

TOWNSHIP COMMITTEE WORKSHOP MEETING – MAY 24, 2012 – 6:00 P.M.

Mayor Bishop 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>
Dr. Michael Brantley	_____
Eric J. Houghtaling	_____
Mary Beth Jahn	_____
Kevin B. McMillan	_____
J. Randy Bishop	_____

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

Mayor Bishop 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 5, 2012, 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 – State Legislation restoring energy tax receipts to municipalities. (PW)
2. Discussion – Solid Waste ordinance concerning collection of bulk items
3. Discussion – Policy on Committee members attending classes/luncheons.
4. Review Committee calendars/follow-up on outstanding issues from previous meeting.
- Midtown Senior Apartments
- 1016 Eton Way
5. Outstanding parking lot items. (PW)

Res. # 12-190 – Authorize an Executive Session as authorized by the Open Public Meetings Act.

Offered by: _____ Seconded by: _____

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

TOWNSHIP COMMITTEE MEETING – MAY 24, 2012 – 7:00 P.M.

Mayor Bishop 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>
Dr. Michael Brantley	_____	Don Stine The Coaster
Eric J. Houghtaling	_____	Charles Layton Blogfinger
Mary Beth Jahn	_____	Kevin Penton Asbury Park Press
Kevin B. McMillan	_____	
J. Randy Bishop	_____	

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 a fire, you will be notified by fire alarm and/or public address system, then proceed to the nearest smoke-free exit."

Mayor Bishop 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 5, 2012, posting the notice on the Board in the Municipal Complex, and filing a copy of said notice with the Municipal Clerk. In addition, the meeting agenda, resolutions and ordinances are posted online at www.neptunetownship.org.

APPROVAL OF MINUTES

Motion offered by _____, seconded by _____, to approve the minutes of the meetings held on March 12th and March 26th.

REPORT OF THE CLERK

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

Senior Beacon for May and Senior Center monthly statistics for April.

Notice from the NJDEP that the Township's 5 year Community Forestry Management Plan has been approved.

Notice of public hearing on an amendment to the Land Development Ordinance of the Borough of Tinton Falls.

A letter from Michael & Sandra Fornino commending Wayne Rode for his quick and efficient response to a variety of Public Works issues.

A letter from Brian Hegarty thanking Wayne Rode for the quick response of the Public Works Department.

The Senior Center staff received thank you notes and cards over the past two months from Rita Munn, Carol Wilson, Phyllis & Thomas Donahue, Michelle D'Amato, Anna McHale, Sue Wilson & Carol King, JSUMC, Ocean Medical Center, Edilberto & MariaRosa Achate, Angela & George Germann and Ocean-

Monmouth Legal Services.

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. 12-12 - An ordinance to amend Volume I, Chapter VII of the Code of the Township of Neptune by adding handicapped parking zones on Mt. Carmel Way and New York Avenue and removing a handicapped parking zone on Abbott Avenue. - First Reading

Explanatory Statement: This ordinance authorizes a handicapped parking stall on Mt. Carmel Way adjacent to the Tabernacle and moves a handicapped parking stall from in front of 77 Abbott Avenue to the New York Avenue side of the same address..

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

ORDINANCE NO. 12-13 - An ordinance to amend Section 1001 of the Land Development Ordinance of the Township of Neptune by amending the affordable housing contribution requirements and procedures in accordance with Council on Affordable Housing regulations – First Reading

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

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

ORDINANCE NO. 12-14 - Bond ordinance providing for various sewer utility improvements, by the Sewer Utility of the Township of Neptune, in the County of Monmouth, State of New Jersey; appropriating \$700,000 therefor and authorizing the issuance of \$665,000 bonds or notes of the Sewer Utility of the Township to finance part of the cost thereof – First Reading

Explanatory Statement: This ordinance authorizes a Sanitary Sewer Infrastructure Program, including but not limited to, the reconstruction of sewer system infrastructure in the Gables section of the Township and other locations in the Township as specified in documents on file in the Office of the Township Engineer and the acquisition of a utility truck

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

ORDINANCE NO. 12-15 - Bond Ordinance providing for the acquisition of various equipment, by and in the Township of Neptune, in the County of Monmouth, State of New Jersey; appropriating \$100,000 therefor and authorizing the issuance of \$95,000 bonds or notes of the Township to finance part of the cost thereof – First Reading

Explanatory Statement: This ordinance authorizes the acquisition of various equipment, including but not limited to, the acquisition and installation, as applicable, of various computer hardware and software, radar units, plotters, printers, and various police equipment

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

ORDINANCE NO. 12-16 - Bond Ordinance providing for the acquisition of various equipment and vehicles, by and in the Township of Neptune, in the County of Monmouth, State of New Jersey; appropriating \$300,000 therefor and authorizing the issuance of \$285,000 bonds or notes of the Township to finance part of the cost thereof – First Reading

Explanatory Statement: This ordinance authorizes the acquisition of various equipment and non-passenger vehicles, including but not limited to, the acquisition of a pothole patching machine, turf maintenance equipment, leaf vacuum truck, utility truck, skid steer machine, and dump truck

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

ORDINANCE NO. 12-17 - Bond Ordinance providing for various improvements to various parks and other township facilities, by and in the Township of Neptune, in the County of Monmouth, State of New Jersey; appropriating \$250,000 therefor and authorizing the issuance of \$237,500 bonds or notes of the Township to finance part of the cost thereof – First Reading

Explanatory Statement: This ordinance authorizes various improvements to various parks, playgrounds and other Township facilities in the Township, including but not limited to, Loffredo Field, Pittenger Park and Jumping Brook Park, such improvements shall include but are not limited to, as applicable, various drainage improvements and the construction or repair, as applicable, of various walking paths and renovations to various Township garages and storage facilities

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

ORDINANCE NO. 12-18 - Bond Ordinance providing for various marina utility improvements, by the Marina Utility of the Township of Neptune, in the County of Monmouth, State of New Jersey; appropriating \$90,000 therefor and authorizing the issuance of \$85,500 bonds or notes of the Marina Utility of the Township to finance part of the cost thereof – First Reading

Explanatory Statement: This ordinance authorizes various Marina Utility improvements, including but not limited to, the acquisition, construction and installation, as applicable, of floating docks and security systems, various piling and dock improvements, various plumbing and electrical improvements, and various improvements to the marina office facility

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

ORDINANCE NO. 12-19 - An ordinance to amend Volume I, Chapter III, Section 3-8 of the Code of the Township of Neptune by prohibiting skateboarding and rollerblading on certain public property – First Reading

Explanatory Statement: This ordinance prohibits the use of skateboards and rollerblades on public property such as parking areas, parking lots, steps, walkways and ramps that provide access buildings, and recreational areas not designated for skateboard and rollerblade use.

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

The Public Hearings on Ordinances 12-12 through 12-19 will be held on Monday, June 11, 2012.

CONSENT AGENDA

Res. # 12-191 – Authorize a reduction in the performance guarantee filed by Plumblin Builders at Walnut Grove, LLC for site improvements at 110, 114 & 118 Walnut Street.

Res. # 12-192 – Authorize the sale of a surplus vehicle to the Borough of Neptune City.

Res. # 12-193 – Authorize the refund of municipal marina storage and launching fee.

Res. # 12-194 – Authorize execution of an agreement with Meadowlink to provide a summer shuttle bus service.

Res. # 12-195 – Authorize temporary no parking in connection with the annual Craft Show.

Res. # 12-196 – Authorize the closing of streets in connection with the Ocean Grove Chamber of Commerce flea markets.

Res. # 12-197 – Authorize the closing of street in connection with the Ocean Grove Chamber of Commerce vintage auto displays.

Res. # 12-198 – Authorize the execution of a release of part of mortgaged property with TRF DP Ridge Avenue, LLC in connection with the Schoolhouse Square Project.

Res. # 12-199 – Appoint Health Benefits Program Broker/Consultant.

Res. # 12-200 – Authorize the cancellation of a portion of a grant receivable in the 2012 Municipal Budget.

Res. # 12-201 – Accept the resignation of Eric Brophy as Alternate Municipal Prosecutor.

Res. # 12-202 – Authorize the submission of an application to participate in the National Flood Insurance Program Community Rating System.

Res. # 12-203 – Terminate employee.

Res. # 12-204 – Accept performance guarantee filed by Paul Sansone, Sr. for site improvements at Sansone Rt. 66 Auto Mall.

Res. # 12-205 – Grant temporary extension of liquor license premised to Shore Lanes.

Res. # 12-206 – Authorize the submission of a 2012 Edward Byrne Memorial Justice Assistance Local Program Grant Application.

Res. # 12-207 – Reclassify Tracey James to permanent status as Administrative Assistant to the Public Works Director.

Res. # 12-208 – Authorize the execution of an Interlocal Service Agreement with the Borough of Bradley Beach for vehicle maintenance and repairs.

Res. # 12-209 – Authorize execution of an agreement with the Ocean Grove Camp Meeting Association for the assignment of a Special Law Enforcement Officer.

Res. # 12-210 – Award bid for Ceramics Instructor at the Senior Center.

Res. # 12-211 – Authorize the refund of taxes as a result of an overpayment.

Res. # 12-212 – Authorize the cancellation and refund of taxes.

Res. # 12-213 – Authorize the cancellation of sewer rent.

Res. # 12-214 – Authorize an amendment to the 2012 municipal budget to realize monies from the Hazardous Discharge Site Remediation Fund.

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

Res. # 12-215 – Authorize the purchase of Public Works equipment under the Middlesex Regional Education Services Commission Cooperative.

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

Res. # 12-216 – Support state legislation which authorizes the phased-in funding restoration of energy tax receipts to municipalities for property tax relief.

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

Res. # 12-217 – Award bid for relocation of sanitary sewer main at Broadway and Central Avenue.

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

Res. # 12-218 – Authorize Change Order #1 in connection with the purchase of prefabricated floating docks.

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

Res. # 12-219 – Recommend adoption of Special Area Standards per N.J.A.C. 5:21-3.5.

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

Res. # 12-220 – Authorize Change Order #2 in connection with Improvements to the Pennsylvania Avenue Pumping Station.

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

Res. # 12-221 – Authorize Change Order #1 in connection with Improvements to Broadway.

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

Res. # 12-222 – Authorize the payment of bills.

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

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. 12-12

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING HANDICAPPED PARKING ZONES ON MT. CARMEL WAY AND NEW YORK AVENUE AND REMOVING A HANDICAPPED PARKING ZONE ON ABBOTT 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>
Mt. Carmel Way	1	North side of Mt. Carmel Way beginning 48 feet west of the northeast intersection of Mt. Carmel Way and Pilgrim Pathway
New York Avenue	1	East side of New York Avenue beginning 25 feet north of the northeast intersection of New York Avenue and Abbott Avenue

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

<u>Name of Street</u>	<u>No. of Spaces</u>	<u>Location</u>
Abbott Avenue	1	North side of Abbott Avenue beginning 25 feet east of the northeast intersection of Abbott Avenue and New York Avenue.

SECTION 3. This ordinance shall take effect upon publication in accordance with law.

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

Richard J. Cuttrell,
Municipal Clerk

J. Randy Bishop,
Mayor

ORDINANCE NO. 12-13

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

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

SECTION 1

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

1001 – AFFORDABLE HOUSING CONTRIBUTION

I. Purpose

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

II. Basic Requirements

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

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

III. Definitions

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

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

IV. Residential Development Fees

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

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

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

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

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

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

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

- iii. Owner-occupied residential structures demolished and replaced as a result of a fire, flood, or natural disaster shall be exempt from paying a development fee.
- iv. Single family structures new or renovated that result in no additional residential structures;
- v. Public government agencies and schools, which are classified by the Tax Assessor as exempt from payment of property taxes (Property Classes 15A & 15C), shall be exempt from paying development fees.

V. Collection Procedures

- a) Upon the granting of a preliminary, final or other applicable approval, for a development, the applicable approving authority shall direct its staff to notify the construction official responsible for the issuance of a building permit.
- b) The construction official responsible for the issuance of a final certificate of occupancy notifies the local assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
- c) Within 10 business days of a request for the scheduling of a final inspection, the municipal assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- d) Should Neptune Township fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in subsection b. of section 37 of P.L.2008, c.46 (C.40:55D-8.6).

The development fee shall be collected at the issuance of the certificate of occupancy. .

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

days of receipt of the challenge, collected fees shall be placed in an interest bearing escrow account by Neptune Township. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

VI. Affordable Housing Trust Fund

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

VII. Use of Funds

- a) The expenditure of all funds shall conform to a spending plan approved by COAH. Funds deposited in the housing trust fund may be used for any activity approved by COAH to address the Neptune Township's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, rehabilitation, new construction of affordable housing units and related costs, accessory apartment, market to affordable, or regional housing partnership programs, conversion of existing non-residential buildings to create new affordable units, green building strategies designed to be cost saving and in accordance with accepted national or state standards, purchase of land for affordable housing, improvement of land to be used for affordable housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to

- b) Funds shall not be expended to reimburse Neptune Township for past housing activities.
- c) At least 30 percent of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30 percent or less of median income by region.
 - i. Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, and assistance with emergency repairs.
 - ii. Affordability assistance to households earning 30 percent or less of median income may include buying down the cost of low or moderate income units in the municipal Fair Share Plan to make them affordable to households earning 30 percent or less of median income.
 - iii. Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
- d) Neptune Township may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:96-18.
- e) No more than 20 percent of all revenues collected from development fees, may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20 percent of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with COAH's monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or action are not eligible uses of the affordable housing trust fund.

VIII. Monitoring

- a) Neptune Township shall complete and return to COAH all monitoring forms included in monitoring requirements related to the collection of development fees from residential and non-residential developers, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, barrier free escrow funds, rental income, repayments from affordable housing

program loans, and any other funds collected in connection with Neptune Township's housing program, as well as to the expenditure of revenues and implementation of the plan certified by COAH. All monitoring reports shall be completed on forms designed by COAH.

IX. Ongoing Collection of Fees

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

SECTION 2

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

SECTION 3

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

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

Richard J. Cuttrel,
Municipal Clerk

J. Randy Bishop,
Mayor

ORDINANCE NO. 12-14

BOND ORDINANCE PROVIDING FOR VARIOUS SEWER UTILITY IMPROVEMENTS, BY THE SEWER UTILITY OF THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$700,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$665,000 BONDS OR NOTES OF THE SEWER UTILITY OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

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

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken as general improvements by the Sewer Utility of the Township of Neptune, in the County of Monmouth, State of New Jersey (the "Township"). For the said improvement or purpose stated in Section 3, there is hereby appropriated the sum of \$700,000, including the sum of \$35,000 as the aggregate amount of down payments for said improvements or purposes required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law"). The \$35,000 aggregate amount of down payments is now available therefor from the sewer utility capital improvement fund by virtue of provisions in a previously adopted budget or budgets of the Township for down payment or for sewer utility capital improvement purposes.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$700,000 appropriation not provided for by application hereunder of said down payments, negotiable bonds of the Sewer Utility of the Township are hereby authorized to be issued in the principal amount of \$665,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Sewer Utility of the Township in a principal amount not exceeding \$665,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said obligations are to be issued, include but are not limited to, are as follows:

<u>Description</u>	<u>Appropriation</u>	<u>Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
(i) Sanitary Sewer Infrastructure Program, including but not limited to, the reconstruction of sewer system infrastructure in the Gables section of the Township and other locations in the Township as specified in documents on file in the Office of the Township Engineer and by this	\$650,000	\$617,500	\$32,500	40 years

<u>Description</u>	<u>Appropriation</u>	<u>Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
reference incorporated herein, and also including, as applicable, excavation, acquisition and installation of sanitary sewer piping, mains and all piping associated therewith, manholes, sewer laterals, site and trench restoration and the milling and resurfacing of roadways, drainage improvements and the repairing and/or installation of curbs and sidewalks along such roadways; and				
(ii) Acquisition of a utility truck, a non-passenger vehicle, for the Sewer Utility, including any and all necessary equipment and accessories.	\$50,000	\$47,500	\$2,500	5 years
TOTALS	<u>\$700,000</u>	<u>\$665,000</u>	<u>\$35,000</u>	

(b) The aggregate estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$665,000.

(c) The aggregate estimated cost of said improvements or purposes is \$700,000, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefor are the down payments available for said purposes in the aggregate amount of \$35,000.

(d) All such improvements or purposes set forth in Section 3(a) shall include, but are not limited to, as applicable, all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and also shall include all work, materials, equipment, accessories, labor and appurtenances necessary therefor or incidental thereto and all in accordance with the plans and specifications therefor on file in the Office of the Township Engineer and available for public inspection and hereby approved.

SECTION 4. In the event the United States of America, the State of New Jersey, and/or the County of Monmouth make a contribution or grant in aid to the Township, for the improvement and purpose authorized hereby and the same shall be received by the Township prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey and/or the County of Monmouth. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey and/or the County of Monmouth, shall be received by the Township after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds

or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Township as a result of using funds from this bond ordinance as "matching local funds" to receive such contribution or grant in aid.

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

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

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

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements or purposes which the Sewer Utility of the Township may lawfully undertake as general improvements or purposes, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 37.50 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$665,000 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$100,000 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the purpose or improvement hereinbefore described.

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

SECTION 9. The Township reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Township's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations §1.150-2. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the Township for costs of the improvements or purposes described in Section 3 hereof, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of any bonds or notes authorized herein or another issue of debt obligations of the Township other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1). The bonds or notes authorized herein to reimburse the Township for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed \$665,000. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of section 150 of the Code. All reimbursement allocations will occur not later than eighteen (18) months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized herein is paid, or (ii) the date the improvements or purposes described in Section 3 hereof is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than three (3) years after the expenditure is paid.

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

SECTION 11. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption and approval by the Mayor, as provided by the Local Bond Law.

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

Richard J. Cuttrell,
Municipal Clerk

J. Randy Bishop,
Mayor

ORDINANCE NO. 12-15

BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF VARIOUS EQUIPMENT, BY AND IN THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$100,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$95,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

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

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Township of Neptune, in the County of Monmouth, State of New Jersey (the "Township"). For the said improvements or purposes stated in Section 3 hereof, there is hereby appropriated the sum of \$100,000, said sum being inclusive of the down payment for said improvements or purposes required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law") in the amount of \$5,000. The \$5,000 down payment is now available therefor from the general capital improvement fund by virtue of a provision or provisions in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$100,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$95,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in a principal amount not exceeding \$95,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and the purposes for the financing of which said obligations are to be issued are for the acquisition of various equipment, including but not limited to, the acquisition and installation, as applicable, of various computer hardware and software, radar units, plotters, printers, and various police equipment that is capital in nature, all as shall be more specifically described in documents on file in the Office of the Chief Financial Officer and by this reference made a part hereof, and any and all related equipment and accessories, work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$95,000.

(c) The estimated cost of said improvements or purposes is \$100,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the down payment in the amount of \$5,000 available for such improvements or purposes.

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

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

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

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

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

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

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed

duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$95,000 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$10,000 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the purpose or improvement hereinbefore described.

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

SECTION 9. The Township reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Township's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations §1.150-2. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the Township for costs of the improvements or purposes described in Section 3 hereof, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of any bonds or notes authorized herein or another issue of debt obligations of the Township other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1). The bonds or notes authorized herein to reimburse the Township for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed \$95,000. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of section 150 of the Code. All reimbursement allocations will occur not later than eighteen (18) months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized herein is paid, or (ii) the date the improvements or purposes described in Section 3 hereof is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than three (3) years after the expenditure is paid.

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

SECTION 11. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption and approval by the Mayor, as provided by the Local Bond Law.

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

Richard J. Cuttrell,
Municipal Clerk

J. Randy Bishop,
Mayor

ORDINANCE NO. 12-16

BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF VARIOUS EQUIPMENT AND VEHICLES, BY AND IN THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$300,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$285,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

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

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Township of Neptune, in the County of Monmouth, State of New Jersey (the "Township"). For the said improvements or purposes stated in Section 3 hereof, there is hereby appropriated the sum of \$300,000, said sum being inclusive of the down payment for said improvements or purposes required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law") in the amount of \$15,000. The \$15,000 down payment is now available therefor from the general capital improvement fund by virtue of a provision or provisions in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$300,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$285,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in a principal amount not exceeding \$285,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and the purposes for the financing of which said obligations are to be issued are for the acquisition of various equipment and non-passenger vehicles, including but not limited to, the acquisition of a pothole patching machine, turf maintenance equipment, leaf vacuum truck, a non-passenger utility truck, skid steer machine, and dump truck, and any and all equipment and accessories, work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$285,000.

(c) The estimated cost of said improvements or purposes is \$300,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the down payment in the amount of \$15,000 available for such improvements or purposes.

SECTION 4. In the event the United States of America, the State of New Jersey, and/or the County of Monmouth make a contribution or grant in aid to the Township, for the

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

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

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

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

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

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

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross

debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$285,000 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$10,000 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the purpose or improvement hereinbefore described.

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

SECTION 9. The Township reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Township's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations §1.150-2. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the Township for costs of the improvements or purposes described in Section 3 hereof, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of any bonds or notes authorized herein or another issue of debt obligations of the Township other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1). The bonds or notes authorized herein to reimburse the Township for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed \$285,000. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of section 150 of the Code. All reimbursement allocations will occur not later than eighteen (18) months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized herein is paid, or (ii) the date the improvements or purposes described in Section 3 hereof is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than three (3) years after the expenditure is paid.

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

SECTION 11. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption and approval by the Mayor, as provided by the Local Bond Law.

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

Richard J. Cuttrell,
Municipal Clerk

J. Randy Bishop,
Mayor

ORDINANCE NO. 12-17

BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS TO VARIOUS PARKS AND OTHER TOWNSHIP FACILITIES, BY AND IN THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$250,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$237,500 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

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

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Township of Neptune, in the County of Monmouth, State of New Jersey (the "Township"). For the said improvements or purposes stated in Section 3 hereof, there is hereby appropriated the sum of \$250,000, said sum being inclusive of the down payment for said improvements or purposes required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law") in the amount of \$12,500. The \$12,500 down payment is now available therefor from the general capital improvement fund by virtue of a provision or provisions in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$250,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$237,500 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in a principal amount not exceeding \$237,500 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said bonds or notes are to be issued are various improvements to various parks, playgrounds and other Township facilities in the Township, including but not limited to, Loffredo Field, Pittenger Park and Jumping Brook Park, such improvements shall include but are not limited to, as applicable, various drainage improvements and the construction or repair, as applicable, of various walking paths, renovations to various Township garages and storage facilities, and also including all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$237,500.

(c) The estimated cost of said improvements or purposes is \$250,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the down payment in the amount of \$12,500 available for such improvements or purposes.

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

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

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

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

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

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

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$237,500 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$50,000 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the purpose or improvement hereinbefore described.

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

SECTION 9. The Township reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Township's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations §1.150-2. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the Township for costs of the improvements or purposes described in Section 3 hereof, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of any bonds or notes authorized herein or another issue of debt obligations of the Township other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1). The bonds or notes authorized herein to reimburse the Township for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed \$237,500. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of section 150 of the Code. All reimbursement allocations will occur not later than eighteen (18) months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized herein is paid, or (ii) the date the improvements or purposes described in Section 3 hereof is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than three (3) years after the expenditure is paid.

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

SECTION 11. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption and approval by the Mayor, as provided by the Local Bond Law.

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

Richard J. Cuttrell,
Municipal Clerk

J. Randy Bishop,
Mayor

ORDINANCE NO. 12-18

BOND ORDINANCE PROVIDING FOR VARIOUS MARINA UTILITY IMPROVEMENTS, BY THE MARINA UTILITY OF THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$90,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$85,500 BONDS OR NOTES OF THE MARINA UTILITY OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

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

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken as general improvements by the Marina Utility of the Township of Neptune, in the County of Monmouth, State of New Jersey (the "Township"). For the said improvement or purpose stated in Section 3, there is hereby appropriated the sum of \$90,000, including the sum of \$4,500 as the down payment for said improvements or purposes required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law"). The \$4,500 down payment is now available therefor from the marina utility capital improvement fund by virtue of provisions in a previously adopted budget or budgets of the Township for down payment or for marina utility capital improvement purposes.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$90,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Marina Utility of the Township are hereby authorized to be issued in the principal amount of \$85,500 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Marina Utility of the Township in a principal amount not exceeding \$85,500 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and the purposes for the financing of which said obligations are to be issued are for various Marina Utility improvements, including but not limited to, the acquisition, construction and installation, as applicable, of floating docks and security systems, various piling and dock improvements, various plumbing and electrical improvements, and various improvements to the marina office facility, and also including all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$85,500.

(c) The estimated cost of said improvements or purposes is \$90,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the down payment in the amount of \$4,500 available for such improvements or purposes.

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

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

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

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

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements or purposes which the Marina Utility of the Township may lawfully undertake as general improvements or purposes, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

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

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$85,500 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$10,000 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the purpose or improvement hereinbefore described.

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

SECTION 9. The Township reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Township's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations §1.150-2. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the Township for costs of the improvements or purposes described in Section 3 hereof, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of any bonds or notes authorized herein or another issue of debt obligations of the Township other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1). The bonds or notes authorized herein to reimburse the Township for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed \$85,500. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of section 150 of the Code. All reimbursement allocations will occur not later than eighteen (18) months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized herein is paid, or (ii) the date the improvements or purposes described in Section 3 hereof is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than three (3) years after the expenditure is paid.

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

SECTION 11. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption and approval by the Mayor, as provided by the Local Bond Law.

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

Richard J. Cuttrell,
Municipal Clerk

J. Randy Bishop,
Mayor

ORDINANCE NO. 12-19

AN ORDINANCE TO AMEND VOLUME I, CHAPTER III, SECTION 3-8 OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY PROHIBITING SKATEBOARDING AND ROLLERBLADING ON CERTAIN PUBLIC PROPERTY

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 3-8 – Bicycles and Mopeds, is hereby amended as follows:

Section 3-8 is renamed: “Bicycles, Mopeds, Rollerblades and Skateboards”

SECTION 2

Section 3-8.3 is added as follows:

Section 3-8.3 – Restrictions on Skateboards and Rollerblades on Public Property

a. No person shall use a skateboard or rollerblade on public property unless the use of a skateboard or rollerblade on such property is authorized by ordinance, or is otherwise authorized by the governmental agency responsible for such property. The term “public property” includes parking areas, parking lots, steps, walkways and ramps that provide access to buildings, and recreational areas not designated for skateboard and rollerblade use. The term “public property” does not include public roads, highways, sidewalks abutting private property, or bicycle and/or skateboard paths.

b. Any person authorized to enforce ordinances may issue a summons to any person in violation of this section. In addition, whenever a police officer has probable cause to believe a skateboard or rollerblade was used or is being used in violation of this Section the officer may seize the item.

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

J. Randy Bishop,
Mayor

RESOLUTION #12-190 – 5/24/12

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

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

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

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

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

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

Contract negotiations – Insurance Broker

Potential Litigation – Executive Session procedures and regulations

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 #12-191 - 5/24/12

AUTHORIZE A REDUCTION IN THE PERFORMANCE GUARANTEE FILED BY
PLUMBLINE BUILDERS AT WALNUT GROVE, LLC. FOR SITE IMPROVEMENTS
AT 110, 114 & 118 WALNUT STREET (BLOCK 3032, LOTS 66, 74 & 75)

WHEREAS, on September 12, 2011, the Township Committee adopted a resolution which accepted an Irrevocable Letter of Credit (900000241) in the amount of \$296,568.00 filed by Plumblin Builders at Walnut Grove, LLC and written by New Jersey Community Bank guaranteeing site improvements at the major subdivision located at 110, 114 & 118 Walnut Street (Block 3032, Lots 66, 74 & 75); and,

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

WHEREAS, the Developer will be notified to post a Change Rider reducing the amount of the Letter of Credit from \$296,568.00 to \$177,067.73,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that a reduction in the Performance Guarantee for the major subdivision located at 110, 114 & 118 Walnut Street (Block 3032, Lots 66, 74 & 75) be and is hereby approved to the amount of \$177,067.73 and the Municipal Clerk is instructed to accept a Change Rider from Plumblin Builders at Walnut Grove, LLC to reflect said reduction; and,

BE IT FURTHER RESOLVED, that a proportionate reduced amount of cash portion of the performance guarantee in the amount of \$16,133.81 shall be refunded to the Developer; and,

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

RESOLUTION #12-192 - 5/24/12

AUTHORIZE SALE OF SURPLUS VEHICLE TO THE
BOROUGH OF NEPTUNE CITY

WHEREAS, the Emergency Management Coordinator has recommended that a 1995 Chevrolet Suburban be designated as surplus equipment and no longer needed for public use; and,

WHEREAS, the Township's Fleet Maintenance provider has determined a current value of \$2,000.00 for the vehicle; and,

WHEREAS, the Borough of Neptune City desires to purchase said equipment from the Township for the amount of \$2,000.00,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby declares a 1995 Chevrolet Suburban, VIN #1GNGK26K6SJ322191, as surplus equipment and no longer needed for public use; and,

BE IT FURTHER RESOLVED, that the Township Committee authorizes the sale of said vehicle to the Borough of Neptune City for the amount of \$2,000.00; and,

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

RESOLUTION #12-193 - 5/24/12

AUTHORIZE THE REFUND OF MUNICIPAL MARINA STORAGE AND LAUNCHING FEE

WHEREAS, Frank Barreca has submitted payment in full for storage and launching his boat; and,

WHEREAS, he has advised the Marina Bookkeeper that unforeseen circumstances has caused him to sell his boat he has requested a refund of the fee; and,

WHEREAS, the Harbor Commission recommends the granting of the refund,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the refund of a Municipal Marina storage and launching fee to Frank Barreca in the amount of \$592.00; and,

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

RESOLUTION #12-194 - 5/24/11

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 during summer weekends and holidays from May 25, 2012 to September 3, 2012,; and,

WHEREAS, the Township of Neptune, Borough of Bradley Beach and City of Asbury Park will share in the 25% of the cost not covered by the federal grant, with the Township and Borough paying 25% of the local 25% share and the City paying 50% of the local 25% share; and,

WHEREAS, funds for this purpose will be provided in the 2012 Municipal Budget in the appropriation entitled _____, 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.

RESOLUTION #12-195 - 5/24/12

AUTHORIZE TEMPORARY NO PARKING IN CONNECTION
WITH THE ANNUAL CRAFT SHOW

WHEREAS, the annual Craft Show is planned for the Pathway in Ocean Grove on Saturday, September 1, 2012; and,

WHEREAS, for the safety of the participants and to permit an area to unload goods, a temporary no parking zone is necessary,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the establishment of temporary no parking zones on Saturday, September 1, 2012, between the hours of 5:00 A.M. and 6:00 P.M. at the following locations:

- 1) the north side of eastbound Ocean Pathway and the south side of westbound Ocean Pathway from Central Avenue to Ocean Avenue
- 2) both sides of Beach Avenue between eastbound Ocean Pathway and westbound Ocean Pathway
- 3) the west side of Ocean Avenue between eastbound Ocean Pathway and westbound Ocean Pathway
- 4) the east side of Central Avenue between eastbound Ocean Pathway and westbound Ocean Pathway

BE IT FURTHER RESOLVED, that Beach Avenue between eastbound Ocean Pathway and westbound Ocean Pathway shall be closed to vehicular traffic on Saturday, September 1, 2012, between the hours of 5:00 A.M. and 6:00 P.M.; 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 Official and Business Administrator.

RESOLUTION #12-196 - 5/24/12

AUTHORIZE THE CLOSING OF STREETS IN CONNECTION WITH THE
OCEAN GROVE CHAMBER OF COMMERCE FLEA MARKETS

WHEREAS, the Ocean Grove Chamber of Commerce has scheduled two annual flea markets for Saturday, June 2, 2012 and Saturday, September 8, 2012, on Ocean Pathway in Ocean Grove; and,

WHEREAS, it is necessary to designate no parking areas and close certain streets prior to and during the events; and,

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

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby designates temporary no parking on the following streets:

1) Both sides of west bound and east bound Ocean Pathway from 9:00 P.M. on Friday, June 1, 2012 until 6:00 P.M. on Saturday, June 2, 2012 and from 9:00 P.M. on Friday, September 7, 2012 until 6:00 P.M. on Saturday, September 8, 2012.

2) Both sides of Beach Avenue between east bound and west bound Ocean Pathway from 9:00 P.M. on Friday, June 1, 2012 until 6:00 P.M. on Saturday, June 2, 2012 and from 9:00 P.M. on Friday, September 7, 2012 until 6:00 P.M. on Saturday, September 8, 2012.

3) Both sides of Central Avenue between McClintock Avenue and the west bound side of Ocean Pathway from 9:00 P.M. on Friday, June 1, 2012 until 6:00 P.M. on Saturday, June 2, 2012 and from 9:00 P.M. on Friday, September 7, 2012 until 6:00 P.M. on Saturday, September 8, 2012.

4) South bound side of Ocean Avenue between west bound Ocean Pathway and east bound Ocean Pathway from 9:00 P.M. on Friday, June 1, 2012 until 6:00 P.M. on Saturday, June 2, 2012 and from 9:00 P.M. on Friday, September 7, 2012 until 6:00 P.M. on Saturday, September 8, 2012.

BE IT FURTHER RESOLVED, that Beach Avenue as stated in Section 2 will also be closed to vehicular traffic from 5:00 A.M. to 6:00 P.M. on Saturday, June 2, 2012 and Saturday, September 8, 2012; 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 Official, Business Administrator, and Ocean Grove Chamber of Commerce.

RESOLUTION #12-197 - 5/24/12

AUTHORIZE THE CLOSING OF STREETS IN CONNECTION WITH THE
OCEAN GROVE CHAMBER OF COMMERCE VINTAGE AUTO DISPLAYS

WHEREAS, the Ocean Grove Chamber of Commerce has scheduled two vintage auto displays for Saturday, June 9, 2012 and Saturday, September 15, 2012, on Main Avenue in Ocean Grove; and,

WHEREAS, it is necessary to designate temporary no parking and close two blocks of Main Avenue and two blocks of Pilgrim Pathway prior to and during the events; and,

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

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby designates temporary closure and posting of temporary no parking on Main Avenue between New York Avenue and Central Avenue and Pilgrim Pathway between Heck Avenue and Olin Street from 7:00 A.M. to 6:00 P.M. on Saturday, June 9, 2012 and Saturday, September 15, 2012; and,

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

RESOLUTION #12-198 - 5/24/12

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 197.04, Lot 1, with an address of 15 Ridge 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 197.04, Lot 1, with an address of 15 Ridge 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 #12-199 - 5/24/12

APPOINT HEALTH BENEFITS PROGRAM BROKER/CONSULTANT

WHEREAS, the Township of Neptune desires to appoint a Health Benefits Program Broker/Consultant through the fair and open bidding process pursuant to the provisions of N.J.S.A. 19:44A-1, et seq.; and,

WHEREAS, the Township accepted Requests for Proposals for said position on April 24, 2012 and will make a selection from the proposals received; and,

WHEREAS, funds will be provided in the 2012 municipal budget in the appropriation entitled _____, 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 execution of a contract to engage the services of _____ as Health Benefits Program Broker/Consultant for a three year period from June 1, 2012 through May 31, 2015 at the terms as indicated in said Proposal on file in the Office of the Municipal Clerk; and,

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

RESOLUTION #12-200 - 5/24/12

AUTHORIZE THE CANCELLATION OF A PORTION OF A GRANT RECEIVABLE
IN THE 2012 MUNICIPAL BUDGET

WHEREAS, the Township anticipated a Grant Receivable in the amount of \$52,136.61 in the 2012 municipal budget in connection with the Clean Communities Program; and,

WHEREAS, the Township has been notified that it will receive \$51,111.84 from the Program; and,

WHEREAS, it is necessary to formally cancel the difference,

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

GRANT NAME	APPROPRIATION CANCELLED	RECEIVABLE CANCELLED	OPERATIONS
Clean Communitis Program	\$ 1,024.77	\$ 1,024.77	\$ 0.00

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 #12-201 - 5/24/12

ACCEPT THE RESIGNATION OF ERIC BROPHY
AS ALTERNATE MUNICIPAL PROSECUTOR

WHEREAS, the Township Committee has received a letter from Eric Brophy resigning as the Alternate Municipal Prosecutor effective April 26, 2012,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Eric Brophy as the Alternate Municipal Prosecutor is hereby accepted effective April 26, 2012; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Municipal Court Administrator.

RESOLUTION #12-202 - 5/14/12

AUTHORIZE THE SUBMISSION OF AN APPLICATION TO PARTICIPATE IN THE
NATIONAL FLOOD INSURANCE PROGRAM COMMUNITY RATING SYSTEM

WHEREAS, the Township Engineer has prepared an application for participation in the National Flood Insurance Program Community Rating System; and,

WHEREAS, participation in this program and receiving a Community Rating System classification may result in lower flood insurance premiums for Township residents who are required to obtain flood insurance,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the Township Engineer to submit an application for participation in the National Flood Insurance Program Community Rating System; and,

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

RESOLUTION #12-203 - 5/24/12

TERMINATE EMPLOYEE

BE IT RESOLVED, by the Township Committee of the Township of Neptune that Michael Murphy be and is hereby terminated from employment with the Township as a part-time Custodian not in good standing; and,

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

RESOLUTION #12-204 - 5/24/12

ACCEPT PERFORMANCE GUARANTEE FILED BY PAUL SANSONE, SR.
FOR SITE IMPROVEMENTS AT SANSONE RT. 66 AUTO MALL

WHEREAS, Paul Sansone, Sr. has submitted a cash performance guarantee in the amount of \$6,912.00, guaranteeing site improvements at Sansone Route 66 Auto Mall (Block 9000, Lot 34); 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 that the Performance Guarantee as stated above be and is hereby accepted; and,

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

RESOLUTION #12-205 - 5/24/12

GRANT TEMPORARY EXTENSION OF LIQUOR LICENSE PREMISES TO SHORE LANES

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 Shore Lanes for a temporary extension of premises at Shore Lanes, 701 Highway 35, on June 9, 2012 from 10:00 A.M. to 8:00 P.M.

RESOLUTION #12-206 – 5/24/12

AUTHORIZE THE SUBMISSION OF A 2012 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE LOCAL PROGRAM GRANT APPLICATION

WHEREAS, the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance has posted the availability of grant funds for the Edward Byrne Memorial Justice Assistance Local Grant Program FY 2012, which provides a no match funding source to local units of government for law enforcement and justice initiative purposes. The aggregate of the available funds for the eligible Monmouth County Communities is \$64,811.00 and Neptune Township along with Asbury Park and Long Branch are eligible to share in this funding; and,

WHEREAS, the Police Departments from each of the communities desires to apply for this program for the purpose of purchasing Communication Equipment, Information Technology, Surveillance and Security technology along with the eligible related training and supplies to advance the public safety and the efficiency of the Police Departments,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that, the Mayor or his designee, the Chief Financial Officer and the Chief of Police, be and are hereby authorized to submit a 2012 Edward Byrne Memorial Justice Assistance Local Assistance Grant Program application to participate in the sharing of the aggregate of the Monmouth County funding and the Chief Of Police be and is hereby authorized to enter into an agreement in the form of a Memorandum of Understanding with Monmouth County, Asbury Park and Long Branch to administer this grant; and,

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

RESOLUTION #12-207 - 5/24/12

RECLASSIFY TRACEY JAMES TO PERMANENT STATUS AS
ADMINISTRATIVE ASSISTANT TO THE PUBLIC WORKS DIRECTOR

WHEREAS, Tracey James was hired as the Administrative Assistant to the Business Administrator on July 26, 2011; and,

WHEREAS, she has performed her duties in a satisfactory manner and the Director of Public Works has recommended that she be reclassified on a permanent full-time basis,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Tracey James be and he is hereby reclassified as a permanent full-time Administrative Assistant in the Public Works Director effective immediately; and,

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

RESOLUTION #12-208 - 5/24/12

AUTHORIZE THE EXECUTION OF AN INTERLOCAL SERVICE AGREEMENT WITH
BOROUGH OF BRADLEY BEACH FOR VEHICLE MAINTENANCE AND REPAIRS

WHEREAS, the Township of Neptune has a contract with a Fleet Management Company to provide vehicle maintenance to Township vehicles; and,

WHEREAS, the Township of Neptune and the Borough of Bradley Beach desire to enter into an interlocal service agreement pursuant to N.J.S.A. 40:8A-1 et seq. to allow the Borough to receive vehicle maintenance and repair services through the Township's Fleet Management Company at the Township's Public Works Yard; and,

WHEREAS, the Borough will agree to pay the Township at the contracted hourly rate (currently \$55.00 per hour) plus \$10.00 per hour. Costs for parts and materials will be billed at the rate paid by the Fleet Management Company plus 10%,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the execution of an Interlocal Services Agreement with the Borough of Bradley Beach for a period of five years commencing March 1, 2012, a copy of which is on file in the Office of the Municipal Clerk, which provides that the Borough will receive vehicle maintenance and repairs services through the Township's Fleet Management Company; and,

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

RESOLUTION #12-209 - 5/24/12

AUTHORIZE EXECUTION OF AN AGREEMENT WITH THE OCEAN GROVE
CAMP MEETING ASSOCIATION FOR THE ASSIGNMENT OF
A SPECIAL LAW ENFORCEMENT OFFICER

WHEREAS, the Ocean Grove Camp Meeting Association has requested the use of a Special Law Enforcement Officer for eight hours a day from May 15, 2012 to October 15, 2012 to patrol the boardwalk, beach, auditorium/tent colony and surrounding area presently owned by the Camp Meeting Association for the purpose of enforcing NJ state statutes and municipal ordinances; and,

WHEREAS, the Township has agreed to assign an officer for this purpose; and,

WHEREAS, the Ocean Grove Camp Meeting Association will reimburse the Township at a rate of \$19.00 per hour for this officer,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the execution of an Agreement with the Ocean Grove Camp Meeting Association whereby the Township of Neptune will provide a Special Law Enforcement Officer for eight hours a day from May 15, 2012 to October 15, 2012 at a rate of \$19.00 per hour (total cost of \$23,104) for the purpose of patrolling Ocean Grove Camp Meeting property to enforce applicable state statutes and municipal ordinances; and,

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

RESOLUTION #12-210 - 5/24/12

AWARD BID FOR CERAMICS INSTRUCTOR AT THE SENIOR CENTER

WHEREAS, on April 17, 2012, the Purchasing Agent received bids for the award of a contract for Ceramics Instructor at the Senior Center; and,

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

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

WHEREAS, funds for this purpose will be provided in the 2012 Municipal Budget in the appropriation entitled Senior Center O.E., known as Account No. _____ and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that a contract be awarded to Alison Bowie d/b/a Serendipity Studios on their lowest responsible bid of \$33 per hour as Ceramics Instructor at the Senior Center for 2012 and 2013; 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., and Senior Center Director.

RESOLUTION #12-211 - 5/24/12

AUTHORIZE THE REFUND OF TAXES
AS A RESULT OF AN OVERPAYMENT

WHEREAS, the properties listed below reflect overpayments; and,

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

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

BLOCK	LOT	ASSESSED TO	ADDRESS	YEAR	AMOUNT
3029	1	Swinton	808 Oxford Way	2012	2,286.84
6002	4	Gallagher	106 Center St	2012	1,792.70
551	1	Central Jersey	300 W Concourse	2012	4,681.88
8004	14	Pinnix	105 Moss Pl	2012	505.40

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

RESOLUTION #12-212 – 5/24/12

AUTHORIZE THE CANCELLATION AND REFUND OF TAXES (BLOCK 1405, LOT 13)

WHEREAS, in 2010 GM Coastal Properties, LLC subdivided Block 1405, Lot 13 to Lots 12.02 & 13.02 effective 1/1/11; and,

WHEREAS, the subdivision should have deleted Lot 13 from the Tax rolls effective 1/1/11; and,

WHEREAS, the Assessing Office did not make the necessary changes to the Tax Duplicates for 2011 resulting in the property being over billed; and,

WHEREAS, the Assessing Office has requested that Tax Office cancel and refund the 2011 Taxes on Lot 13; and

WHEREAS, the amounts to cancel and refund are as follows:

<u>Tax Year</u>	<u>Amount to be cancelled and refunded</u>
2011	\$7,261.28

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth, that the Tax Collector be and is hereby authorized to cancel and refund 2011 Taxes as stated herein; and,

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

RESOLUTION #12-213 - 5/24/12

AUTHORIZE THE CANCELLATION OF SEWER RENT

WHEREAS, the Tax Collector has requested the cancellation of sewer rent to the property listed below,

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

BLOCK/LOT	ASSESSED TO	ADDRESS	YEAR	AMOUNT
210/21	R Deal Holdings LLC	1402 9 th Avenue	2012	440.00

REASON: Building demolished in 2011

BLOCK/LOT	ASSESSED TO	ADDRESS	YEAR	AMOUNT
281/29	David & Luz Soloman	214 Willow Drive	2008	390.00

REASON: Sewer disconnected and demo permit applied for

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

RESOLUTION #12-214 - 5/24/12

AUTHORIZE AN AMENDMENT TO THE 2012 MUNICIPAL BUDGET TO REALIZE
MONIES FROM THE HAZARDOUS DISCHARGE SITE REMEDIATION FUND

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and,

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and,

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget for the year 2012 in the sum of \$65,515.00 which is now available from the NJDEA Hazardous Discharge Site Remediation Fund in the amount of \$65,515.00; and,

BE IT FURTHER RESOLVED that the like sum of \$65,515.00 is hereby appropriated under the caption of Hazardous Discharge Site Remediation Fund – Former Tides Motel; and,

BE IF FURTHER RESOLVED, that the above is the result of funds from the New Jersey Economic Development Authority Hazardous Discharge Site Remediation Fund for the former Tides Motel in the amount of \$65,515.00; and,

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

Vote:

Brantley:
Houghtaling:
Jahn:
McMillan:
Bishop:

RESOLUTION #12-215 - 5/24/12

AUTHORIZE THE PURCHASE OF PUBLIC WORKS EQUIPMENT UNDER THE
MIDDLESEX REGIONAL EDUCATION SERVICES COMMISSION COOPERATIVE

WHEREAS, the Neptune Township Public Works Department wishes to purchase equipment through an authorized vendor in the Middlesex Regional Education Services Commission Cooperative; 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, Storr Tractor Company has been awarded a contract through the Cooperative Program for this equipment; and,

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

WHEREAS, the cost of the equipment shall not exceed \$105,291.68, which is described in further detail below; and,

WHEREAS, funds for this purpose are available in 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 the following equipment for the Public Works Department through the Middlesex Regional Education Services Commission Cooperative be and is hereby authorized at an amount not to exceed \$105,291.68:

<u>EQUIPMENT</u>	<u>COST</u>
McCormick T-Max 100 Tractor	\$44,033.28
Alamo Machette 2 Flail Mower	\$49,686.00
Alamo Rear-Mounted 88" HD Mower	\$ 7,364.40
Rims, Tires, and Accessories	\$ 4,208.00

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

RESOLUTION #12-216 - 5/24/12

SUPPORT STATE LEGISLATION WHICH AUTHORIZES THE PHASED-IN FUNDING
RESTORATION OF ENERGY TAX RECEIPTS TO MUNICIPALITIES
FOR PROPERTY TAX RELIEF

WHEREAS, taxes on gas and electric utilities were originally collected by the host municipalities, and when the State made itself the collection agent for these taxes, it promised to dedicate the proceeds to municipal property tax relief; and,

WHEREAS, just as municipalities collect property taxes for the benefit of school districts, counties and other entities; the State is supposed to collect Energy Taxes for the benefit of municipal governments; and,

WHEREAS, for years, though, State budget makers have diverted funding from Energy Taxes to fund State programs; and,

WHEREAS, the cumulative impact of years of underfunding has left many municipalities with serious needs and burdensome property taxes; and,

WHEREAS, municipalities lost \$385 million in combined Energy Tax and Consolidated Municipal Property Tax Relief Aid (CMPTRA) funding in Fiscal Years 2009, 2010, and 2011, while also being denied scheduled incremental funding; and,

WHEREAS, as a result of these cuts, in a number of municipalities property taxes are higher now, despite the fact that they are spending less, proving that the State's diversion of tax relief funding has overwhelmed local efforts to reduce property taxes; and,

WHEREAS, S-1900, sponsored by Senators Paul Sarlo and Linda Greenstein, and a companion bill, soon to be introduced by Assemblyman Troy Singleton, would phase-in, over five years, the restoration of \$439 million in municipal property tax relief funding; and,

WHEREAS, the sponsors recognize that the loss of those revenues has led to increased property taxes and has hampered local efforts to meet local needs; and,

WHEREAS, the sponsors agree that the time has come to begin to restore to local budgets the millions that were cut to meet State needs in FY 2009, 2010 and 2011; and,

WHEREAS, the restoration of \$87.8 million this year is a great first step, which should be easily manageable in a budget that is slated to grow to \$32.15 Billion in the coming year; and the restoration of \$439 million, in 20% increments, over five years will make a big difference in municipalities all around New Jersey; and,

WHEREAS, the bill would apply the protection of the 'poison pill' to the SFY 2012 distribution of CMPTRA funding, which will prevent further shifts of CMPTRA funding; and which will help to further restrain the appetites of future State policy makers for these municipal property tax relief resources,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune salutes the sponsors for listening to the Mayors in their districts and all around New Jersey and for advancing this legislation; and,

BE IT FURTHER RESOLVED, that we enthusiastically support S-1900, together with any refinements that may be needed to account for any recent changes in the statutes governing local budgets in order to provide municipalities with appropriate budgetary flexibility; and,

BE IT FURTHER RESOLVED, that certified copies of this Resolution be forwarded to Governor Chris Christie, Lieutenant Governor Kim Guadagno, Department of Community Affairs Acting Commissioner Richard Constable, our State Senator Jennifer Beck, our Assemblywomen Mary Pat Angelini and Caroline Casagrande, and to the New Jersey League of Municipalities.

RESOLUTION #12-217 - 5/24/12

AWARD BID FOR RELOCATION OF SANITARY SEWER MAIN
AT BROADWAY AND CENTRAL AVENUE

WHEREAS, on February 7, 2006, the Township Engineer received bids for the award of a contract to relocate a sanitary sewer main under the intersection of Broadway and Central Avenue to facilitate the installation of a new storm water drainage system from Broadway to Fletcher Lake; and,

WHEREAS, said bids were reviewed by the Township Engineer who has recommended that the bid be awarded to the lowest bid submitted by D&D Trenchless Solutions; and,

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

WHEREAS, funds for this purpose will be provided as follows: 50% of the total cost by the Ocean Grove Sewer Authority, and 50% through Municipal Ordinances Nos. 08-52 & 09-27 and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that a contract be awarded to D&D Trenchless Solutions on their lowest responsible bid of \$27,250.00 for the relocation of a sanitary sewer main at Broadway and Central Avenue; 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., and Township Engineer.

RESOLUTION #12-218 - 5/24/02

AUTHORIZE CHANGE ORDER #1 IN CONNECTION WITH
THE PURCHASE OF PREFABRICATED FLOATING DOCKS

WHEREAS, a contract was awarded to Sullivan Floatation Systems in the amount of \$116,872.00 in connection with providing prefabricated floating docks; and,

WHEREAS, changes to the contract have been experienced as a result of ordering one additional six foot by sixteen foot section to complete Dock F; and,

WHEREAS, this change has been approved by the Township Engineer; and,

WHEREAS, funds for this purpose are available in Ordinance No. 11-03 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 Sullivan Floatation Systems in connection with the purchase of prefabricated floating docks resulting in a net increase of \$1,920.00 revising the total contract amount to \$118,792.00; and,

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

RESOLUTION #12-219 – 5/24/12

RECOMMEND ADOPTION OF SPECIAL AREA STANDARDS
PER N.J.A.C. 5:21-3.5

WHEREAS, the Township of Neptune has adopted a Comprehensive Master Plan, dated January 25, 2012, which makes the following recommendation relative to streets and parking in the designated Ocean Grove Historic District:

The rules concerning streets and parking, as promulgated in the Residential Site Improvement Standards (RSIS) are not appropriate in furthering the on-going preservation and continued enhancement of the Historic portions of the Township. Pursuant to N.J.A.C. 5:21-3.5, Neptune Township should incorporate “special area standards” for Ocean Grove into the Township’s New Land Development Ordinance, to be submitted and approved by the New Jersey Site Improvement Advisory Board. (p. 45)

WHEREAS, the Land Development Ordinance establishes zoning district regulations for on- and off-street motor vehicle parking at Section 412.17, and for driveways at Section 412.06; and

WHEREAS, Table 4.2 in Section 412.17.D of the Land Development Ordinance establishes the required number of parking spaces for specific uses throughout the Township; and,

WHEREAS, Section 412.D of the Land Development Ordinance promotes consistency with the intent and purpose of the Residential Site Improvement Standards, N.J.A.C. 5:21-4.14, regarding minimum number of required parking spaces for residential land uses; and

WHEREAS, Table 4.2 in Section 412.17.D of the Land Development Ordinance prohibits off-street parking for residential land uses in all designated historic districts; and

WHEREAS, in furtherance of the prohibition of off-street parking in designated historic districts contained in Section 412.17.D of the Land Development Ordinance, Section 412.06 prohibits new driveways in all historic zone districts; and

WHEREAS, N.J.A.C. 5:21-3.5(a) recognizes the need for New Jersey municipalities to preserve and enhance community character, and sets forth a procedure whereby a municipal approving authority may develop and recommend to the New Jersey Site Improvement Advisory Board alternative standards from those set forth in N.J.A.C. 5:21 et seq.; and

WHEREAS, N.J.A.C. 5:21-3.5(b)3 permits the designation of a special area within an area of a municipality that exhibits a distinct character worthy of preservation and enhancement; and

WHEREAS, Ocean Grove is a designated historic district pursuant to N.J.S.A. 40:55D-65.1, and is located in the Metropolitan Planning Area (Planning Area 1) identified in the State

Development and Redevelopment Plan, thereby qualifying for designation as a special area pursuant to N.J.A.C. 5:21-3.5(b); and

WHEREAS, the Township Committee of Neptune Township makes the following findings of fact relative to off-street parking for residential land uses and driveways in the designated Ocean Grove Historic District:

1. The prohibition against off-street parking for residential land uses and new driveways intends to preserve the unique, historic pattern of land development in the designated Ocean Grove Historic District;
2. The prohibition against off-street parking for residential land uses and new driveways in the designated Ocean Grove Historic District seeks to preserve the shared inventory of public on-street parking spaces by barring new driveway cuts and driveway aprons into established curbs and sidewalks;
3. The prohibition against off-street parking for residential land uses and new driveways in the designated Ocean Grove Historic District seeks to enhance pedestrian safety and character of the District by limiting new vehicular movements across sidewalks; and
4. The prohibition against off-street parking for residential land uses and new driveways intends encourage the maximum permitted building coverage within established building envelopes in the designated Ocean Grove Historic District, while minimizing the amount of lot coverage dedicated solely to asphaltic, concrete, graveled or other impervious surfaces; and

WHEREAS, Township Committee of Neptune Township wishes to designate the entirety of the Ocean Grove Historic District as a special area, incorporating the following regulations as set forth in Table 4.2 in Section 412.17.D and Section 412.06 of the Land Development Ordinance:

1. Table 4.2 in Section 412.17.D:

USE	OFF-STREET PARKING REQUIREMENT
Residential Single-family or multifamily	SEE RSIS STANDARDS except for residential historic districts
Uses in historic zone districts	No off-street parking permitted or required, except for new historic hotels

2. Section 412.06 – New driveways shall be prohibited in all Historic Zone Districts; and,

WHEREAS, the New Jersey Site Improvement Advisory Board requires a municipality seeking approval of special area standards to adopt a resolution explaining the criteria and rationale for the designation of said special area.

NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF NEPTUNE TOWNSHIP, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, that it is the recommendation of the Township Committee that the entirety of the Ocean Grove Historic District be deemed a special area by the New Jersey Site Improvement Advisory Board.

BE IT FURTHER RESOLVED that that it is the recommendation of the Township Committee that the herein cited Land Development Ordinance regulations relative to off-street parking and driveways be determined special area standards by the New Jersey Site Improvement Advisory Board.

VOTE TO ADOPT:

AYES:

NAYS:

ABSTAIN:

ABSENT:

CERTIFICATION

I hereby certify that the within is a true copy of the Resolution adopted by the Neptune Township Committee at its meeting on the 24th day of May, 2012.

Richard J. Cuttrell
Township Clerk

RESOLUTION #12-220 - 5/24/12

AUTHORIZE CHANGE ORDER #2 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, on November 28, 2011, the Township Committee approved Change Order #1 which resulted in a net increase of \$5,544.52 which revised the total contract amount to \$971,144.52; and,

WHEREAS, changes to the contract have been experienced as a result of replacement of steel support with concrete support, removal and disposal of additional wet well debris, additional concrete repair and mill coating, additional 6" pumps, and a reduction in the quantity of fencing; and,

WHEREAS, these changes have been approved by the Engineering Consultant for the project; 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 #2 in the contract with Tomar Construction Services, Inc. in connection with improvements to the Pennsylvania Avenue Pumping Station resulting in a net increase of \$186,512.50 revising the total contract amount to \$1,157,657.02; 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 #12-221 - 5/24/12

AUTHORIZE CHANGE ORDER #1 IN CONNECTION WITH
IMPROVEMENTS TO BROADWAY

WHEREAS, on June 13, 2011, a contract was awarded to James R. Ientile in the amount of \$937,525.00 in connection with the Improvements to Broadway; and,

WHEREAS, changes to the contract have been experienced as a result of inlet revisions, changing the pipe to a higher pressure plastic pipe, the need for 18" by 10" and 20" by 10" pipe reducers to avoid conflicts, and eliminating the line item for sanitary sewer lateral relocations; and,

WHEREAS, this change has been approved by the Township Engineer; and,

WHEREAS, funds for this purpose are available in Ordinances No. 07-40, 08-52 and 09-27 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 James R. Ientile in connection with Improvements to Broadway resulting in a net increase of \$68,238.02 revising the total contract amount to \$1,005,763.02; and,

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

RESOLUTION #12-222 – 5/24/12

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	6,908,065.79
FEDERAL & STATE GRANT FUND	189,856.78
TRUST OTHER	70,157.69
GENERAL CAPITAL FUND	238,873.62
SEWER OPERATING FUND	50,528.77
MARINA OPERATING FUND	4,142.68
MARINA CAPITAL FUND	144,463.00
DOG TRUST	8,291.20
LIBRARY TRUST	2,047.70
BILL LIST TOTAL	\$7,616,427.23

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