Driscoll and Frances Pettit.

Rosemary Gray sent letters of thanks to the following individuals for recent donations to the Senior Center: Harry Lynch, Jerry Ordino, M. Teresa & Robert Baldesari, Rosalinda & John Cosco, Nancy & Roger Porter, Marcy & Bill Lawrence, Marina Vargas, Toshie Gleason, Vera Sanchez, Myrna Acedera, Michele D'Amato, Nicholas Napolitano, Betty Albrizio, American Legion Post #346, Anthony Frinzi, George Myers and The Pastry Chef of Tinton Falls.

### **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. 11-47** - An ordinance amending and supplementing the Land Development Ordinance of the Township of Neptune by providing clarification and updates to various application completeness checklist sections. – Final Reading

*Explanatory Statement: This ordinance amends the Township Land Development Ordinance by clarifying and updating various completeness checklists for all types of development applications. The amended checklists will accurately indicate the required documents and submissions for each type of development application within the land development ordinance. This amendment does not make any changes to zoning or uses allowed in any zones.*

Public Hearing:

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

## **CONSENT AGENDA**

Res. # 11-442 – Authorize the Mayor and Clerk to enter into a Lease Agreement with Bahaskar Halari for a portion of the Right-of-Way along New York Road for a sign in connection with the Neptune Motor Lodge.

Res. # 11-443 – Grant Social Affair Permit to Tinton Falls PBA Local 251.

Res. # 11-444 – Accept performance guarantee filed by New Jersey American Water Company for site improvements at the Jumping Brook Treatment Plant on Old Corlies Avenue.

Res. # 11-445 – Authorize the cancellation of grant receivables and grant reserves.

Res. # 11-446 – Authorize the Mayor and Clerk to execute an agreement with Monmouth County for cooperative participation in the Community Development Program pursuant to the Interlocal Services Act.

Res. # 11-447 – Authorize the temporary closing of a portion of Pilgrim Pathway in connection with the Ocean Grove Christmas Tree Lighting.

Res. # 11-448 – Rescind employment authorization of two part-time on-call Custodians in the Building Maintenance Department.

Res. # 11-449 – Authorize the execution of a Release of Part of Mortgaged Property with TRFDP Ridge Avenue, LLC in connection with the Schoolhouse Square Project.

Res. # 11-450 – Authorize the temporary closing of a portion of West Lake Avenue in connection with the MURC Christmas Tree Lighting.

Res. # 11-451 – Authorize the submission of a 2012 National Recreation and Park Association ACHIEVE Community Grant application.

Res. # 11-452 – Support initiatives to discourage and eliminate the practice of wearing “sagging pants”.

Res. # 11-453 – Place lien on property (1612 Monroe Avenue).

Res. # 11-454 – Authorize the cancellation of a mortgage in connection with a Façade Improvement Program loan and authorize the subordination of a Façade Improvement Program grant issued to John’s Cracker Barrel.

Res. # 11-455 – Authorize the Township of Neptune to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements with other contracting units.

Res. # 11-456 – Authorize the Township of Neptune to enter into a Cooperative Pricing Agreement.

Res. # 11-457 – Award Façade Improvement Loan/Grant to Jumping Brook Enterprises.

Res. # 11-458 – Authorize submission of a FY12 Emergency Management Assistance/Emergency Management Performance Grant application.

Res. # 11-459 – Authorize execution of a Shared Services Agreement with the County of Monmouth for property assessment computer system services.

Res. # 11-460 – Authorize a person-to-person transfer of the Plenary Retail Consumption Liquor License presently issued to Blue Ray, Inc. for the premises located at 1311 Route 35.

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

Res. # 11-461 – Authorize the purchase of three Ford Explorer vehicles under the New Jersey State Cooperative Purchasing Program.

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

Res. # 11-462 – Authorize Change Order#1 in connection with Improvements to the Pennsylvania Avenue Pumping System.

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

Res. # 11-463 – Authorize additional appropriation in regards to the lawsuit against the State of New Jersey seeking the dredging of the Shark River.

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

Res. # 11-464 – 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**

RESOLUTION #11-441 – 11/28/11

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:

Personnel – Library staff

Contract negotiations – Schoolhouse Square

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

4. This Resolution shall take effect immediately.

RESOLUTION #11-442 - 11/28/11

AUTHORIZE THE MAYOR AND CLERK TO ENTER INTO A LEASE AGREEMENT WITH BAHASKAR HALARI FOR A PORTION OF THE RIGHT-OF-WAY ALONG NEW YORK ROAD FOR A SIGN IN CONNECTION WITH THE NEPTUNE MOTOR LODGE

WHEREAS, the Township of Neptune and former owner of the Neptune Motor Lodge entered into a lease in 1987 to permit a sign in the Township right-of-way along New York Road; and,

WHEREAS, Bahaskar Halari, owner of the Neptune Motor Lodge desires to continue said lease; and,

WHEREAS, Bahaskar Halari will pay rent to the Township of Neptune in the amount of \$2,060.00 upon execution of the lease which is based on full payment for the term of the lease beginning on January 1, 2011 and ending December 31, 2012,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Mayor and Clerk are hereby authorized to enter into a two (2) year lease agreement with Bahaskar Halari for payment to the Township at the rate as described herein for a portion of the Township owned right-of-way along New York Road to permit an existing sign to remain in that location effective on the date of execution of said lease agreement by all parties; and,

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

RESOLUTION #11-443 - 11/28/11

GRANT SOCIAL AFFAIR PERMIT TO TINTON FALLS PBA LOCAL 251

BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Municipal Clerk and Chief of Police be and are hereby authorized to approve the application of Tinton Falls PBA Local #251 for a social affair permit at Hamilton Banquet Hall, 10 Jumping Brook Road, on December 2, 2011 from 7:00 P.M. to 11:00 P.M.



RESOLUTION #11-444 - 11/28/11

ACCEPT PERFORMANCE GUARANTEE FILED BY NEW JERSEY AMERICAN WATER  
COMPANY FOR SITE IMPROVEMENTS AT THE JUMPING BROOK TREATMENT PLANT  
ON OLD CORLIES AVENUE

WHEREAS, New Jersey American Water Company, Inc. has filed performance bond 105675775, written by Travelers Casualty and Surety Company of America in the amount of \$49,896.00, guaranteeing site improvements at the Jumping Brook Treatment Plant on Old Corlies Avenue (Block 7013, Lot 14); 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, 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, by the Township Committee of the Township of Neptune as follows:

1. The Performance Guarantee as stated above be and is hereby accepted.
2. The Mayor and Clerk be and are hereby authorized to execute a Developer's Agreement for the above referenced project.
3. A 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.

RESOLUTION #11-445 - 11/28/11

AUTHORIZE THE CANCELLATION OF GRANT RECEIVABLES  
AND GRANT RESERVES

WHEREAS, certain Grant Receivables and Grant Reserve balances remain open for projects that were completed for less than the anticipated grant amount and/or for which the funding will not be received; and,

WHEREAS, it is necessary to formally cancel said balances,

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth, that the following grant receivables and grant reserves be and hereby authorized to be cancelled:

<b>GRANT NAME</b>	<b>APPROPRIATION CANCELLED</b>	<b>RECEIVABLE CANCELLED</b>	<b>OPERATIONS</b>
Bulletproof Vest Partnership Program	\$ 20,818.31	\$ 20,818.31	\$ 0.00
Sea Grant Marina Industry Enhancement	\$ 8,000.00	\$ 0.00	\$ 8,000.00

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

RESOLUTION #11-446 - 11/28/11

AUTHORIZE THE MAYOR AND CLERK TO EXECUTE AN AGREEMENT WITH  
MONMOUTH COUNTY FOR COOPERATIVE PARTICIPATION IN THE COMMUNITY  
DEVELOPMENT PROGRAM PURSUANT TO THE INTERLOCAL SERVICES ACT

WHEREAS, certain Federal funds are potentially available to Monmouth County under Title I of the Housing and Community Development Act of 1974, as amended, commonly known as the Community Development Block Grant Program; and,

WHEREAS, it is necessary to establish a legal basis for the County and its people to benefit from this program, and,

WHEREAS, an Agreement has been proposed under which the Township of Neptune and the County of Monmouth in cooperation with other municipalities will establish an Interlocal Services Program pursuant to N.J.S.A. 40:8B-1; and,

WHEREAS, it is in the best interest of the Township of Neptune to enter into such an agreement,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the agreement entitled "Agreement between the County of Monmouth and Certain Municipalities Located Herein for the Establishment of a Cooperative Means of Conducting Certain Community Development Activities", a copy of which is attached hereto, be executed by the Mayor and Municipal Clerk in accordance with the provisions of law; and,

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately upon its enactment; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution accompany the executed Agreement and be forwarded to the Monmouth County Community Development Program, the Community Development Representative and the Grant Coordinator.

RESOLUTION #11-447 - 11/28/11

AUTHORIZE THE TEMPORARY CLOSING OF A PORTION OF PILGRIM PATHWAY  
IN CONNECTION WITH THE OCEAN GROVE CHRISTMAS TREE LIGHTING

WHEREAS, the Ocean Grove Camp Meeting Association has scheduled the Ocean Grove Christmas Tree Lighting in Auditorium Park on December 2, 2011; and,

WHEREAS, it is necessary to temporarily close Pilgrim Pathway between Bath Avenue and McClintock Street during the event; and,

WHEREAS, the Police Department has reviewed and approved this closure,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby designates and authorizes a temporary street closure as follows:

Friday, December 2, 2011 - 5:00 P.M. to 7:00 P.M.

Pilgrim Pathway between Bath Avenue and McClintock Street

BE IT FURTHER RESOLVED, that the Department of Public Works shall provide barricades at the intersections of Bath Avenue and Pilgrim Pathway and McClintock Street and Pilgrim Pathway; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Chief of Police, Director of Public Works, Ocean Grove Fire Inspector and Business Administrator.

RESOLUTION #11-448 - 11/28/11

RESCIND EMPLOYMENT AUTHORIZATION OF TWO PART-TIME  
ON-CALL CUSTODIANS IN THE BUILDING MAINTENANCE DEPARTMENT

WHEREAS, on October 6, 2011, the Township Committee adopted Resolution #11-412 which authorized the employment of eight part-time on-call Custodians with a Black Seal License to work in the absence of regular full-time custodial staff in the Building Maintenance Department; and,

WHEREAS, two of the individuals, Robert DeJesus and David Kuester have indicated that they are no longer interested in employment; and,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Resolution #11-412, dated October 6, 2011, be and is hereby amended to rescind the employment of Robert DeJesus and David Kuester as part-time on-call Custodians; and,

BE IT FURTHER RESOLVED, that the employment of other individuals authorized by Resolution #11-412 remains in full effect; and,

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

RESOLUTION #11-449 - 11/28/11

AUTHORIZE THE EXECUTION OF A RELEASE OF PART OF MORTGAGED  
PROPERTY WITH TRF DP RIDGE AVENUE. LLC IN CONNECTION WITH  
THE SCHOOLHOUSE SQUARE PROJECT

WHEREAS, the Township of Neptune holds a mortgage dated April 8, 2009 in the amount of \$400,000 with TRF DP Ridge Avenue, LLC in connection with the Schoolhouse Square project; and,

WHEREAS, Block 197.05, Lot 12, with an address of 152 Myrtle Avenue is included in the properties bound by said mortgage; and,

WHEREAS, said property is being sold as a housing unit and TRF DP Ridge Avenue, LLC is requesting that this property be released from the mortgage,

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 a Release of Part of Mortgaged Property to release Block 197.05, Lot 12, with an address of 152 Myrtle Avenue, from the properties bound by the existing mortgage dated April 8, 2009 in the amount of \$400,000.00; and,

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

RESOLUTION #11-450 - 11/28/11

AUTHORIZE THE TEMPORARY CLOSING OF A PORTION OF WEST LAKE AVENUE IN  
CONNECTION WITH THE MURC CHRISTMAS TREE LIGHTING

WHEREAS, Cityworks and MURC have scheduled a Christmas Tree Lighting Ceremony in Midtown Commons Park on December 1, 2011; and,

WHEREAS, it is necessary to temporarily close West Lake Avenue between Highway 35 and Drummond Avenue during the event; and,

WHEREAS, the Police Department has reviewed and approved this closure,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby designates and authorizes a temporary street closure as follows:

Thursday, December 1, 2011 - 5:30 P.M. to 7:30 P.M.

West Lake Avenue between Highway 35 and Drummond Avenue

BE IT FURTHER RESOLVED, that the Department of Public Works shall provide barricades at the intersections of Highway 35 and West Lake Avenue and Drummond Avenue and West Lake Avenue; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Chief of Police, Director of Public Works, Fire Inspector and Business Administrator.

RESOLUTION #11-451 - 11/28/11

AUTHORIZE THE SUBMISSION OF A 2012 NATIONAL RECREATION AND PARK  
ASSOCIATION ACHIEVE COMMUNITY GRANT APPLICATION

WHEREAS, the National Recreation and Park Association has announced the availability of funding for its fourth year of ACHIEVE (Action Communities for Health, Innovation and Environmental Change); and,

WHEREAS, ACHIEVE seeks to empower local communities to promote policies, systems and environmental change strategies with focus on issues such as physical fitness and obesity, nutrition and tobacco cessation to advance efforts to prevent chronic diseases and related risk factors; and,

WHEREAS, under the structure of the grant, a joint application is required between five new participating communities and five current ACHIEVE sites (mentors) with no geographical boundary requirements; and,

WHEREAS, the Recreation Director has recommended that Neptune Township participate in a joint application with Morris County serving as the mentor,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the submission of a 2012 National Recreation and Park Association Action Communities for Health, Innovation and Environmental Change Community Grant application; and,

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



RESOLUTION #11-452 - 11/28/11

SUPPORT INITIATIVES TO DISCOURAGE AND ELIMINATE  
THE PRACTICE OF WEARING "SAGGING PANTS"

WHEREAS, the practice of accepting and allowing a person to allow their pants to sag well below the waist line has become a societal norm; and,

WHEREAS, the origins of sagging pants comes from prison inmates being denied belts because of the risk of belts being used to commit suicide and as a sign of sexual deviant behavior within prisons; and,

WHEREAS, the practice of sagging pants became a style statement in the 1990s that has since transcended gender and race; and,

WHEREAS, the Township and Youth Cabinet believe that sagging pants projects a negative image of low self esteem and produces an unsightly appearance to the residents of our community,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune joins the Mayor's Youth Advisory Cabinet in stating that the practice of sagging pants portrays a unsightly negative image and deserves the attention of local officials, educators, community leaders, parents and children who should take necessary steps to strongly discourage its practice; and,

BE IT FURTHER RESOLVED, that it is the belief of the Township Committee and Mayor's Youth Advisory Cabinet that the entire Neptune Township community should join together in an effort to portray sagging pants as a negative personal statement that no one enjoys seeing or accepting.

RESOLUTION #11-453 - 11/28/11

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 Code Enforcement Supervisor may abate the violation or condition immediately or order the owner, operator or occupant to correct the violation or condition within a three-day period; and

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

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

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

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

<u>BLOCK/LOT</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
229/4	1612 Monroe Avenue	175.00

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

RESOLUTION #11-454 - 11/28/11

AUTHORIZE THE CANCELLATION OF A MORTGAGE IN CONNECTION WITH A FAÇADE IMPROVEMENT PROGRAM LOAN AND AUTHORIZE THE SUBORDINATION OF A FAÇADE IMPROVEMENT PROGRAM GRANT ISSUED TO JOHN'S CRACKER BARREL

WHEREAS, the Township of Neptune holds a mortgage dated June 2, 2009 in connection with a \$10,000.00 loan granted to John's Cracker Barrel under the Façade Improvement Program; and,

WHEREAS, the loan has been paid in full and in accordance with the terms of the mortgage it is appropriate to cancel said mortgage at this time,

WHEREAS, the Township of Neptune also holds a mortgage dated June 2, 2009 in connection with a \$10,000.00 grant issued to the same Mortgage Holder; and,

WHEREAS, the Mortgage Holder has requested to subordinate this mortgage,

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 a cancellation of a mortgage dated June 2, 2009 issued to John's Cracker Barrel in connection with a \$10,000.00 loan awarded through the Façade Improvement Program; and,

BE IT FURTHER RESOLVED, that the Mayor and Clerk be and are hereby authorized to execute a Subordination of Mortgage in connection with a mortgage dated June 2, 2009, in connection with a \$10,000.00 grant awarded to John's Cracker Barrel under the Façade Improvement Program; and,

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

RESOLUTION #11-455 - 11/28/11

AUTHORIZE THE TOWNSHIP OF NEPTUNE TO ESTABLISH A COOPERATIVE PRICING SYSTEM AND TO ENTER INTO COOPERATIVE PRICING AGREEMENTS WITH OTHER CONTRACTING UNITS

WHEREAS, *N.J.S.A. 40A:11-11(5)* authorizes two or more contracting units to establish a Cooperative Pricing System and to enter into a Cooperative Pricing Agreement for its administration; and

WHEREAS, the Township of Neptune, County of Monmouth, State of New Jersey is desirous of establishing a Cooperative Pricing System and entering into a Cooperative Pricing Agreement with other contracting units;

WHEREAS, the Township of Neptune has agreed to serve as the Lead Agency for a Cooperative Pricing System; and

WHEREAS, on November 28, 2011, the governing body of the Township of Neptune, County of Monmouth, State of New Jersey duly considered the establishment of a Cooperative Pricing System for the provision and performance of goods and services,

NOW, THEREFORE BE IT RESOLVED as follows:

**COOPERATIVE PRICING SYSTEM ESTABLISHED**

The Township Committee of the Township of Neptune hereby authorizes the creation of a Cooperative Pricing System to be known as the Neptune Township Cooperative Pricing System with the Township of Neptune serving as the Lead Agency.

**COOPERATIVE PRICING AGREEMENT**

The Mayor is hereby authorized to enter into separate Cooperative Pricing Agreements with the participating contracting units and said Agreement shall be deemed a single Agreement.

**COPY OF RESOLUTION TO DIVISION OF LOCAL GOVERNMENT SERVICES**

A single certified copy of this resolution shall be forwarded to the Division of Local Government Services as part of the application for the registration of this Cooperative Pricing System.

**EFFECTIVE DATE**

This resolution shall take effect immediately upon passage.

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

ATTEST BY:

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

RESOLUTION #11-456 - 11/28/11

AUTHORIZE THE TOWNSHIP OF NEPTUNE  
TO ENTER INTO A COOPERATIVE PRICING AGREEMENT

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the Neptune Township School District hereinafter referred to as the "Lead Agency " has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services;

WHEREAS, on November 28, 2011, the governing body of the Township of Neptune, County of Monmouth, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services;

NOW, THEREFORE BE IT RESOLVED as follows:

**TITLE**

This RESOLUTION shall be known and may be cited as the Cooperative Pricing Resolution of the Township of Neptune

**AUTHORITY**

Pursuant to the provisions of *N.J.S.A. 40A:11-11(5)*, the Mayor is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

**CONTRACTING UNIT**

The Lead Agency shall be responsible for complying with the provisions of the *Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.)* and all other provisions of the revised statutes of the State of New Jersey.

**EFFECTIVE DATE**

This resolution shall take effect immediately upon passage.

**CERTIFICATION**

BY:

Kevin

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

ATTEST BY:

Richard

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

RESOLUTION #11-457 - 11/28/11

AWARD FAÇADE IMPROVEMENT LOAN/GRANT TO JUMPING BROOK ENTERPRISES

WHEREAS, the Township Committee created a Façade Improvement Loan/Grant Program by adoption of Ordinance 00-3; and,

WHEREAS, on November 9, 2011, the Façade Review Committee approved an application filed by Jumping Brook Enterprises, owner of Jumping Brook Shopping Center, 3701 Highway 33, Neptune for a \$50,000 grant (\$5,000 for each of the ten storefronts) and a \$50,000 loan (\$5,000 for each of the ten storefronts); and,

WHEREAS, the Township Committee desires to authorize the award of said loan/grant as approved by the Façade Review Committee; and,

WHEREAS, funds will be provided from the U.D.A.G. Reciprocal Loan Account 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 an award of \$50,000/grant and \$50,000/loan be and is hereby approved under the Façade Improvement Loan/Grant Program for the ten businesses comprising Jumping Brook Shopping Center, 3701 Highway 33, pursuant to the application approved by the Façade Review Committee on November 9, 2011; and,

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

RESOLUTION #11-458 - 11/28/11

AUTHORIZE SUBMISSION OF A FY12 EMERGENCY MANAGEMENT  
ASSISTANCE/EMERGENCY MANAGEMENT PERFORMANCE GRANT APPLICATION

WHEREAS, the State of New Jersey is offering FY12 Emergency Management Performance Grants through the New Jersey State Police; and,

WHEREAS, the Emergency Management Coordinator recommends that a grant application be submitted for funding in support of day-to-day Office of Emergency Management operations,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the submission of the above referenced grant application is hereby authorized and the Mayor and Chief Financial Officer are hereby authorized to execute grant documents, as needed, as representatives of the Township of Neptune; and,

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



RESOLUTION #11-459 – 11/28/11

AUTHORIZE EXECUTION OF A SHARED SERVICES AGREEMENT WITH THE COUNTY OF  
MONMOUTH FOR PROPERTY ASSESSMENT COMPUTER SYSTEM SERVICES

WHEREAS, the State of New Jersey has mandated the use of the MODIV Property Assessment Computer System for all New Jersey Municipalities; and,

WHEREAS, the Board of Chosen Freeholders of the County of Monmouth, in conjunction with the County Board of Taxation, is offering the County's MOD IV Property Assessment Computer System services to the municipalities; and,

WHEREAS, a Shared Services Agreement has been proposed for this purpose, pursuant to N.J.S.A. 40A:65-1 et seq.; and,

WHEREAS, it is in the best interest of the Township of Neptune to enter into such an Agreement;

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, that the agreement entitled, "Agreement Between the County of Monmouth and the Township of Neptune for MODIV Property Assessment Computer Services", a copy of which is attached hereto, be approved for a ten year term from January 1, 2012 through December 31, 2021; and,

BE IT FURTHER RESOLVED, that the Mayor and Clerk be and are hereby authorized and directed to execute said contract agreement; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the County of Monmouth with copies of the executed agreement; the Tax Assessor, Business Administrator and Chief Financial Officer.

RESOLUTION #11-460 - 11/28/11

AUTHORIZE A PERSON TO PERSON TRANSFER OF THE  
PLENARY RETAIL CONSUMPTION LICENSE PRESENTLY ISSUED TO  
BLUE RAY, INC. FOR PREMISES LOCATED AT 1311 ROUTE 35

WHEREAS, Tanks Hospitality, LLC has applied for a person-to-person transfer of Plenary Retail Consumption License # 1334-33-008-014 which is presently issued to Blue Ray, Inc., and extended to Barry R. Sharer, Chapter 7 Bankruptcy Trustee, for the premises located at 1311 Route 35, Neptune; and,

WHEREAS, the application is complete in all respects; and,

WHEREAS, United States Bankruptcy Court, District of New Jersey, has issued an Order Approving the Sale of Liquor License dated September 20, 2011; and,

WHEREAS, the required Affidavit of the source of funds of said liquor license has been filed by the applicant for the transfer and examined by the members of the Township Committee; and,

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey statutes, the regulations promulgated thereunder as well as the pertinent local ordinances and conditions imposed consistent with Title 33; and,

WHEREAS, all transfer procedures as outlined by state statute and local ordinances have been completed satisfactorily,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the person-to-person transfer of Plenary Retail Consumption License #1334-33-008-014 as stated herein to Tanks Hospitality, LLC, for premises located at 1311 Route 33, effective November 29, 2011; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the New Jersey Division of ABC, the Chief of Police and the Applicant.

RESOLUTION #11-461 - 11/28/11

AUTHORIZE THE PURCHASE OF THREE FORD EXPLORER VEHICLES  
UNDER THE NEW JERSEY STATE COOPERATIVE PURCHASING PROGRAM

WHEREAS, the Township wishes to purchase three 2012 Ford Explorer 4WD vehicles 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. A78762 for this vehicle; 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 each vehicle shall not exceed \$26,038.00; and,

WHEREAS, funds for this purpose are available from Ordinance No. 11-33 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 three 2011 Ford Explorer 4WD vehicles is hereby authorized through the New Jersey State Cooperative Purchasing Program at an amount not to exceed \$26,038.00 for each vehicle (not to exceed \$78,114.00 for three vehicles); and,

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

RESOLUTION #11-462 - 11/28/11

AUTHORIZE CHANGE ORDER #1 IN CONNECTION WITH  
IMPROVEMENTS TO THE PENNSYLVANIA AVENUE PUMPING STATION

WHEREAS, on December 13, 2010, the Township Committee adopted Resolution #10-481 which awarded a contract to Tomar Construction Services, Inc. in the amount of \$965,600.00 in connection with improvements to the Pennsylvania Avenue Pumping Station; and,

WHEREAS, changes to the contract have been experienced as a result of adding an additional slide gate; replacing the sewer lateral in Compartment #3; revising the size of the new generator; additional costs to cut and remove existing generator; and deleting the need to replace the existing roof; and,

WHEREAS, these changes have been approved by the Township Engineer; and,

WHEREAS, funds for this purpose are available in Ordinance No. 08-51, as amended by Ordinance No. 09-21, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Mayor and Clerk be and are hereby authorized to execute Change Order #1 in the contract with Tomar Construction Services, Inc. in connection with improvements to the Pennsylvania Avenue Pumping Station resulting in a net increase of \$5,544.52 revising the total contract amount to \$971,144.52; and,

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

RESOLUTION #11-463 - 11/28/11

AUTHORIZE ADDITIONAL APPROPRIATION IN REGARDS TO THE LAWSUIT AGAINST THE STATE OF NEW JERSEY SEEKING THE DREDGING OF THE SHARK RIVER

WHEREAS, on October 14, 2009, the Township Committee adopted Resolution #09-455 which authorized litigation against the State of New Jersey and all other public entities where necessary, to seek and to require the State of New Jersey to do all that is necessary to dredge the Shark River to provide for healthy maritime use of the Shark River by the citizens of Neptune Township and neighboring towns of the Shark River and all those citizens that make use of the Shark River; and,

WHEREAS, said Resolution also authorized an appropriation of an amount not to exceed \$10,000.00 to the law firm of Giordano, Halleran and Ciesla and its environmental legal staff, headed by Michael Gross, Esq., to represent the Township in this matter; and,

WHEREAS, this appropriation was expended and the Township Committee adopted Resolution #09-531 on December 14, 2009 to authorize an additional \$5,000.00 for this purpose; and,

WHEREAS, this appropriation was expended and the Township Committee adopted Resolution #10-68 on January 11, 2010 to authorize an additional \$5,000.00 for this purpose; and,

WHEREAS, on April 26, 2010, the Township Committee adopted Resolution #10-202 to transfer the legal responsibility for the case to Gene Anthony, Township Attorney; and,

WHEREAS, the appropriation was expended and the Township Committee adopted Resolution #10-287 on June 28, 2010 to authorize an additional \$5,000.00 for this purpose; and,

WHEREAS, the appropriation was expended and the Township Committee adopted Resolution #10-482 on December 13, 2010 to authorize an additional \$6,000.00 for this purpose; and,

WHEREAS, the authorized amount has been nearly expended and it is estimated that an additional \$2,000.00 is needed to continue the litigation; and,

WHEREAS, funds are available in the 2011 Municipal Budget in the appropriation entitled Legal O.E., known as Account No. 01-201-20-155-027, and the Chief Financial Officer has so certified in writing; and,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes, in the matter of legal action against the State of New Jersey to do all that is necessary to dredge the Shark River, an additional appropriation to the Township Attorney an amount not to exceed \$2,000.00 (total appropriation now authorized for this purpose is \$33,000.00); and,

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

RESOLUTION #11-464 – 11/28/11

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	4,022,852.31
FEDERAL & STATE GRANT FUND	6,147.24
TRUST OTHER	68,780.89
GENERAL CAPITAL FUND	16,726.00
SEWER OPERATING FUND	142,859.95
SEWER CAPITAL FUND	4,475.00
MARINA OPERATING FUND	35,994.07
MARINA CAPITAL FUND	1,401.95
LIBRARY TRUST	4,070.37
BILL LIST TOTAL	\$4,303,307.78

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