

**TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE**

**PUBLIC NOTICE**

**NOTICE OF PENDING BOND ORDINANCE 09-21 AND SUMMARY**

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the Township Committee of the Township of Neptune, in the County of Monmouth, State of New Jersey, on June 3, 2009. It will be further considered for final passage, after public hearing thereon, at a meeting of the Township Committee to be held in the Cafeteria at the Summerfield School, 527 Green Grove Road, Neptune, New Jersey, on June 22, 2009 at 7:00 p.m. During the week prior to and up to and including the date of such meeting copies of the full ordinance will be available at no cost and during regular business hours, at the Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

- Title:** BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NUMBER 08-51 (WHICH PROVIDES FOR UPGRADES TO THE PENNSYLVANIA AVENUE SANITARY SEWER PUMPING STATION BY THE SEWER UTILITY) HERETOFORE FINALLY ADOPTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, ON DECEMBER 22, 2008, TO INCREASE THE APPROPRIATION THEREIN BY \$3,507,000, TO INCREASE THE AUTHORIZATION OF BONDS AND NOTES THEREIN BY \$3,557,000, TO INCREASE THE APPROPRIATION FOR ITEMS OF EXPENSE LISTED IN AND PERMITTED UNDER N.J.S.A. 40A:2-20 BY \$775,000, TO DECREASE THE DOWN PAYMENT REQUIRED BY N.J.S.A. 40A:2-11 BY \$50,000 AND TO AMEND THE DESCRIPTION SET FORTH THEREIN
- Purpose(s):** Amending bond ordinance number 08-51, (which provides for upgrades to the Pennsylvania Avenue Sanitary Sewer Pumping Station) to increase the appropriation, the authorization of bonds or notes therein, and Section 20 costs to provide for the additional costs of such improvements, to decrease the down payment, and to amend the description therein to include abandonment of sanitary settling tanks on 11th Avenue and Memorial Drive and replacement of the sanitary main line in the Gables area and affected laterals.
- Appropriation:** \$4,507,000 (increased from \$1,000,000)
- Bonds/Notes Authorized:** \$4,507,000 (increased from \$950,000)
- Grants Appropriated:** \$307,000 Contribution expected to be received from the Ocean Grove Sewer Authority (unchanged)
- Section 20 Costs:** \$975,000 (increased from \$200,000)
- Useful Life:** 30 years (unchanged)

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**RICHARD J. CUTTRELL,**  
Clerk of the Township of Neptune



NOTICE  
ORDINANCE NO. 09-22  
Township of Neptune  
County of Monmouth

NOTICE is hereby given that at a regular meeting of the Township Committee of the Township of Neptune on the 8th day of June, 2009, the following Ordinance was introduced and passed on first reading.

Said Township Committee will meet on Monday, the 22nd day of June, 2009, in the Cafeteria at the Summerfield School, 527 Green Grove Road, Neptune, New Jersey at 7:00 p.m. to further consider this ordinance for final passage and to give all interested persons an opportunity to be heard concerning this ordinance. Copies of the ordinance published herewith are available for inspection by the members of the general public who shall request same at the office of the Township Clerk located at the above address. The ordinance is also posted on the Township web site at [www.neptunetownship.org](http://www.neptunetownship.org).

ORDINANCE NO. 09-22

AN ORDINANCE TO AMEND VOLUME I, CHAPTER II OF THE  
CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING A  
PROVISION REGARDING THE USE OF POWERS OF EMINENT  
DOMAIN

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., authorizes municipalities that have designated specific areas of their municipalities as areas "in need of redevelopment" to exercise the power of eminent domain and to transfer those properties to a private developer under certain conditions; and

WHEREAS, the Township the Township Committee adopted resolutions in the past limiting the power of eminent domain but recognizes that those resolutions were limited both in scope and authority based on their language and the inherent limitation of resolutions; and

WHEREAS, the Township Committee desires to memorialize a policy with regards to eminent domain in the form of an ordinance declaring its intent to exclude the power with regards to the taking of all property except for traditional public purposes.

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

SECTION 1

Volume I, Chapter II, Article VII, Section 2-62- Use of Powers of Eminent Domain, is hereby added as follows:

2-62.1 Purpose and Intent

It is the purpose and intent of the Township of Neptune to restrict the use of its authority pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. as that law may be amended and supplemented, to exercise the power of eminent domain under circumstances that would allow for the transfer of private property to or for the benefit of another

private citizen or entity while not limiting the Township's authority of eminent domain for public use or public purposes established under the New Jersey Eminent Domain Act.

#### 2-62.2 Use

Eminent Domain under traditional authority shall continue to exist as to both residential and non-residential property where required in the opinion of the Township Committee for public use or public purpose such as but not limited to road construction, park or recreation facility construction or use or where the public health, safety or welfare has been determined to be at issue and condemnation is the last and/or best process for correcting the situation, but under no circumstances for purposes of transferring those properties to a private developer or other private entity except as provided by Section 2-62-4. In all such cases, the procedure and the taking shall be pursuant to state statute as set forth by the Eminent Domain Act and similar state legislation.

#### 2-62.3 Prohibition

Eminent Domain shall be prohibited as to residential properties and commercial properties pursuant to the Local Redevelopment and Housing Law except where specifically allowed below.

#### 2-62.4 Exclusions – Eminent Domain is Allowed as Exception.

The provisions of Section 2-62.2 and 2-62.3 shall not apply with regards to the redevelopment of West Lake Avenue only as defined by the West Lake Avenue Redevelopment Plan adopted by the Township Committee under Ordinance 05-20 with designated properties set forth within the aforesaid area pursuant to Resolution No. 05-212 and any subsequent amendments of said resolution and ordinance and subject to the terms of an existing Redevelopment Agreement between the Township of Neptune and CityWorks West Lake, LLC entered June 13, 2005 and any subsequent amendments made prior to adoption of this ordinance.

### SECTION 2

#### RESIDENTIAL AND NON-RESIDENTIAL RELOCATION RIGHTS IN AREAS WHERE EMINENT DOMAIN IS ALLOWED FOR PURPOSES OF REDEVELOPMENT

Any residential or non-residential properties which are subject to eminent domain in the above stated excepted redevelopment area shall be subject to relocation assistance pursuant to the Relocation Assistance Law of 1967, N.J.S.A. 52:31B-1 et seq. and the Relocation Assistance Act of 1971, N.J.S.A. 20:4-1 et seq. and the regulations promulgated pursuant thereto, the cost and responsibilities of which are set forth more fully with regards to the one excepted redevelopment area in the Redevelopment Agreement by and between the Township of Neptune and CityWorks West Lake, LLC dated June 13, 2005 and its subsequent amendments, if any, prior to the adoption of this ordinance.

### SECTION 3

#### PROCEDURES FOR IMPLEMENTATION OF EMINENT DOMAIN WHERE UTILIZED

Where Eminent Domain is allowed under traditional uses as set forth in Section 2-62.2 all standard procedures set forth in the New Jersey Eminent Domain Act and other relevant statutory and case law shall be followed. Where eminent domain is allowed as an exception pursuant to Section 2-62-4 and where implemented, all standard procedures required under the Local Redevelopment and Housing Law shall be followed along with the additional procedures set forth under the West Lake Redevelopment Plan – Ordinance 05-20 and the Redevelopment Agreement by and between the Township of Neptune, New Jersey and CityWorks West Lake, LLC dated June 13, 2005 and subsequent amendments, if any, prior to adopting this ordinance.

#### SECTION 4

All ordinances or parts of ordinances of the Township of Neptune, in conflict or inconsistent with this ordinance, are hereby repealed, but only, however, to the extent of such conflict or inconsistency; it being the legislative intent that all other ordinances, or parts of ordinances, now existing and in effect, unless the same be in conflict or inconsistent with any of the provisions of this ordinance, shall remain in full force and effect. The provisions of this ordinance shall remain in full force and effect. The provisions of this ordinance shall supercede all existing local law established by the Township Committee concerning eminent domain.

#### SECTION 5

If any subsection, paragraph or provision of this ordinance is declared to be invalid by a court of competent jurisdiction, such finding shall not affect the remaining provisions of this Ordinance.

#### SECTION 6

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

Richard J. Cuttrell,  
Municipal Clerk

NOTICE  
ORDINANCE NO. 09-23  
Township of Neptune  
County of Monmouth

NOTICE is hereby given that at a regular meeting of the Township Committee of the Township of Neptune on the 8th day of June, 2009, the following Ordinance was introduced and passed on first reading.

Said Township Committee will meet on Monday, the 22nd day of June, 2009, in the Cafeteria at the Summerfield School, 527 Green Grove Road, Neptune, New Jersey at 7:00 p.m. to further consider this ordinance for final passage and to give all interested persons an opportunity to be heard concerning this ordinance. Copies of the ordinance published herewith are available for inspection by the members of the general public who shall request same at the office of the Township Clerk located at the above address. The ordinance is also posted on the Township web site at [www.neptunetownship.org](http://www.neptunetownship.org).

ORDINANCE NO. 09-23

AN ORDINANCE TO AMEND ORDINANCE #05-45 ENTITLED "AN ORDINANCE CREATING JOB TITLES AND SETTING THE SALARY RANGES FOR SAID JOB TITLES AND FOR EXISTING JOB TITLES OF THE TOWNSHIP OF NEPTUNE IN THE COUNTY OF MONMOUTH AND REPEALING ALL PARTS OF PREVIOUS ORDINANCES INCONSISTENT HERewith." BY AMENDING THE SALARY RANGE FOR THE HEALTH BENEFITS OPT-OUT

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

Section 1. Ordinance No. 05-45 be and is hereby amended to amend the salary range of the Health Benefits Opt-Out:

<u>OFFICIAL</u>	<u>MINIMUM SALARY</u>	<u>MAXIMUM SALARY</u>
Health Benefits Opt-Out	\$ 7,000.00	\$10,000.00

Section 2. The above ordinance shall be effective immediately upon publication in accordance with law.

Richard J. Cuttrell,  
Municipal Clerk

NOTICE  
ORDINANCE NO. 09-24  
Township of Neptune  
County of Monmouth

NOTICE is hereby given that at a regular meeting of the Township Committee of the Township of Neptune on the 8th day of June, 2009, the following Ordinance was introduced and passed on first reading.

Said Township Committee will meet on Monday, the 22nd day of June, 2009, in the Cafeteria at the Summerfield School, 527 Green Grove Road, Neptune, New Jersey at 7:00 p.m. to further consider this ordinance for final passage and to give all interested persons an opportunity to be heard concerning this ordinance. Copies of the ordinance published herewith are available for inspection by the members of the general public who shall request same at the office of the Township Clerk located at the above address. The ordinance is also posted on the Township web site at [www.neptunetownship.org](http://www.neptunetownship.org).

ORDINANCE NO. 09-24

AN ORDINANCE REPEALING CHAPTER III SECTION 3-29 ENTITLED "SEX OFFENDER RESIDENCY PROHIBITION AND CHAPTER III SECTION 3-20 ENTITLED "REGISTRATION OF SEX OFFENDERS AND OFFENDERS WHO COMMIT OTHER PREDATORY ACTS AGAINST CHILDREN"

WHEREAS, The Township Committee created ordinances for the registration of sex offenders and imposed limitations on residency of said sex offenders in the Township of Neptune; and,

WHEREAS, similar ordinances in the Township of Galloway and the Township of Cherry Hill were challenged as having been preempted by the State Registration Act N.J.S.A. 2C:7-1 (Community Notification Act), N.J.S.A. 2C:7-6 and N.J.S.A. 2C:43.6-4 (Community Supervision for Life Statute) often known as Megan's Law in the Superior Court of New Jersey Appellate Division; and,

WHEREAS, the Appellate Court rendered a decision finding that all local ordinances for registration and limitation of residency of sex offenders were preempted by State Statute and therefore illegal; and,

WHEREAS, the aforesaid cases were appealed to the New Jersey Supreme Court which rendered its decision upholding the Appellate Court's decision of preemption in May 2009,

THEREFORE BE IT ORDAINED by the Township Committee of the Township of Neptune of the County of Monmouth of the State of New Jersey that Neptune Township's Code of Ordinances, Chapter III Section 3-29 entitled "Sex Offender Residency Prohibition" and Chapter III Section 3-20 entitled "Registration of Sex Offenders and Offenders who commit other Predatory Acts against Children" are hereby repealed in accordance with the New Jersey Supreme Court decision of G.H. v. Township of Galloway and Township of Cherry Hill v. James Barclay and Jeffrey Finguerra; and,

BE IT FURTHER ORDAINED that all ordinances or parts of ordinances which are inconsistent herewith are repealed, but only to the extent of such inconsistency; and,

BE IT FURTHER ORDAINED that the amended ordinance shall become effective immediately upon its passage and publication as required by law.

Richard J. Cuttrel  
Municipal Clerk

NOTICE  
ORDINANCE NO. 09-25  
Township of Neptune  
County of Monmouth

NOTICE is hereby given that at a regular meeting of the Township Committee of the Township of Neptune on the 8th day of June, 2009, the following Ordinance was introduced and passed on first reading.

Said Township Committee will meet on Monday, the 22nd day of June, 2009, in the Cafeteria at the Summerfield School, 527 Green Grove Road, Neptune, New Jersey at 7:00 p.m. to further consider this ordinance for final passage and to give all interested persons an opportunity to be heard concerning this ordinance. Copies of the ordinance published herewith are available for inspection by the members of the general public who shall request same at the office of the Township Clerk located at the above address. The ordinance is also posted on the Township web site at [www.neptunetownship.org](http://www.neptunetownship.org).

ORDINANCE NO. 09-25

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

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

SECTION 1

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

<u>Name of Street</u>	<u>No. of Spaces</u>	<u>Location</u>
Atlantic Avenue	1	South side of Atlantic Avenue beginning 158 feet east of the southeast intersection of Atlantic Avenue and Central Avenue.

SECTION 2. This ordinance shall take effect upon publication in accordance with law.

Richard J. Cuttrell,  
Municipal Clerk

NOTICE  
ORDINANCE NO. 09-26  
Township of Neptune  
County of Monmouth

NOTICE is hereby given that at a regular meeting of the Township Committee of the Township of Neptune on the 8th day of June, 2009, the following Ordinance was introduced and passed on first reading.

Said Township Committee will meet on Monday, the 22nd day of June, 2009, in the Cafeteria at the Summerfield School, 527 Green Grove Road, Neptune, New Jersey at 7:00

p.m. to further consider this ordinance for final passage and to give all interested persons an opportunity to be heard concerning this ordinance. Copies of the ordinance published herewith are available for inspection by the members of the general public who shall request same at the office of the Township Clerk located at the above address. The ordinance is also posted on the Township web site at [www.neptunetownship.org](http://www.neptunetownship.org).

ORDINANCE NO. 09-26

AN ORDINANCE TO FURTHER AMEND ORDINANCE #00-56  
ENTITLED "AN ORDINANCE TO ADOPT THE HI-TECH PARK  
REDEVELOPMENT PLAN" AND AMEND THE ZONING MAP OF  
NEPTUNE TOWNSHIP TO INCLUDE THE HI-TECH PARK  
REDEVELOPMENT AREA

WHEREAS, the Township Committee of the Township of Neptune on December 26, 2000 adopted an ordinance entitled "An Ordinance to Adopt the Hi-Tech Park Redevelopment Plan" and amend the zoning map of Neptune Township to include the Hi-Tech Park Redevelopment area, and,

WHEREAS, the Township Committee, from time to time, has adopted ordinances which amend the above-captioned matter and allow additional uses in the Redevelopment area of the LI Light Industrial Zoning District, the provisions of which are incorporated herewith, and,

WHEREAS, the Neptune Township Committee, following required statutory standards, amended the Ordinance and the Redevelopment Plan to allow, in Section 2, west of New Jersey State Highway Route 18, as an additional use, the development of planned adult community consistent with the overall design standards of the planned commercial development in town of developable area, lot coverage, building coverage, building height, and exemption from disturbance of steep slope area, allowing further that such planned adult community would be developed in conformance with the requirements of the R-5 multi-family residential zone, and,

WHEREAS, the developer has been impacted by the current economic downturn affecting the Township of Neptune, the County of Monmouth, the State of New Jersey and the United States of America, and,

WHEREAS, the developer, while still complying with the overall design standards of the planned commercial development in terms of developable area, etc., wishes the option to construct market housing complying with the requirements of the R-5 multi-family residential zone, with no age restriction, and,

WHEREAS, the Planning Board of the Township of Neptune has amended the master plan of the Township and its land use element to permit as an additional use the development of market housing conforming with the requirements of the R-5 multi-family residential zone with no age restriction, and,

WHEREAS, the Planning Board has recommended amendment of the Hi-Tech Park Redevelopment Plan and the development regulations consistent therewith,

THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Neptune as follows:

1. The redevelopment plan is renamed as the “High Pointe – Route 18 Redevelopment Plan;”
2. The Neptune Township Committee accepts the recommendations of the Planning Board;
3. The Redevelopment Plan, namely Section 2, West of New Jersey State Highway Route 18, is amended by the addition thereto as an additional use, market housing developed in conformance with the requirements of the R-5 multi-family residential zone provided that the same comply with the overall design standards of the planned commercial development in terms of developable area, lot coverage, building coverage, building height, and exemption from disturbance of steep slope areas. The maximum permitted density shall be ten (10) units per acre and the minimum tract size for any R-5 multifamily development use shall be ten (10) acres.

Richard J. Cuttrell,  
Municipal Clerk

**TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE  
PUBLIC NOTICE**

**NOTICE OF PENDING BOND ORDINANCE NO. 09-27 AND SUMMARY**

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the Township Committee of the Township of Neptune, in the County of Monmouth, State of New Jersey, on June 8, 2009. It will be further considered for final passage, after public hearing thereon, at a meeting of the Township Committee to be held in the Cafeteria at Summerfield School, 527 Green Grove Road, Neptune, New Jersey, on June 22, 2009 at 7:00 p.m. During the week prior to and up to and including the date of such meeting copies of the full ordinance will be available at no cost and during regular business hours, at the Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

**Title:** BOND ORDINANCE PROVIDING FOR THE OCEAN GROVE DRAINAGE PROJECT – BROADWAY AREA, BY AND IN THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$375,000 THEREFOR (INCLUDING A \$314,195 GRANT FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION) AND AUTHORIZING THE ISSUANCE OF \$60,805 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

**Purpose(s):** Ocean Grove Drainage Project – Broadway Area, Construction and Reconstruction of Roadway and Drainage Systems in the Area of Broadway

**Appropriation:** \$375,000

**Bonds/Notes Authorized:** \$60,805

**Grants Appropriated:** \$314,195 Grant expected to be received from the New Jersey Department of Transportation

**Section 20 Costs:** \$60,000

**Useful Life:** 20 years

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**RICHARD J. CUTTRELL,  
Clerk of the Township of Neptune**

NEPTUNE TOWNSHIP COMMITTEE  
CHANGE IN LOCATION OF 2009 TOWNSHIP COMMITTEE MEETINGS

NOTICE is hereby given that the following is the Meeting Schedule for the Township Committee of the Township of Neptune for the remainder of 2009. All meetings will take place in the Cafeteria at the Summerfield School, 527 Green Grove Road, Neptune, NJ.

The workshop/executive session portion of the meeting begins at 6:00 p.m. The regular agenda portion of the meeting begins immediately following the conclusion of the workshop/executive session portion. The committee will entertain ordinances, resolutions and public comments after 7:00 p.m.

(All dates are the 2<sup>nd</sup> and 4<sup>th</sup> Monday of each month, unless otherwise indicated)

June 22	
July 13	July 27
August 10	August 24
September 14	September 28
October 8 (thurs)	October 26
November 9	November 23
December 14	December 28

January 1, 2010 - 11:55 A.M.  
Sine Die Meeting  
January 1, 2010 – 12:00 Noon  
Re-Organization Meeting

This notice is given in accordance with the requirements of R.S. 10:4-18.

Dated: June 9, 2009