

TOWNSHIP COMMITTEE WORKSHOP MEETING – FEBRUARY 9, 2015 – 6:00 P.M.

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

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

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

Mayor Jahn 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 8, 2015, 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 – Board of Education policy on Soccer Association Tournament.

2. Discussion – New date for goals/initiatives workshop meeting.

2. Review Committee calendars/update on outstanding issues and capital items.
- Various on-going capital improvement projects.

Res. # 15-69 – Authorize an Executive Session as authorized by the Open Public Meetings Act.

Offered by: _____ Seconded by: _____

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

TOWNSHIP COMMITTEE MEETING – FEBRUARY 9, 2015 – 7:00 P.M.

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

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

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

Silent Prayer and Flag Salute

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

Mayor Jahn 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 8, 2015, posting the notice on the Board in the Municipal Complex, and filing a copy of said notice with the Municipal Clerk. In addition, the meeting agenda, resolutions and ordinances are posted online at www.neptunetownship.org.

APPROVAL OF MINUTES

Motion offered by _____, seconded by _____, to approve the minutes of the meeting held on January 12th.

REPORT OF THE CLERK

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

Senior Beacon for February.

Notice of public hearing on amendments to the Land Use Ordinance of the Township of Wall.

COMMENTS FROM THE DAIS

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 is permitted one visit to the microphone with a limit of five minutes.

ORDINANCE NO. 15-01 - An ordinance to amend Volume I, Chapter VII of the Code of the Township of Neptune by adding Resident Handicapped On-Street Parking Zones on Franklin Avenue, Broadway, Spray Avenue And Pitman Avenue – Final Reading

Explanatory statement: This ordinance authorizes Resident Handicapped On-Street Parking Zones to be installed on the public roadway adjacent to 93 Franklin Avenue, 109 Broadway, 8 Spray Avenue and 17 Pitman Avenue.

Public Hearing:

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

ORDINANCE NO. 15-02 - An ordinance to amend Volume I, Chapter XII of the Code of the Township of Neptune to rescind the section entitled “Prohibited Occupancy” – Final Reading

Explanatory statement: This ordinance eliminates the section of the Property Maintenance Code entitled “Prohibited Occupancy”.

Public Hearing:

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

ORDINANCE NO. 15-03 - Capital Ordinance appropriating an \$800,114 grant from the U.S. Department of Housing and Urban Development Community Development Block Grant Disaster Recovery Program to fund improvements in the West Lake Avenue Redevelopment Area, by and in the Township of Neptune, in the County of Monmouth, State of New Jersey – First Reading

Explanatory statement: This ordinance appropriates the sum of \$800,114 in grant proceeds from the U.S. Department of Housing and Urban Development Community Development Block Grant Disaster Recovery Program for improvements approved by the New Jersey Department of Economic Development for improvements in the West Lake Avenue Redevelopment Area within the Township.

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

ORDINANCE NO. 15-04 - Bond Ordinance providing for the reconstruction of the Municipal Marina Building, by the Marina Utility of the Township of Neptune, in the County of Monmouth, State of New Jersey; appropriating \$2,500,000 therefor (including a grant in the amount of \$1,700,000 and insurance proceeds in the amount of \$379,100) and authorizing the issuance of \$420,900 bonds or notes of the Township to finance part of the cost thereof – First Reading

Explanatory statement: This ordinance authorizes an appropriation of \$2,500,000 for the reconstruction of the Municipal Marina Building destroyed by Hurricane Sandy including a \$1,700,000 grant from the FEMA Disaster Assistance Program and \$379,100 in insurance proceeds received or expected to be received.

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

ORDINANCE NO. 15-05 - Bond Ordinance providing for the construction of sidewalks along Neptune Boulevard, by and in the Township of Neptune, in the County of Monmouth, State of New Jersey; appropriating \$250,000 therefor (including a grant in the amount of \$142,000) and authorizing the issuance of \$108,000 bonds or notes of the Township to finance part of the cost thereof – First Reading

Explanatory statement: This ordinance authorizes an appropriation of \$250,000 for the construction of sidewalks along Neptune Boulevard including a \$142,000 grant received or expected to be received from the New Jersey Community Development Block Grant Program.

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

ORDINANCE NO. 15-06 - Bond Ordinance providing for the Central Avenue Roadway Reconstruction and Drainage Improvements project, by and in the Township of Neptune, in the County of Monmouth, State of New Jersey; appropriating \$500,000 therefor (including a grant in the amount of \$273,590) and authorizing the issuance of \$226,410 bonds or notes of the Township to finance part of the cost thereof – First Reading

Explanatory statement: This ordinance authorizes an appropriation of \$500,000 for the Central Avenue Roadway Reconstruction and Drainage Improvements Project, including but not be limited to, roadway, sidewalks, curbing, lighting and drainage improvements and including a \$273,590 grant received or expected to be received from the New Jersey Department of Transportation Municipal Aid and Urban Aid Program.

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

ORDINANCE NO. 15-07 - Bond Ordinance providing for the Alberta Basin Drainage Project, by and in the Township of Neptune, in the County of Monmouth, State of New Jersey; appropriating \$950,000 therefor (including a grant in the amount of \$696,084.75) and authorizing the issuance of \$253,915.25 bonds or notes of the Township to finance part of the cost thereof – First Reading

Explanatory statement: This ordinance authorizes an appropriation of \$950,000 for the Lake Alberta Basin Drainage Project including a \$696,084.75 grant received or expected to be received from the New Jersey Office of Emergency Management / Federal Emergency Management Agency, Pre-Disaster Mitigation Program.

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

ORDINANCE NO. 15-08 - An ordinance to amend Sections 201 and 410 of the Land Development Ordinance of the Township of Neptune by establishing “Net Density Provisions Affecting Residential Zones” – First Reading

Explanatory statement: This ordinance amends the Township Land Development Ordinance by establishing a Net Residential Density Requirement and providing for the calculation of said requirement.

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

ORDINANCE NO. 15-09 - An ordinance to amend Section 201 of the Land Development Ordinance of the Township of Neptune by amending the definition of "Impervious Cover" – First Reading

Explanatory statement: This ordinance amends the Township Land Development Ordinance by amending the definition of Impervious Cover.

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

The Public Hearings on Ordinances 15-03 through 15-07 will be held on Monday, February 23, 2015.

The Public Hearings on Ordinances 15-08 and 15-09 will be held on Monday, March 9, 2015.

CONSENT AGENDA

Res. # 15-70 – Authorize the execution of an agreement with JSAS Health Care, Inc. for adult substance abuse services to Township residents.

Res. # 15-71 – Authorize execution of contracts with various organizations to provide recreation programs and services.

Res. # 15-72 – Acknowledge the retirement of Ellen Sanderson as Deputy Director of the Department of Senior Services and the Senior Center.

Res. # 15-73 – Place lien on various properties.

Res. # 15-74 – Release performance bond for landscaping improvements at Neptune Estates (3351 Highway 33).

Res. # 15-75 – Authorize the release of all surety bonds and developers escrow filed by Gilman Land, LLC for improvements at 116 Robin Road.

Res. # 15-76 – Authorize a reduction in the performance guarantee filed by Gilman Land, LLC for improvements at 112 Robin Road.

Res. # 15-77 – Employ seasonal/on-call Drivers in the Department of Public Works for snow plowing.

Res. # 15-78 – Restate designation of members appointed to the Wesley Lake Commission.

Res. # 15-79 – Appoint Agent/Broker of Record for Township Short Term Disability Policy.

Res. # 15-80 – Approve selection of Legal Counsel to represent Police Officer in lawsuit for punitive damages.

Res. # 15-81 – Grant leave of absence to Larry Davis under the Family Medical Leave Act.

Res. # 15-82 – Authorize submission of a Strategic Plan for the Neptune Township Municipal Alliance Grant.

Res. # 15-83 – Grant leave of absence to Robert Baldwin under the Family Medical Leave Act.

Res. # 15-84 – Amend authorized appropriation to H2M Architects and Engineers for architectural services in connection with the new Municipal Marina building.

Res. # 15-85 – Authorize stand-by duty payment to Office of Emergency Management personnel.

Res. # 15-86 – Authorize the submission of grant applications and execution of grant agreements for further planning activities recommended by the Strategic Recovery Planning Report.

Res. # 15-87 – Accept the resignation of Shane Roland as a Special Law Enforcement Officer – Class II.

Res. # 15-88 – Accept the resignation of Eric P. Brophy (Diegnan & Brophy) as Alternate Public Defender.

Res. # 15-89 – Authorize the refund of taxes as a result of an overpayment.

Res. # 15-90 – Suspend employee without pay.

Res. # 15-91 – Amend 2015 Temporary Budget.

Res. # 15-92 – Authorize submission of a grant application to the United States Department of Justice under the Violent Gang and Gun Crime Reduction Program (Project Safe Neighborhoods).

Res. # 15-93 – Employ Special Law Enforcement Officer- Class II in the Police Department on a part-time basis.

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

Res. # 15-94 – Reclassify employee to the position of Foreman in the Department of Public Works.

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

Res. # 15-95 – Employ Drivers in the Department of Public Works on a probationary basis.

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

Res. # 15-96 – Reclassify employee to the position of Deputy Director of the Department of Senior Services and Senior Center.

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

Res. # 15-97 – Authorize the purchase of a Sewer Jet-Vac Truck through the Houston-Galveston Area Council Purchasing Program.

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

Res. # 15-98 – Authorize the payment of bills.

Offered by: _____ Seconded by: _____

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

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. 15-03

CAPITAL ORDINANCE APPROPRIATING AN \$800,114 GRANT FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT COMMUNITY DEVELOPMENT BLOCK GRANT DISASTER RECOVERY PROGRAM TO FUND IMPROVEMENTS IN THE WEST LAKE AVENUE REDEVELOPMENT AREA, BY AND IN THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY

BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (a majority of the full membership thereof affirmatively concurring) AS FOLLOWS:

SECTION 1. The capital purposes described in Section 2 of this capital ordinance are hereby authorized as general capital 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 2 hereof, there is hereby appropriated the sum of \$800,114 in grant proceeds received or expected to be received by the Township from the U.S. Department of Housing and Urban Development Community Development Block Grant Disaster Recovery Program (the "Grant").

SECTION 2. (a) The improvements and purposes hereby authorized are for Township Neighborhood Community Revitalization Program approved by the New Jersey Department of Economic Development for improvements in the West Lake Avenue Redevelopment Area within the Township.

(b) The above improvements and purposes set forth in Section 2(a) shall also include, but are not limited to, as applicable, all work materials, labor and appurtenances necessary therefor or incidental thereto.

SECTION 3. The expenditure of \$800,114 in Grant proceeds for the purpose set forth in Section 2 hereof is hereby authorized and approved.

SECTION 4. The capital budget of the Township is hereby amended to conform with the provisions of this capital ordinance and to the extent of any inconsistency herewith, 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 is on file in the office of the Clerk and is available for public inspection.

SECTION 5. This capital ordinance shall take effect immediately after final adoption as described in N.J.S.A. 40:49-2.

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

Richard J. Cuttrell,
Municipal Clerk

Mary Beth Jahn,
Mayor

ORDINANCE NO. 15-04

BOND ORDINANCE PROVIDING FOR THE RECONSTRUCTION OF THE MUNICIPAL MARINA BUILDING, BY THE MARINA UTILITY OF THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$2,500,000 THEREFOR (INCLUDING A GRANT IN THE AMOUNT OF \$1,700,000 AND INSURANCE PROCEEDS IN THE AMOUNT OF \$379,100) AND AUTHORIZING THE ISSUANCE OF \$420,900 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 Marina Utility of 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 \$2,500,000, said sum being inclusive of a \$1,700,000 grant received or expected to be received from the FEMA Disaster Assistance Program (the "Grant") and \$379,100 in insurance proceeds received or expected to be received (the "Insurance Proceeds"), said Grant and/or Insurance Proceeds being used in satisfaction 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"). The down payment will be available therefor from the Marina Utility general capital improvement fund by virtue of a provision or provisions in a previously adopted budget or budgets of the Marina Utility 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 \$2,500,000 appropriation not provided for by application hereunder of the Grant and/or Insurance Proceeds, negotiable bonds of the Marina Utility of the Township are hereby authorized to be issued in the principal amount of \$420,900 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 \$420,900 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 the reconstruction of the Municipal Marina Building destroyed by Hurricane Sandy, such improvements and purposes to include but not be limited to, design work, preparation of plans and specifications, permits, bid documents, contract administration, work, materials, equipment, labor and appurtenances as necessary therefor or incidental thereto, all as set forth in the project documents on file in the Office of the Township Clerk.

(b) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$420,900.

(c) The estimated cost of said improvements or purposes is \$2,500,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the \$1,700,000 Grant received or expected to be received and the \$379,100 in insurance proceeds received or expected to be received, and available for such improvements or purposes.

SECTION 4. Except for the Grant, in the event the United States of America, the State of New Jersey, and/or the County of Monmouth make a contribution or grant in aid to the Township, for the improvement and purpose authorized hereby and the same shall be received by the Township prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey and/or the County of Monmouth. Except for the Grant, in the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey and/or the County of Monmouth, shall be received by the Township after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Township as a result of using funds from this bond ordinance as "matching local funds" to receive such contribution or grant in aid. In addition, to the extent the Township receives Grant proceeds in excess of \$1,700,000, the debt authorization herein shall be reduced by the amount of such excess.

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 twenty (20) 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 \$420,900 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 \$400,000 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 \$420,900. 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

Mary Beth Jahn,
Mayor

ORDINANCE NO. 15-05

BOND ORDINANCE PROVIDING FOR THE CONSTRUCTION OF SIDEWALKS ALONG NEPTUNE BOULEVARD, BY AND IN THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$250,000 THEREFOR (INCLUDING A GRANT IN THE AMOUNT OF \$142,000) AND AUTHORIZING THE ISSUANCE OF \$108,000 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 \$250,000, said sum being inclusive of a \$142,000 grant received or expected to be received from the New Jersey Community Development Block Grant Program (the "Grant"), said Grant being used in satisfaction 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"). The down payment will be 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 the Grant/down payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$108,000 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 \$108,000 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 bonds or notes are to be issued are the construction of sidewalks along Neptune Boulevard, such improvements and purposes to include but not be limited to, design work, preparation of plans and specifications, permits, bid documents, contract administration, work, materials, equipment, labor and appurtenances as necessary therefor or incidental thereto, all as set forth in the project documents on file in the Office of the Township Clerk.

(b) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$108,000.

(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 Grant/down payment in the amount of \$142,000 available for such improvements or purposes.

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

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

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

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

(a) The 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 \$108,000 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 \$80,000 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 \$108,000. 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

Mary Beth Jahn,
Mayor

ORDINANCE NO. 15-06

BOND ORDINANCE PROVIDING FOR THE CENTRAL AVENUE ROADWAY RECONSTRUCTION AND DRAINAGE IMPROVEMENTS PROJECT, BY AND IN THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$500,000 THEREFOR (INCLUDING A GRANT IN THE AMOUNT OF \$273,590) AND AUTHORIZING THE ISSUANCE OF \$226,410 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 \$500,000, said sum being inclusive of a \$273,590 grant received or expected to be received from the New Jersey Department of Transportation Municipal Aid and Urban Aid Program (the "Grant"), said Grant being used in satisfaction 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"). The down payment will be 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 \$500,000 appropriation not provided for by application hereunder of the Grant/down payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$226,410 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 \$226,410 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 the Central Avenue Roadway Reconstruction and Drainage Improvements Project, such improvements and purposes to include but not be limited to, roadway, sidewalks, curbing, lighting and drainage improvements, all engineering and design work, preparation of plans and specifications, permits, bid documents, contract administration, work, materials, equipment, labor and appurtenances as necessary therefor or incidental thereto, all as set forth in the project documents on file in the Office of the Township Clerk.

(b) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$226,410.

(c) The estimated cost of said improvements or purposes is \$500,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the Grant/down payment in the amount of \$273,590 available for such improvements or purposes.

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

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

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

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

(a) The 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 \$226,410 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 \$226,410. 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

Mary Beth Jahn,
Mayor

ORDINANCE NO. 15-07

BOND ORDINANCE PROVIDING FOR THE ALBERTA BASIN DRAINAGE PROJECT, BY AND IN THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$950,000 THEREFOR (INCLUDING A GRANT IN THE AMOUNT OF \$696,084.75) AND AUTHORIZING THE ISSUANCE OF \$253,915.25 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 \$950,000, said sum being inclusive of a \$696,084.75 grant received or expected to be received from the New Jersey Office of Emergency Management / Federal Emergency Management Agency, Pre-Disaster Mitigation Program (the "Grant"), said Grant being used in satisfaction 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"). The down payment will be 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 \$950,000 appropriation not provided for by application hereunder of the Grant/down payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$253,915.25 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 \$253,915.25 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 the Alberta Basin Drainage Project, such improvements and purposes to also include but not be limited to, all engineering and design work, preparation of plans and specifications, permits, bid documents, contract administration, work, materials, equipment, labor and appurtenances as necessary therefor or incidental thereto, all as set forth in the project documents on file in the Office of the Township Clerk.

(b) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$253,915.25.

(c) The estimated cost of said improvements or purposes is \$950,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the Grant/down payment in the amount of \$696,084.75 available for such improvements or purposes.

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

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

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

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

(a) The 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 \$253,915.25 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 \$200,000 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 \$253,915.25. 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

Mary Beth Jahn,
Mayor

ORDINANCE NO. 15-08

AN ORDINANCE TO AMEND SECTIONS 201 AND 410 OF THE LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF NEPTUNE BY ESTABLISHING "NET DENSITY PROVISIONS AFFECTING RESIDENTIAL ZONES"

WHEREAS, bulk zoning regulations affecting residential zones per Section 410 of the Land Development Ordinance include Maximum Gross Residential Density, and

WHEREAS, gross density is defined under Section 201, Definitions, of the Township's Land Development Ordinance as "The permitted number of dwelling units per total area of land to be developed," and

WHEREAS, establishing a standard formula for calculating a Net Residential Density of developable units, as defined below, will provide developers and land owners with a clear basis on which to estimate the maximum permissible residential development on a property encumbered by environmental, legal, and man-made constraints, and

WHEREAS, the purpose of this Ordinance is to amend Sections 201 and 410 of the Land Development Ordinance to establish a definition of Net Residential Densities, and to establish a formula for calculating Net Residential Densities respective to Section, and

WHEREAS, Net Residential Density shall be defined as, "The permitted number of dwelling units which may be developed per acre of land, exclusive of wetlands and wetland buffers, water bodies and their riparian buffers, easements, steep slopes, and any and all other environmental, legal, or man-made constraints.", and

WHEREAS, Net Residential Density shall be the lesser of either a.) 10 units per acre, or b.) the result of the following calculation, where G = Maximum Residential Density permitted in the zone, P = proportion of property encumbered by environmental, legal, or man-made constraints:

$$\frac{G}{(1 - P)} = \text{Net Density}$$

SECTION 1.

Section 201, Definitions, of the Land Development Ordinance is hereby supplemented and amended to include the definition of Net Residential Density as aforementioned.

SECTION 2.

Section 410 of the Land Development Ordinance is hereby amended to be subdivided into Sections 410.01 and 410.02, as follows:

§410 ZONING DISTRICT BULK REGULATIONS

§410.01 SCHEDULE B

See Schedule B for Bulk Regulations by Zoning District.

§410.02 NET RESIDENTIAL DENSITY REQUIREMENT

- A. For Zone Districts R-1, R-2, R-3, R-4, R-5, B-3, and any other non-historic Zone District, the net residential density shall be the lesser of either a.) 10 units per acre, or b.) the result of the following calculation, where G = Maximum Residential Density permitted in the zone, P = proportion of property encumbered by environmental, legal, or man-made constraints:

$$\frac{G}{(1 - P)} = \text{Net Density}$$

- B. Developable dwelling units shall be calculated by multiplying the net density by the number of unencumbered acres on the property in question.

SECTION 3. REPEALER

The remainder of all other sections and subsections of the aforementioned ordinance not specifically amended by this Ordinance shall remain in full force and effect.

SECTION 4. INCONSISTENT ORDINANCES

All other Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistency.

SECTION 5. SEVERABILITY

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

SECTION 6. EFFECTIVE DATE

This Ordinance shall take effect upon its passage and publication according to law.

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

Richard J. Cuttrel,
Municipal Clerk

Mary Beth Jahn,
Mayor

ORDINANCE NO. 15-09

AN ORDINANCE TO AMEND SECTION 201 OF THE LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF NEPTUNE BY AMENDING THE DEFINITION OF "IMPERVIOUS COVER"

WHEREAS, Section 201, Definitions, of the Township's Land Development Ordinance defines Impervious Cover as, "Any structure, surface or improvement that reduces and/or prevents absorption of stormwater into land. Porous paving, paver blocks, gravel, crushed stone, crushed shell, elevated structures (including boardwalks), and other similar structures, surfaces or improvements are considered impervious cover. Grass, lawns or any other vegetation are not considered impervious cover.", and

WHEREAS, amending this definition to specify the pervious or impervious character of surfaces and structures for which such character is unclear would enable developers and property owners to better comply with the Township's Bulk Regulations, and

WHEREAS, the purpose of this Ordinance is to amend the definition of Impervious Cover in Sections 201 and to replace the term "Impervious Cover" with "Impervious Coverage" throughout the document,

SECTION 1.

The definition of "Impervious Cover" in Section 201, Definitions, of the Land Development Ordinance is hereby deleted and replaced with the following:

Impervious Coverage: Any structure, surface or improvement that reduces and or prevents infiltration into the surface shall be considered impervious; Driveways or other similar areas that experience loading that are constructed of open cell pavers or stone shall be considered impervious. Patios that are constructed at grade are impervious.

Decks that are twelve (12) inches or more above average grade shall be considered pervious. Porous paving, gravel, crushed stone, crushed shells and similar surfaces not utilized in driveways or other areas that experience heavy loading shall be considered pervious.

Open cell pavers shall be considered fifty percent (50%) pervious if filled with vegetation. Grass, lawns or other similar vegetation shall be considered pervious. Water area of pools shall not be counted as impervious.

Additionally, in this and all sections of the Land Development Ordinance, the term "Impervious Cover" is hereby replaced with "Impervious Coverage".

SECTION 2. REPEALER

The remainder of all other sections and subsections of the aforementioned ordinance not specifically amended by this Ordinance shall remain in full force and effect.

SECTION 3. INCONSISTENT ORDINANCES

All other Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistency.

SECTION 4. SEVERABILITY

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

SECTION 5. EFFECTIVE DATE

This Ordinance shall take effect upon its passage and publication according to law.

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

Richard J. Cuttrell,
Municipal Clerk

Mary Beth Jahn,
Mayor

RESOLUTION #15-69 – 2/9/15

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

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

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

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

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

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

Personnel – Recommendation for two vacant Driver positions and Foreman position

Contract negotiations – Cityworks/West Lake Avenue Redevelopment

Personnel – Recommendation for Deputy Senior Center Director

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 #15-70 - 2/9/15

AUTHORIZE THE EXECUTION OF AN AGREEMENT WITH JSAS HEALTH CARE, INC. FOR
ADULT SUBSTANCE ABUSE SERVICES TO TOWNSHIP RESIDENTS

WHEREAS, JSAS Health Care, Inc. is a non-profit corporation, licensed and approved by the New Jersey Department of Health to provide ambulatory care services to substance abusers of all ages, on-site at its principal offices at 685 Neptune Blvd., Suite 101, Neptune, New Jersey or off-site in an approved and confidential setting, and,

WHEREAS, the Township desires to make available to its residents, a full range of substance abuse services, at no "out of pocket" cost to any individual resident and the Township will make available up to fourteen thousand dollars (\$14,000) in 2015 budgeted funds to pay for these services; and,

WHEREAS, JSAS Health Care, Inc. agrees to continue providing its services if the amount of the Township appropriation is exhausted; and,

WHEREAS, funds for this purpose will be provided for the first three months of 2015 in the 2015 Temporary Budget and funds for the balance of 2015 will be provided in the budget for the year 2015, when finally adopted, 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 an agreement with JSAS Health Care, Inc., to provide substance abuse services to Township residents for the year of 2015 at an amount not to exceed \$14,000.00; and,

BE IT FURTHER RESOLVED, that a copy of this resolution and the agreement be forwarded to the Drug Alliance Coordinator, JSAS Health Care, Chief Financial Officer, Assistant C.F.O. and Business Administrator.

RESOLUTION #15-71 - 2/9/15

AUTHORIZE EXECUTION OF CONTRACTS WITH VARIOUS ORGANIZATIONS TO
PROVIDE RECREATION PROGRAMS AND SERVICES

WHEREAS, the Neptune Township Recreation Department has relationships with various organizations to organize and provide various recreational activities and programs in the Township of Neptune; and,

WHEREAS, in some instances, the Township of Neptune provides either sponsorship or funding to said organizations to provide these programs; and,

WHEREAS, it is the desire of the Township to renew the annual contracts with these organizations,

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 contracts with various organizations and groups that are supported by the Township's Recreation Department and that provide recreational services and programs to Township residents for the year 2015; and,

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

RESOLUTION #15-72 - 2/9/15

ACKNOWLEDGE THE RETIREMENT OF ELLEN SANDERSON AS DEPUTY DIRECTOR
OF THE DEPARTMENT OF SENIOR SERVICES AND THE SENIOR CENTER

WHEREAS, the Township Committee has received a letter from Ellen Sanderson indicating that she will be retiring as Deputy Director of the Department of Senior Services and Senior Center effective January 30, 2015,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the retirement of Ellen Sanderson as Deputy Director of the Department of Senior Services and Senior Center be and is hereby acknowledged effective January 30, 2015; and,

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

RESOLUTION #15-73 - 2/9/15

PLACE LIEN ON VARIOUS PROPERTIES

WHEREAS, Ordinance #843 of the Township of Neptune states that where a violation or condition exists on any property in the Township of Neptune that is of such a nature as to constitute an immediate threat to life, health, safety and the well being of residents in this township unless abated without delay, the Director of Code Enforcement may abate the violation or condition immediately or order the owner, operator or occupant to correct the violation or condition within a three-day period; and

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

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

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

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

<u>BLOCK/LOT</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
194/4	313 Myrtle Avenue	\$ 138.75
175/516	1205 Embury Avenue	207.50

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

RESOLUTION #15-74 - 2/9/15

RELEASE PERFORMANCE BOND FOR LANDSCAPING IMPROVEMENTS
AT NEPTUNE ESTATES (3351 HIGHWAY 33)

WHEREAS, on March 5, 2013, Neptune Estates, LLC posted a cash performance guarantee in the amount of \$4,000.00, guaranteeing the installation of certain landscaping improvements within the project known as Neptune Estates, LLC, located on at 3351 Highway 33 (Block 7018, Lot 9); and,

WHEREAS, on January 14, 2015, the Township Engineering Consultant certified that the landscaping improvements covered by this specific performance guarantee have been completed and maintained and the performance bond may be released; and,

WHEREAS, the release of these funds does not release the Developer from the performance guarantees and inspection fee escrow held for the remainder of the site plan improvements and the previously authorized escrow agreement,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the release of the \$4,000.00 performance guarantee held for landscaping improvements within the larger Neptune Estates site plan approval; and,

BE IT FURTHER RESOLVED, that all remaining performance guarantees, inspection fee escrow and escrow agreement funds for this project shall remain with the Township; and,

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

RESOLUTION #15-75 - 2/9/15

AUTHORIZE THE RELEASE OF ALL SURETY BONDS AND DEVELOPERS ESCROW
FILED BY GILMAN LAND, LLC FOR IMPROVEMENTS AT 116 ROBIN ROAD

WHEREAS, on December 20, 2012, Gilman Land, LLC filed a cash maintenance guarantee in the amount of \$4,086.00, guaranteeing the maintenance of site improvements for two years at the project known as Gilman Land, LLC subdivision, located at 116 Robin Road (Block 1007, Lot 35.01); and,

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

WHEREAS, on January 15, 2015, the Township Engineer certified that all site work has been completed and said maintenance bond may be released,

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

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

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

RESOLUTION #15-76 - 2/9/15

AUTHORIZE A REDUCTION IN THE PERFORMANCE GUARANTEE FILED BY
GILMAN LAND, LLC FOR SITE IMPROVEMENTS AT 112 ROBIN ROAD

WHEREAS, on June 9, 2014, the Township Committee adopted a resolution which accepted a cash performance guarantee in the amount of \$35,883.60 filed by Gilman Land, LLC guaranteeing site improvements at 112 Robin Road (Block 1007, Lots 33.02); 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 to the amount of \$11,718.00; and,

WHEREAS, the Developer will be refunded cash performance guarantee in the amount of \$24,165.60

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that a reduction in the Performance Guarantee for Gilman Land, LLC, 112 Robin Road (Block 1007, Lots 33.02) be and is hereby approved to the amount of \$11,718.00; and,

BE IT FURTHER RESOLVED, that the cash performance guarantee in the amount of \$24,165.60 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 #15-77 - 2/9/15

EMPLOY SEASONAL/ON-CALL DRIVERS IN THE DEPARTMENT OF
PUBLIC WORKS FOR SNOW PLOWING

WHEREAS, the Township employs a pool of individuals with commercial drivers license on a seasonal basis to operate snow plows during and after major snowstorms as a supplement to the full-time Public Works staff; and,

WHEREAS, the Director of Public Works has recommended that two individuals be added to the pool; and,

WHEREAS, funds will be provided for the first three months of 2015 in the 2015 Temporary Budget and funds for the balance of 2015 will be provided in the Budget for the year 2015, when finally adopted, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Frank Martuscelli and Mark Maxwell be and are hereby employed in the Department of Public Works as a Casual Employee on an on-call basis only for snow plowing during major snow/ice events during the 2014-2015 winter season at an hourly rate of \$25.00; and,

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

RESOLUTION #15-78 - 2/9/15

RESTATE DESIGNATION OF MEMBERS APPOINTED
TO THE WESLEY LAKE COMMISSION

WHEREAS, on January 1, 2015, the Township Committee adopted Resolution #15-24 which appointed members to the Wesley Lake Commission for the year 2015; and,

WHEREAS, appointees to the Commission are appointed as representatives of specific municipal departments or titles; and,

WHEREAS, the Committee desires to restate the representative designation of two of the members appointed on January 1, 2015,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the appointment of the following individuals to the Wesley Lake Commission for the year 2015 is amended to reflect representation as follows:

Sharon Davis - Business Administrator's Representative
Beth Miller - at-large member

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

RESOLUTION #15-79 - 2/9/15

APPOINT AGENT/BROKER OF RECORD FOR TOWNSHIP
SHORT TERM DISABILITY POLICY

BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Business Administrator is hereby authorized to execute an Agent of Record Letter to indicate that Ted Wardell, a representative of Brown & Brown Benefit Advisors, is appointed Agent/Broker of Record and representative in insurance matters in connection with the Township's Short Term Disability Policy; and,

BE IT FURTHER RESOLVED, that the Agent/Broker of Record is authorized to negotiate with any insurance company to effect changes in existing coverage, obtain in-force policy information, forms and documentation relating to the Township Short Term Disability Policy and/or amend or cancel such insurance as requested; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Business Administrator, Chief Financial Officer, Human Resources Specialist and Ted Wardell.

RESOLUTION #15-80 - 2/9/15

APPROVE SELECTION OF LEGAL COUNSEL TO REPRESENT POLICE OFFICER
IN LAWSUIT FOR PUNITIVE DAMAGES

WHEREAS, in the matter of Diomedes Babilonia v. Township of Neptune, et. Al., Police Officer Jesse Dallago has requested that Eric J. Marcy, Esq. serve as his legal counsel as to the claim for punitive damages; and,

WHEREAS, in accordance with the current collective bargaining agreements, the Township Committee must approve the selection of counsel; and,

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

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

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that approval is hereby granted to Police Officer Jesse Dallago to retain Eric J. Marcy, Esq. as legal counsel for the claim of punitive damages in the above referenced matter at an amount not to exceed \$5,000.00; and,

BE IT FURTHER RESOLVED, that Resolution #14-291, which authorized a different legal counsel for Officer Dallago in this matter be and is hereby rescinded; and,

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

RESOLUTION #15-81 - 2/9/15

GRANT LEAVE OF ABSENCE TO LARRY DAVIS
UNDER THE FAMILY MEDICAL LEAVE ACT

WHEREAS, Larry Davis, Driver in the Department of Public Works, has requested a leave of absence under the provisions of the Family Medical Leave Act during which time he will utilize accumulated sick time; and,

WHEREAS, this is an extension of a Leave of Absence previously authorized by Resolution #14-495; and,

WHEREAS, the Business Administrator has approved the request,

THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune that Larry Davis, Driver in the Department of Public Works, is hereby granted a three month leave of absence, with the use of accumulated sick time, under the provisions of the Family Medical Leave Act from January 1, 2015 through March 31, 2015; and,

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

RESOLUTION #15-82 – 2/9/15

AUTHORIZE SUBMISSION OF A STRATEGIC PLAN FOR THE
NEPTUNE TOWNSHIP MUNICIPAL ALLIANCE GRANT

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; and,

WHEREAS, the Township Committee of the Township of Neptune, County of Monmouth, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the Neptune Township Committee further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Neptune Township Committee has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Monmouth,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune, County of Monmouth, State of New Jersey hereby recognizes the following:

1. The Neptune Township Committee does hereby authorize submission of a strategic plan for the Neptune Township Municipal Alliance grant for fiscal year July 1, 2015- June 30, 2016 in the amount of:

DEDR	\$	<u>63,915.00</u>
Cash Match	\$	<u>15,978.75</u>
In-Kind	\$	<u>47,936.25</u>

2. The Neptune Township Committee acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

APPROVED: _____
Mary Beth Jahn, Mayor

CERTIFICATION

I, Richard J. Cuttrell, Municipal Clerk of the Township of Neptune, County of Monmouth, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Neptune Township Committee on this 9th day of February 2015.

Richard J. Cuttrell, Municipal Clerk

RESOLUTION #15-83 - 2/9/15

GRANT LEAVE OF ABSENCE TO ROBERT BALDWIN
UNDER THE FAMILY MEDICAL LEAVE ACT

WHEREAS, Robert Baldwin, Sergeant in the Police Department, has requested a leave of absence under the provisions of the Family Medical Leave Act during which time he will utilize accumulated sick time; and,

WHEREAS, the Business Administrator has approved the request,

THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune that Robert Baldwin, Sergeant in the Police Department, is hereby granted a leave of absence, with the use of accumulated sick time, under the provisions of the Family Medical Leave Act from November 19, 2014 through February 9, 2015; and,

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

RESOLUTION #15-84 - 2/9/15

AMEND AUTHORIZED APPROPRIATION TO H2M ARCHITECTS AND ENGINEERS
FOR ARCHITECTURAL SERVICES IN CONNECTION
WITH NEW MUNICIPAL MARINA BUILDING

WHEREAS, on March 24, 2014, the Township Committee adopted Resolution #14-183 which authorized the execution of an agreement with H2M Architects and Engineers, the appointed Marina Architect, for architectural services at the new Municipal Marina Building at an amount not to exceed \$140,600.00; and,

WHEREAS, H2M Architects and Engineers has submitted a proposal for additional services in connection with the addition of a diesel extraction system; additional FEMA cost opinions and revisions to the floor elevation; and,

WHEREAS, the Township Engineer recommends that these services be performed and the authorized appropriation be amended accordingly; and,

WHEREAS, funds for this purpose will be provided in Ordinance No. 13-18 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 an amendment to Resolution #14-183 for include an additional appropriation of \$9,300.00 to H2M Architects and Engineers, the appointed Marina Architect, for additional architectural services at the new Municipal Marina Building as described herein, resulting in a total authorized appropriation of \$149,900.00; 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., Township Engineer and Harbor Master.

RESOLUTION #15-85 - 2/9/15

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

WHEREAS, volunteer personnel in the Office of Emergency Management were placed on stand-by duty as a result of the snow emergency declared on January 26 and 27; and,

WHEREAS, overtime payment at the rate of \$14.00 per hour is authorized by resolution of the Township Committee to be paid to said personnel in the event of a long duration situation such as storm or disaster which requires readiness and staffing; and,

WHEREAS, funds will be provided for the first three months of 2015 in the 2015 Temporary Budget and funds for the balance of 2015 will be provided in the Budget for the year 2015, when finally adopted, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that stand-by duty payment at the rate of \$14.00 per hour be and is hereby authorized to the following Office of Emergency Management staff for the hours indicated as a result of the snow emergency on January 26 and 27, 2015:

Anthony Devlin – 14 hours
Anthony Cerniglia – 11 hours
Robert Balko – 22 hours
Jeffrey Devlin – 19 hours
William Van Meter – 25 hours
Michael Scannapieco – 18 hours
Daniel Werksman – 11 hours

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

RESOLUTION #15-86 – 2/9/15

AUTHORIZE THE SUBMISSION OF GRANT APPLICATIONS AND EXECUTION OF
GRANT AGREEMENTS FOR FURTHER PLANNING ACTIVITIES RECOMMENDED
BY THE STRATEGIC RECOVERY PLANNING REPORT

WHEREAS, on August 27, 2014, the Neptune Township Planning Board adopted a Strategic Recovery Planning Report which was funded through the Post Sandy Program Assistance Grant (PSPAG); and,

WHEREAS, with the adoption of the Strategic Recovery Planning Report, the Township is now eligible to receive funding for planning activities identified in said Report to improve recovery and resiliency efforts as identified in the event of future natural disasters; and,

WHEREAS, the Township of Neptune desires to apply for and obtain grants from the New Jersey Department of Community Affairs for the following:

- \$50,000.00 to develop a North Island Neighborhood Plan
- \$50,000.00 to develop a Shark River Hills Neighborhood Plan
- \$50,000.00 to amend Parks & Recreation Element of the Master Plan
- \$20,000.00 for Ordinance development
- \$50,000.00 to amend the Environmental Resource Inventory

THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Neptune does hereby authorize the application for such grants; and,

BE IT FURTHER RESOLVED, that the Township Committee recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreements from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreements; and also, upon receipt of the fully executed agreements from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreements between the Township and the New Jersey Department of Community Affairs; and,

BE IT FURTHER RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the applications, and that they or their successors in said titles are authorized to sign the agreements and any other documents necessary in connection therewith:

Approved: February 9, 2015

Mary Beth Jahn,
Mayor

Michael J. Bascom,
Chief Financial Officer

I certify the foregoing to be a true and correct abstract of a resolution regularly passed at a meeting of the Governing Body of the Township of Neptune held on February 9, 2015 and that respect a true and correct copy of its minutes.

Richard J. Cuttrel,
Municipal Clerk

RESOLUTION #15-87 - 2/9/15

ACCEPT THE RESIGNATION OF SHANE ROLAND AS A
SPECIAL LAW ENFORCEMENT OFFICER – CLASS II

WHEREAS, the Township Committee has received a letter from Shane Roland resigning as a Special Law Enforcement Officer – Class II in the Police Department effective December 31, 2014,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Shane Roland as a Special Law Enforcement Officer – Class II in the Police Department is hereby accepted effective December 31, 2014; and,

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

RESOLUTION #15-88 - 2/9/15

ACCEPT THE RESIGNATION OF ERIC D. BROPHY (DIEGNAN & BROPHY)
AS ALTERNATE PUBLIC DEFENDER

WHEREAS, the Township Committee has received a letter from Eric D. Brophy (Diegnan & Brophy) resigning as Alternate Public Defender effective immediately,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Eric D. Brophy (Diegnan & Brophy) as Alternate Public Defender is hereby accepted effective immediately; and,

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

RESOLUTION #15-89 - 2/9/15

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
564	58	Shapiro	110 Sea Spray Lane	2014	1,793.90
51	1085	Gershwin	72 Abbott Ave	2014	2,009.84
5	513	Cronin	11 Pitman Ave	2014	7,913.71

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

RESOLUTION #15-90 - 2/9/15

SUSPEND EMPLOYEE WITHOUT PAY

BE IT RESOLVED, by the Township Committee of the Township of Neptune, that Ralph Parkman, Jr., part-time Custodian at the Senior Center, be and is hereby suspended indefinitely without pay, effective February 2, 2015; and,

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

RESOLUTION #15-91 - 2/9/15

AMEND TEMPORARY BUDGET

WHEREAS, on January 1, 2015, the Township Committee adopted a Temporary Budget for the year 2015; and,

WHEREAS, there is a need to amend said Temporary Budget to add an appropriation for Post Sandy Planning Assistance Grant funds,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth, State of New Jersey, that the 2015 Temporary Budget, adopted January 1, 2015 be and is hereby amended to add the following appropriation:

Post Sandy Planning Assistance Grant Programs	\$115,000.00
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BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Chief Financial Officer, Assistant C.F.O. and Auditor.

RESOLUTION #15-92 - 2/9/15

AUTHORIZE SUBMISSION OF A GRANT APPLICATION TO THE UNITED STATES
DEPARTMENT OF JUSTICE UNDER THE VIOLENT GANG AND GUN CRIME
REDUCTION PROGRAM (PROJECT SAFE NEIGHBORHOODS)

WHEREAS, the United States Department of Justice, Bureau of Justice Assistance is accepting applications from municipal governments for Violent Gang and Gun Crime Program Grants (Project Safe Neighborhoods) to create safer neighborhoods through a sustained reduction in crime associated with gang and gun violence; and,

WHEREAS, the Township of Neptune desires to submit an application to obtain funding in the amount of \$500,000.00 to place street crime units from multiple jurisdictions in target areas and monitor improvements in the crime result as a result of this initiative; and,

WHEREAS, there are no local matching funds required,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune, County of Monmouth, State of New Jersey hereby authorizes the submission of a grant application to the United States Department of Justice, Bureau of Justice Assistance Violent Gang and Gun Crime Program in the amount of \$500,000.00 for the purpose as described herein; and,

BE IT FURTHER RESOLVED, that the Mayor, Clerk and Police Director are hereby authorized to execute the required grant application and to provide submittals and documentation as required by the United States Department of Justice; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Business Administrator, Chief of Police, Police Director and Grant Coordinator.

RESOLUTION #15-93 - 2/9/15

EMPLOY SPECIAL LAW ENFORCEMENT OFFICER- CLASS II
IN THE POLICE DEPARTMENT ON A PART-TIME BASIS

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

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

WHEREAS, the Police Director has made his recommendation; and,

WHEREAS, funds will be provided for the first four months of 2015 in the 2015 Temporary Budget and funds for the balance of 2015 will be provided in the Budget for the year 2015, when finally adopted, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Robert Zoino be and are hereby employed as a part-time Special Law Enforcement Officer - Class II, and to perform such other duties as prescribed by the Chief of Police, contingent upon successful completion of a background investigation and medical evaluation, at an hourly rate as established by prior resolution of the Township Committee; and,

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

RESOLUTION #15-94 - 2/9/15

RECLASSIFY EMPLOYEE TO THE POSITION OF FOREMAN IN THE
DEPARTMENT OF PUBLIC WORKS

WHEREAS, due to the retirement of Curney Beauford, there is a vacancy in the position of Foreman in the Sanitation/Recycling Department of Public Works; and,

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

WHEREAS, the Business Administrator has made his recommendation to reclassify a Driver to this position; and,

WHEREAS, funds will be provided for the first three months of 2015 in the 2015 Temporary Budget and funds for the balance of 2015 will be provided in the Budget for the year 2015, when finally adopted, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Robert Church be and is hereby reclassified to the position of Foreman in the Sanitation/Recycling Department of Public Works, effective February 10, 2015, at an annual salary of \$60,000.00 and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Business Administrator, Chief Financial Officer, Assistant C.F.O., Director of Public Works, AFSCME Local #1844, and Human Resources.

RESOLUTION #15-95 - 2/9/15

EMPLOY DRIVERS IN THE DEPARTMENT OF
PUBLIC WORKS ON A PROBATIONARY BASIS

WHEREAS, there are two vacancies in the position of Driver in the Public Works Department; and,

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

WHEREAS, the Public Works Director and Business Administrator have made their recommendations; and,

WHEREAS, funds will be provided for the first three months of 2015 in the 2015 Temporary Budget and funds for the balance of 2015 will be provided in the Budget for the year 2015, when finally adopted, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that _____ and _____ be and are hereby employed as Drivers in the Department of Public Works, on a probationary basis for a period of not less than 90 days and not exceeding one year, pending favorable results of the required physical, effective February 2, 2015, at an annual salary of \$28,560.00; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Public Works Director, Business Administrator, Chief Financial Officer, Assistant C.F.O., AFSCME Local #1844, and Human Resources.

RESOLUTION #15-96 - 2/9/15

RECLASSIFY EMPLOYEE TO THE POSITION OF DEPUTY DIRECTOR
OF THE DEPARTMENT OF SENIOR SERVICES AND SENIOR CENTER

WHEREAS, due to the retirement of Ellen Sanderson, there is a vacancy in the position of Deputy Director of the Department of Senior Services and Senior Center; and,

WHEREAS, the position was duly posted; and,

WHEREAS, the Director of the Department of Senior Services and Senior Center and the Business Administrator have made a recommendation to reclassify an existing employee to said position; and,

WHEREAS, funds will be provided for the first three months of 2015 in the 2015 Temporary Budget and funds for the balance of 2015 will be provided in the Budget for the year 2015, when finally adopted, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Kristina Torres be and is hereby reclassified to the position of Deputy Director of the Department of Senior Services and Senior Center at an annual salary of \$45,000.00 effective February 10, 2015; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Business Administrator, Director of the Department of Senior Services and Senior Center, Chief Financial Officer, Assistant C.F.O., Human Resources and AFSCME Local #1844.

RESOLUTION #15-97 - 2/9/15

AUTHORIZE THE PURCHASE OF A SEWER JET-VAC TRUCK THROUGH THE HOUSTON-GALVESTON AREA COUNCIL PURCHASING PROGRAM

WHEREAS, the Township Committee wishes to authorize the purchase of a 2015 Freightliner 114SD Truck with Vactor Plus combination sewer cleaner utilizing pricing through the Houston-Galveston Area Council Purchasing Program; 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, the Township of Neptune, is authorized pursuant to N.J.S.A. 52:34-6.2(b)(3) to use procurement methods by entering into a nationally recognized cooperative agreement; and;

WHEREAS, the Houston-Galveston Area Council has a nationally recognized cooperative agreement and has awarded Contract No. HT06-14 to Kinloch Equipment & Supply for this equipment; and,

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

WHEREAS, the amount of the purchase of this equipment shall not exceed \$373,801.00; and,

WHEREAS, funds for this purpose are available from Ordinance No. 13-31 and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township of Neptune Committee of the Township of Neptune that the purchase of a 2015 Freightliner 114SD Truck with Vactor Plus combination sewer cleaner (Jet-Vac Truck) for the Public Works Sewer Department be and is hereby authorized through the Houston-Galveston Area Council Purchasing Program at an amount not to exceed \$373,801.00; and,

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

RESOLUTION #15-98 – 2/9/15

AUTHORIZE THE PAYMENT OF BILLS

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

CURRENT FUND	\$4,538,913.92
FEDERAL & STATE GRANT FUND	8,834.00
TRUST OTHER	20,774.82
GENERAL CAPITAL FUND	111,371.23
SEWER OPERATING FUND	208,813.46
SEWER CAPITAL FUND	1,127,220.00
MARINA OPERATING FUND	6,152.50
MARINA CAPITAL FUND	927,001.56
DOG TRUST	7,864.60
LIBRARY TRUST	3,644.85
BILL LIST TOTAL	\$6,960,590.94

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