

TOWNSHIP COMMITTEE WORKSHOP MEETING – FEBRUARY 23, 2009

Mayor Brantley 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	_____
Mary Beth Jahn	_____
James W. Manning, Jr.	_____
Kevin B. McMillan	_____
Dr. Michael Brantley	_____

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

Mayor Brantley 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, 2009, 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 – Use, maintenance and permitting process of the township playing fields.

2. Discussion – Insurance scoring.

3. Discussion – Fee increase for summer recreation program from \$130 to \$150.

4. Discussion – Economic outlook seminar.

ITEMS FOR DISCUSSION

FEBRUARY 23, 2009

5. Discussion – 2009 municipal budget.

6. Discussion – 2009 Committee goals and objectives

7. Discussion – Tree planting program in the Gables.

8. Discussion – Green Team.

9. Outstanding parking lot items (PW)

Res. # 09-94 – Authorize an Executive Session as authorized by the Open Public Meetings Act.

Offered by: _____ Seconded by: _____

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

TOWNSHIP COMMITTEE MEETING – FEBRUARY 23, 2009

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

<u>ROLL CALL</u>	<u>PRESENT/ABSENT</u>	<u>PRESS REPRESENTATIVES</u>
J. Randy Bishop	_____	Bill Bowman Asbury Park Press
Mary Beth Jahn	_____	
James W. Manning, Jr.	_____	Don Stine The Coaster
Kevin B. McMillan	_____	
Dr. Michael Brantley	_____	

Also present at the dais: Gene Anthony, Township Attorney; Philip Huhn, Business Administrator; Michael J. Bascom, Chief Financial Officer; Richard J. Cuttrell, Municipal Clerk; and Pamela D. Howard, Deputy Municipal Clerk.

Silent Prayer and Flag Salute

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

Mayor Brantley 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, 2009, 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 on the afternoon of the business day preceding each meeting.

APPROVAL OF MINUTES

Motion offered by _____, seconded by _____, to approve the minutes of the meeting held on January 26th regular and executive sessions.

PROCLAMATION

The Mayor will proclaim the month of March as Arc Awareness Month in the Township of Neptune.

PRESENTATION

The Township Committee will present an award to Wayne Rode, Director of Public Works and John Faison, Director of Fleet Maintenance, in recognition of the Township being recognized as one of the "100 Best Fleets" in the nation.

REPORT OF THE CLERK

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

Notice of public hearings on amendments to the Land Development Ordinances of the Township of Ocean and the Borough of Tinton Falls.

Senior Center monthly statistics for December and January and Senior Beacon for February.

COMMENTS FROM THE DAIS

FEBRUARY 23, 2009

The Mayor will now request comments from the Dais regarding business on this agenda or any reports on recent events in their respective departments.

PUBLIC COMMENTS ON RESOLUTIONS

Public comments regarding resolutions presented on this agenda only. (All matters listed under the Consent Agenda are considered routine by the Township Committee and will be enacted by one motion)

ORDINANCES

ORDINANCE NO. 09-06 – An ordinance to authorize the imposition of an occupancy tax on hotels within the Township of Neptune, County of Monmouth, State of New Jersey – Final Reading

Public Hearing:

Offered by: _____ Seconded by: _____

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

ORDINANCE NO. 09-07 - An ordinance amending township positions eligible for the Defined Contribution Retirement Program. – Final Reading

Public Hearing:

Offered by: _____ Seconded by: _____

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

ORDINANCE NO. 09-08 - 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 creating the position of Director of Code and Construction. – Final Reading

Public Hearing;

Offered by: _____ Seconded by: _____

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

ORDINANCE NO. 09-09 - An ordinance to amend Chapter IV of the Code of the Township of Neptune by adding Section 4-28 to authorize the regulation of clothing donation bins in the Township of Neptune – First Reading

Offered by: _____ Seconded by: _____

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

ORDINANCE NO. 09-10 - An ordinance authorizing the Township of Neptune to exceed the 2.5% cola rate appropriation limit for purposes of introducing the 2009 municipal budget. – First Reading

Offered by: _____ Seconded by: _____

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

ORDINANCE NO. 09-11 - An ordinance to amend Volume I, Chapter VII of the Code of the Township of Neptune by adding a no parking zone on a portion of West Lake Avenue, deleting a handicapped parking zone on Clark Avenue and adding a handicapped parking zone on Clark Avenue – First Reading

Offered by: _____ Seconded by: _____

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

The Public Hearings on Ordinances 09-09, 09-10 and 09-11 will be held on Monday, March 9, 2009.

CONSENT AGENDA

Res. # 09-95 – Accept performance guarantee filed by Jersey Shore University Medical Center for site improvements at Jersey Shore Child Care Center (Block 3000, Lots 1, 4, 4.01 and 8).

Res. # 09-96 – Authorize the Mayor and Clerk to execute a Project Agreement with Monmouth County for performance and delivery of FY2009 community development projects.

Res. # 09-97 – Authorize the Mayor and Clerk to sign a certificate prohibiting the use of excessive force and certification prohibiting the use of federal funds for lobbying.

Res. # 09-98 – Authorize the cancellation of a mortgage in connection with a Regional Contribution Agreement project.

Res. # 09-99 – Authorize the Tax Collector to transfer credits.

Res. # 09-100 – Authorize the refund of sewer rent (Block 535, Lot 1).

Res. # 09-101 – Authorize the refund of taxes as a result of an overpayment.

Res. # 09-102 – Authorize the cancellation of sewer rent.

Res. # 09-103 – Authorize the transfer of a credit balance from interest on taxes to 2008 & 2009 taxes (3516 Route 66).

Res. # 09-104 – Authorize the transfer of a credit balance from interest on taxes to 2008 taxes (541 North Riverside Drive)

Res. # 09-105 – Authorize the transfer of credit balance from interest on taxes to 2008 taxes & sewer (701 Route 35).

Res. # 09-106 – Authorize the transfer of a credit balance from 2008 taxes to interest on taxes (10 Frederick Avenue)

Res. # 09-107 – Authorize the transfer of a credit balance from 2008 taxes to interest on taxes (11 Jonathan Place)

Res. # 09-108 – Authorize the issuance of a duplicate tax sale certificate.

Res. # 09-109 – Authorize the cancellation of a Façade Improvement Program mortgage issued to Guy's Package Store.

Res. # 09-110 – Authorize Change Order #1 in connection with Housing Rehabilitation Project #1047.

Res. # 09-111 – Authorize Change Order #1 in connection with Housing Rehabilitation Project #1045.

Res. # 09-112 – Approve the transfer of Taxi Medallion License No. 026

Res. # 09-113 – Authorize a Residential Paint Program for 2009.

Res. # 09-114 – Authorize the deferment of 2009 school taxes as promulgated by the Division of Local Government Services.

Res. # 09-115 – Accept a maintenance guarantee and release a performance bond filed by ALM Construction Co., LLC for site improvements at a minor subdivision at Green Grove Road and Green Grove Place.

Res. # 09-116 – Accept a maintenance guarantee and release a performance bond filed by JV Home Builders Corp for site improvements at a minor subdivision at 559 Wayside Road.

Res. # 09-117 – Adopt Hazard Mitigation Plan.

Res. # 09-118 – Award contract for animal control services.

Res. # 09-119 – Authorize the sale of veterans poppies.

Res. # 09-120 – Accept the resignation of Gemma Cofone as a part-time Kitchen Aide at the Senior Center.

Res. # 09-121 – Approve the selection of legal counsel to represent police officer in lawsuit for punitive damages.

Res. # 09-122 – Authorize application for a loan from the New Jersey Environmental Infrastructure Financing Program (Marina Improvements) Loan Number – 452WOTWB

Res. # 09-123 – Authorize application for a loan from the New Jersey Environmental Infrastructure Financing Program (Sanitary Sewer Upgrade Project 2009) Loan Number – 183QMP77

Res. # 09-124 – Authorize application for a loan from the New Jersey Environmental Infrastructure Financing Program (Lake Dredging/Stormwater Management) Loan Number – 42Q92M59

Res. # 09-125 – Authorize application for a loan from the New Jersey Environmental Infrastructure Financing Program (Salt Dome Construction) Loan Number 5ADCXM92

Res. # 09-126 – Accept performance guarantee filed by Hunter Roberts Construction Group, LLC for improvements at the West Lake Avenue Redevelopment Zone- Section B1 Office Building (Block 218.02, Lots 612-643).

Res. # 09-127 – Authorize the Neptune Township Housing Authority to install an antenna and related equipment on the Township's communications tower.

Res. # 09-128 – Authorize the filing of a Recycling Tonnage Grant Application.

Res. # 09-129 – Approve the transfer of Taxi Medallion License No. 015.

Res. # 09-130 – Authorize the cancellation of credit balances.

Res. # 09-131 – Grant raffle licenses.

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

Res. # 09-132 – Oppose decrease of state funding to municipal public libraries.

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

Res. # 09-133 – Authorize enforcement of Stipulation of Settlement entered into between the Township and Irma Rojas and Alvaro Rojas.

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

Res. # 09-134 – Authorize settlement of the matter of Jonathan Mendes and Rose Anne Conboy-Mendes v. Township of Neptune.

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

Res. # 09-135 – Confirm execution of an amendment to the Redevelopment Agreement with TRF DP Ridge Avenue, LLC.

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

Res. # 09-136 – Authorize the Clerk of the Borough of Belmar to advertise a Request for Proposal and Notice to Bidders for a Police Shared Services Feasibility Study Consultant.

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

Res. # 09-137 – Authorize Change Order #2 in connection with renovations to the Municipal Complex.

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

Res. # 09-138 – Authorize Birdsall Services Group to provide air monitoring services in connection with renovations to the Municipal Building.

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

Res. # 09-139 – Authorize Senior Center Architect to prepare design and construction documents for the new Senior Center.

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

Res. # 09-140 – Authorize Birdsall Engineering to prepare bulkhead permit and tidelands lease applications in connection with improvements to the Shark River Municipal Marina.

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

Res. # 09-141 – Extend leave without pay for Irene Brew.

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

Res. # 09-142 – Appoint members to the Local Emergency Planning Committee.

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

Res. # 09-143 – Terminate employee.

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

Res. # 09-144 – Employ Community Programs Coordinator.

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

Res. # 09-145 – Grant unpaid leave of absence to Annette Simone.

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

Res. # 09-146 – Grant unpaid leave of absence to Holly Rhinehardt.

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

Res. # 09-147 – Authorize the payment of bills.

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

Res. # 09-148 – Authorize emergency repairs to a housing rehabilitation project.

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

PRIVILEGE OF THE FLOOR/PUBLIC COMMENTS

ADJOURNMENT

ORDINANCE NO. 09-09

AN ORDINANCE TO AMEND CHAPTER IV OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING SECTION 4-28 TO AUTHORIZE THE REGULATION OF CLOTHING DONATION BINS IN THE TOWNSHIP OF NEPTUNE

WHEREAS, the State Legislature adopted on December 20, 2007 an Act concerning charitable clothing bins and the regulation therein to go into effect the first day of January, 2009; and,

WHEREAS, the aforesaid legislation establishes a framework for the regulation of donation bins, into law and allows municipalities to provide regulation of such Clothing Donation Bins within the municipality subject to provisions of N.J.S.A. 40:48-2.60 et seq.; and,

WHEREAS, it is in the interest of the Township of Neptune to regulate placement and use of Clothing Donation Bins in order to protect the health, safety and welfare of the citizens of the Township of Neptune,

THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey that pursuant to State Statute allowing for the local regulation of Clothing Donation Bins Chapter 48 of Title 40 of the Revised Statutes (C.40:48-2.60 et seq.) the Township of Neptune hereby imposes the following requirements and regulations with regards to the placement and use of charitable clothing bins within the Township of Neptune:

4-28 – CLOTHING DONATION BINS

4-28.1 Definitions

- A. "Solicitation" or "solicit" - means the request, directly or indirectly, for money, credit, property, financial assistance, or other thing of any kind or value. Solicitation shall include but not be limited to, the use or employment of canisters, cards, receptacles or similar devices for the collection of money, property or other things of value. Solicitation shall take place whether or not the person making the solicitation receives any contribution.
- B. Appropriate Municipal Agency – means the Zoning Officer of Neptune Township who shall be responsible to enforce compliance with the provisions of this ordinance and issue notices and violations for non-compliance with this ordinance.
- C. Bins – Canisters, cards, receptacles or other similar devices for the collection of money, personal property or other things of value.
- D. Person – Any person, firm, partnership, corporation, limited liability company, company, organization or entity of any kind.

4-28.2. Requirements for Placement, Use of Clothing Bins for Solicitation Purposes.

Notwithstanding any other provision of this ordinance, no persons shall place, use or employ a clothing donation bin for solicitation purposes, unless all the following requirements are satisfied:

- A. The person has obtained a permit, valid for a period of one (1) year from the Mercantile Officer or other designated officer within the municipality in which the clothing donation bin will be placed in accordance with the following:
 - (1) In applying for such permit, the person's application shall include:
 - (a) The location where the bin would be situated, as precisely as possible;
 - (b) The manner in which the person anticipates any clothing or other donations collected via the bin will be used, sold or disbursed, and the method by which the proceeds of the collected donations will be allocated or spent;
 - (c) The name and telephone number of the bona fide office required pursuant to subsection (b) of this Section, of any entity that may share or profit from any clothing or other donation collected via the bin;
 - (d) Written consent from the property owner to place the bin on its property.
 - (2) The appropriate municipal agency or office shall review the application filed with the Mercantile Officer or other designated officer and the Mercantile Officer or other designated officer shall not grant an application for a permit to place, use or employ a clothing donation bin if the appropriate municipal agency determines that the placement of the bin constitutes a safety hazard. Such hazards shall include, but not be limited to, the following:
 - (a) Placement of a clothing donation bin within 100 feet of any place that stores large amounts of, or sells, fuel or other flammable liquids or gases.
 - (b) Placement that in the opinion of the appropriate municipal agency endangers the safety of persons or property.
 - (c) Placement that in the opinion of the appropriate municipal agency would unreasonably interfere with or impede the flow of pedestrian or vehicular traffic, including any legally parked or stopped vehicles.
 - (d) Placement that in the opinion of the appropriate municipal agency would unreasonably interfere with

the ingress to or egress from any residence or place of business.

- (e) Placement that unreasonably interferes with the use of traffic signs or signals, fire hydrants or mailboxes located or permitted at or near said location.
 - (f) Placement that is within 15 feet of any fire hydrant, fire call box, police box or other emergency facility.
 - (g) Placement that is within 10 feet of any building, showroom or residence unless written permission from the owner is secured and the same is submitted with the application.
 - (h) Placement within 5 feet of or any public area improved with lawn, flowers, shrubs, trees or landscaping.
 - (i) Placement within 300 feet of any residential property.
 - (j) Placement in the front or side yard of property unless the appropriate municipal agency or office provides an exception wherein the best interests of the Township is served and where appropriate screening and access is provided.
- (3) The Mercantile Officer or other designated officer may impose a fee for such application, in the amount of \$25.00 for a permit of one (1) year. An expiring permit for a clothing donation bin may be renewed upon application for renewal and payment of a fee of \$25.00 annually.
- (4) Renewal applications shall include the following:
- (a) The location where the bin is situated, as precisely as possible, and if the person intends to move it, the new location where the bin would be situated after the renewal is granted and the written consent from the property owner to place the bin on his property;
 - (b) The manner in which the person has used, sold or disbursed any clothing or other donations collected via the bin, the method by which the proceeds of the collected donations have been allocated or spent and any changes the person anticipates may make in these processes during period covered by the renewal; and
 - (c) The name and telephone of the bona fide office required pursuant to subsection (b) of this Section of any entity that shared or profited from any clothing or any other donations collected by the bin, and any entities that may do so during the period covered by the renewal.

- (5) A sticker with the permit number and the date of expiration shall be clearly and conspicuously displayed on the exterior of the clothing donation bin with additional information required pursuant to subsection (c) of this Section.
- B. The person and any other entity that may share or profit from any clothing or other donations collected by the bin, maintains a bona fide office where a representative of the person or other entity, respectively, can be reached at a telephone information line during normal business hours for the purpose of obtaining information concerning the person or other entity. For purposes of this subsection, an answering machine or service unrelated to the person does not constitute a bona fide office; and
 - C. The following information is clearly and conspicuously displayed on the exterior of the clothing donation bin:
 - (1) The name and address of the registered person that owns the bin, and any other entity that may share or profit from any clothing or other donations collected by the bin;
 - (2) The telephone number of the person's bona fide office and, if applicable, the telephone number of the bona fide office of any other entity that may share or profit from any clothing or other donations collected by the bin;
 - (3) In cases when an entity other than the person who owns the bin may share or profit from any clothing or other donations collected by the bin, a notice written in a clear and easily understandable manner, indicating that clothing or other donations collected via the bin, their proceeds, or both may be shared, or given entirely to, an entity other than the person who owns the bin, and identifying all such entities that may share or profit from such donations; and
 - (4) A statement, consistent with the information provided to the appropriate municipal agency or office in the most recent permit or renewal application pursuant to paragraph (1) and (4) of subsection A. of this Section indicating the manner in which the person anticipates any clothing or other donations collected via the bin will be used, sold or disbursed, and the method by which the proceeds of the collected donations would be allocated or spent.

4-28.3 Maintenance of Bins.

All bins placed in the Township of Neptune shall be subject to the following maintenance requirements:

- A. Bins may not be left with personal property beyond the confines of the bin and/or lying on property surrounding the bin for more than

24 hours from the time of notification by the appropriate municipal agency or office.

- B. The bin shall not be used for advertising signs or publicity purposes other than those dealing with the display, or receipt of donated property.
- C. Each bin shall be maintained in a neat and clean condition and in good repair at all times. Specifically, but without limitation to the foregoing, each bin shall be serviced and maintained so that:
 - (1) It is reasonably free of chipped, faded, peeling and cracked paint in the visible painted areas thereof.
 - (2) It is reasonably free of rust and corrosion in the visible unpainted metal areas thereof.
 - (3) The structural parts of the bin are not broken or unduly misshapen.
 - (4) The bins are free from all graffiti.

4-28.4 Receipt, Investigation of Complaints Relative to Donations of Clothing Bin.

- A. The appropriate municipal agency or office shall receive and investigate, within thirty (30) days, any complaints from the public about an existing bin. Whenever it appears that a person has engaged in, or is engaging in any act or practice in violation of this ordinance the person who placed the bin shall be issued a warning stating that if the violation is not rectified or a hearing with the appropriate municipal agency or office is not requested within forty-five (45) days, the bin will be seized and removed at the expense of the person who placed the bin and any clothing or other donations collected via the bin will be sold at public auction or otherwise disposed of. In addition to any other means used to notify the person who placed the bin, such warning shall be affixed to the exterior of the bin itself.
- B. In the event the person who placed the bin does not rectify the violation or request a hearing within forty-five (45) days of the posting of the warning, the appropriate municipal agency or office may seize the bin and remove it or have it removed at the expense of the person who placed the bin and sell at public auction or otherwise dispose of any clothing or any other donations collected via the bin. Any proceeds from the sale of the donations collected by the bin shall be paid to the Chief Financial Officer of Neptune Township.

4-28.5 Additional Penalties and Remedies.

- A. In addition to any of the other penalties or remedies authorized by the law of this State any person who violates this ordinance that results in a seizure of the clothing donation bin shall be:

(1) Subject to a penalty of up to \$20,000.00 for each violation. The appropriate municipal agency or office may bring this action in the Municipal Court or the Superior Court as a summary proceeding under the "Penalty Enforcement Law of 1999" (N.J.S.A. 2A:58-10 et seq.) and any penalty monies collected shall be paid to the Chief Financial Officer of the Township of Neptune; and

B. Deemed ineligible to place, use or employ a clothing donation bin for solicitation purposes pursuant to N.J.S.A. 40:48-2.61. A person disqualified from placing, using or employing a clothing donation bin by violating the provisions of N.J.S.A. 40:48-2.60 et seq. may apply to the appropriate municipal agency to have the person's eligibility restored. The appropriate municipal agency may restore the eligibility of a person who:

- (1) Acts within the public interest; and
- (2) Demonstrates that he made a good faith effort to comply with the provisions of N.J.S.A. 40:48-2.60 et seq. and all other applicable laws or regulations or had no fraudulent intentions.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon final adoption and publication of Notice of Adoption as required by law.

APPROVED ON FIRST READING:

APPROVED, PASSED AND ADOPTED:

ATTEST:

Richard J. Cuttrell,
Municipal Clerk

Dr. Michael Brantley,
Mayor

ORDINANCE NO. 09-10

AN ORDINANCE AUTHORIZING THE TOWNSHIP OF NEPTUNE
TO EXCEED THE 2.5% COLA RATE APPROPRIATION LIMIT FOR
PURPOSES OF INTRODUCING THE 2009 MUNICIPAL BUDGET

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Committee of the Township of Neptune in the County of Monmouth finds it advisable and necessary to increase its CY 2009 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Committee hereby determines that a 3.5% increase in the budget for said year, amounting to \$ 261,215.79 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Township Committee of the Township of Neptune hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years,

THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Neptune, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2009 budget year, the final appropriations of the Township of Neptune shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$ 914,255.27, and that the CY 2009 municipal budget for the Township of Neptune be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

APPROVED ON FIRST READING:

APPROVED, PASSED AND ADOPTED:

VOTE ON ADOPTION:

ATTEST:

Richard J. Cuttrell, Clerk

Dr. Michael Brantley, Mayor

ORDINANCE NO. 09-11

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING A NO PARKING ZONE ON A PORTION OF WEST LAKE AVENUE, DELETING A HANDICAPPED PARKING ZONE ON CLARK AVENUE AND ADDING A HANDICAPPED PARKING ZONE ON CLARK 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 7-7.7 – Parking Prohibited at All Times on Certain Streets - is hereby amended by adding the following:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
West Lake Avenue	North	Between the northeast intersection with Neptune Boulevard and continuing 175 feet east.

SECTION 2

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

<u>Name of Street</u>	<u>No. of Spaces</u>	<u>Location</u>
Clark Avenue	1	South side of Clark Avenue beginning 110 feet west of the southwest intersection of Clark Avenue and Pilgrim Pathway.

SECTION 3

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>
Clark Avenue	1	South side of Clark Avenue beginning 115 feet east of the southeast intersection of New York Avenue and Embury Avenue.

SECTION 4. This ordinance shall take effect upon publication in accordance with law.

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

Richard J. Cuttrell,
Municipal Clerk

Dr. Michael Brantley,
Mayor

RESOLUTION #09-94 – 2/9/09

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:

Potential Litigation – Township Planner present for discussion on COAH compliance.

Personnel – Director of Code/Construction position.

Potential Litigation – Rooming & Boarding Home Licensure Board Task Force.

Personnel – Employee leave of absence

Potential Litigation – Handicapped parking stall.

Personnel – Employee termination

Potential Litigation – Meeting agenda format.

Personnel - Recommendation for Community Programs Coordinator.

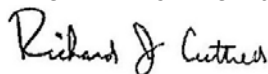
Potential Litigation – Tree responsibility.

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

4. This Resolution shall take effect immediately.

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 02/23/09



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

RESOLUTION #09-95 - 2/23/09

ACCEPT PERFORMANCE GUARANTEE FILED BY JERSEY SHORE UNIVERSITY
MEDICAL CENTER FOR SITE IMPROVEMENTS AT JERSEY SHORE
CHILD CARE CENTER (BLOCK 3000, LOTS 1, 4, 4.01 AND 8)

WHEREAS, Jersey Shore University Medical Center has filed performance bond 105181805, written by Travelers Casualty and Surety Company of America in the amount of \$477,576.00, guaranteeing site improvements at the Jersey Shore Child Care Center (Block 3000, Lots 1, 4, 4.01 and 8); and,

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

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

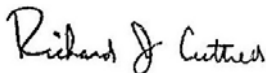
WHEREAS, the acceptance of this Performance Guarantee does not authorize the issuance of any licenses or permits by the Construction Department but serves as certification to the Planning Board/Board of Adjustment that compliance with the Land Development Ordinance of the Township of Neptune has been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

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

1. The Performance Guarantee as stated above be and is hereby accepted.
2. The Mayor and Clerk be and are hereby authorized to execute a Developer's Agreement for the above referenced project.
3. A copy of this resolution shall be forwarded to the Township Engineer, Planning Board, Construction Department, Director of Engineering and Planning, Chief Financial Officer and the Developer.

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 02/23/09



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

RESOLUTION #09-96 - 2/23/09

AUTHORIZE THE MAYOR AND CLERK TO EXECUTE A PROJECT AGREEMENT WITH MONMOUTH COUNTY FOR PERFORMANCE AND DELIVERY OF FY 2009 COMMUNITY DEVELOPMENT PROJECTS

WHEREAS, certain Federal funds are potentially available to Monmouth County under the Housing and Urban-Rural Recovery Act of 1974, as amended; and,

WHEREAS, the County of Monmouth expects to receive an allocation for FY 2009 from the United States Department of Housing and Urban Development; and,

WHEREAS, the County of Monmouth has submitted its Annual Plan for FY 2009 to the U.S Department of Housing and Urban Development, which included a project hereinafter referred to as Township of Neptune with a grant allocation of \$191,250.00; and,

WHEREAS, the Township of Neptune hereby met all requirements for the release of funds to begin incurring costs for this project; and,

WHEREAS, the Township of Neptune has filed with the Monmouth County Community Development Program an acceptable and approvable "TIMETABLE FOR PROJECT COMPLETION AND EXPENDITURE OF GRANT FUNDS", which is included as Appendix I of the Project Agreement.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Municipal Clerk of the Township of Neptune are hereby authorized to execute with the County of Monmouth the attached Project Agreement.

DATED: February 23, 2009

Richard J. Cuttrell, Municipal Clerk

Offered By: Mr. Bishop

Seconded By: Mr. Manning

Vote:

Bishop: aye

Jahn: absent

Manning: aye

McMillan: aye

Brantley: aye

RESOLUTION #09-97 - 2/23/09

AUTHORIZE THE MAYOR TO SIGN A CERTIFICATE
PROHIBITING THE USE OF EXCESSIVE FORCE AND A CERTIFICATION
PROHIBITING THE USE OF FEDERAL FUNDS FOR LOBBYING

WHEREAS, certain Federal funds are potentially available to Monmouth County through the Housing and Community Development Act of 1974, as amended; and,

WHEREAS, the United States Department of Housing and Urban Development has allocated funding to the County of Monmouth for FY 2009; and,

WHEREAS, the County is making some of these funds available to certain participating municipalities and non-profit agencies; and,

WHEREAS, it is required that the Township of Neptune execute a project agreement with Monmouth County to undertake a project known as ADA Improvements to Bradley Park; and,

WHEREAS, the U.S. Department of Housing and Urban Development is requiring that the Mayor of the Township of Neptune sign additional certifications in order to receive these funds; and,

WHEREAS, the Township of Neptune has adopted a policy prohibiting the use of excessive force by its law enforcement agency (police force) within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and,

WHEREAS, a copy of that policy is attached to and made a part of this resolution; and,

NOW, THEREFORE, BE IT RESOLVED, that the Township of Neptune has met the conditions of receiving a FY 2009 allocation by adopting a policy prohibiting the use of excessive force and by not using federal funds for lobbying or by disclosing that funds have been used for lobbying; and,

BE IT FURTHER RESOLVED, that the Mayor of the Township of Neptune is hereby authorized to sign the attached certifications which will become a part of the FY 2009 Project Agreement.

DATED: February 23, 2009

Richard J, Cuttrell, Municipal Clerk

Offered By: Mr. Bishop

Seconded By: Mr. Manning

Vote:

Bishop: aye

Jahn: absent

Manning: aye

McMillan: aye

Brantley: aye

RESOLUTION #09-98 - 2/23/09

AUTHORIZE THE CANCELLATION OF A MORTGAGE IN CONNECTION
WITH A REGIONAL CONTRIBUTION AGREEMENT PROJECT

WHEREAS, the Township of Neptune holds a mortgage dated March 22, 1999 in connection with a Regional Contribution Agreement Project at 1114 Green Grove Road; and,

WHEREAS, six full years has passed since the date of the mortgage and the property remains in the ownership of the borrowers; and;

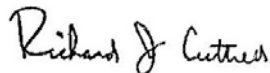
WHEREAS, the Township desires to cancel said mortgage in accordance with the terms of the mortgage note,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Mayor and Clerk be and they are hereby authorized to execute a cancellation of mortgage in connection with the Regional Contribution Agreement Project as stated above; and,

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 02/23/09



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

RESOLUTION #09-99 - 2/23/09

AUTHORIZE THE TAX COLLECTOR TO TRANSFER CREDITS

WHEREAS, a recent review of the records of the Tax Office has confirmed credits on a number of accounts; and,

WHEREAS, the Tax Collector has recommended that said credits be applied to subsequent taxes,

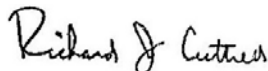
THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth, State of New Jersey, that the Tax Collector be and is hereby authorized to transfer credits listed below and apply same against balances as stated herein; and,

BLOCK	LOT	ASSESSED TO	ADDRESS	AMOUNT	FROM YEAR	TO YEAR
9054	5	HAWKINS	10 FREDERICK AVE	509.93	2008	2007
93	82C03	BIBBO	102 LAKE AVE #3	675.60	2008	2009
338	11	BROWN	406 GREEN GROVE RD	.99	2008	2009
394	11	TURNER	523 WOODMERE AVE	.40	2008	2009
438	27	OWNES	300 HIGHLAND AVE	.04	2008	2009
3002	5	CHARLES	512 STAMFORD DR	5.57	2008	2009
6000	41	SNOWDEN	20 MARCY DR	23.78	2007	2009

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 02/23/09



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

RESOLUTION #09-100 – 2/23/09

AUTHORIZE THE REFUND OF SEWER RENT

WHEREAS, the properties listed below reflect overpayments; and,

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

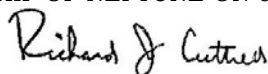
THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth, that the Tax Collector be and hereby is authorized to refund the Sewer Rent as stated herein:

BLOCK/LOT	ASSESSED TO	ADDRESS	YEAR	AMOUNT
535/1	JONES	305 CAMPBELL AV	2008	\$68.41

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 02/23/09



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

RESOLUTION #09-101 - 2/23/09

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,

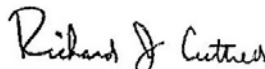
THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth, State of New Jersey, that the Tax Collector be and is hereby authorized to refund the taxes as stated herein; and,

BLOCK	LOT	ASSESSED TO	ADDRESS	YEAR	AMOUNT
180	4	CLARK	416 MYRTLE AVE	2006	588.19
9012	6.03	BENT	719 GREEN GROVE PL	2008	2,458.72
92	80	RICHERT	92 MT ZION WY	2008	2,993.37
92	80	RICHERT	92 MT ZION WY	2009	3,172.13
3051	21c245	MCDONALD	245 FRANKFORT AVE	2009	140.98
10000.02	4	HENSON	209 FAIRWAY LN	2009	208.33
3019	44	BACON	111 HARROW CT	2007	417.25
209	11	WALTON	1409 7 TH AVE	2008	655.86
449	5	VANDEN NOORT	223 LAKEWOOD RD	2008	417.34
10006	16	WETHERSPOON	719 GREEN GROVE RD	2008	378.01
9028	1	PARRIS	22 VANADA DR	2009	1,067.41
10006	8	ROMERO	715 GREEN GROVE RD	2009	1,315.00

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 02/23/09



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

RESOLUTION #09-102 - 2/23/09

AUTHORIZE THE CANCELLATION OF SEWER RENT

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

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

BLOCK/LOT	ASSESSED TO	ADDRESS	YEAR	AMOUNT
218.02/615	Cityworks	1836 West Lake Ave	2009	410.00

REASON: Building demolished in 2008

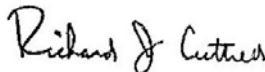
BLOCK/LOT	ASSESSED TO	ADDRESS	YEAR	AMOUNT
248/2	Union Baptist Church	511 Sayre Street	2009	410.00

REASON: Building demolished in 2008

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 02/23/09



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

RESOLUTION #09-103 - 2/23/09

AUTHORIZE THE TRANSFER OF A CREDIT BALANCE FROM
INTEREST ON TAXES TO 2008 & 2009 TAXES (3516 ROUTE 66)

WHEREAS, a property known as Block 10000, Lot 28, with an address of 3516 Route 66, assessed to Arlene Rose a balance of \$.06 on 2008 Taxes and \$5.91 on 2009 Taxes; and,

WHEREAS, a payment was applied to Interest on Taxes in error; and,

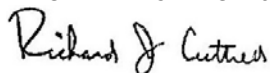
WHEREAS, the Tax Collector has recommended transferring said payment in the amount of \$5.97 from Interest on Taxes to 2008 & 2009 Taxes,

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 transfer the amount of \$5.97 from Interest on Taxes to 2008 Taxes amount of \$.06 and 2009 Taxes amount of \$5.91 for the property known as Block 10000, Lot 28; and,

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 02/23/09



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

RESOLUTION #09-104 - 2/23/09

AUTHORIZE THE TRANSFER OF A CREDIT BALANCE FROM
INTEREST ON TAXES TO 2008 TAXES (541 NORTH RIVERSIDE DRIVE)

WHEREAS, a property known as Block 511.01, Lot 1526, with an address of 541 North Riverside Drive, assessed to Michael & Jennifer Marasuilo reflects a balance of \$2.00 on 2008 Taxes; and,

WHEREAS, a payment was applied to Interest on Taxes in error; and,

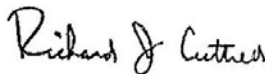
WHEREAS, the Tax Collector has recommended transferring said payment in the amount of \$2.00 from Interest on Taxes to 2008 Taxes,

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 transfer the amount of \$2.00 from Interest on Taxes to 2008 Taxes for the property known as Block 511.01, Lot 1526; and,

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 02/23/09



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

RESOLUTION #09-105 - 2/23/09

AUTHORIZE THE TRANSFER OF A CREDIT BALANCE FROM
INTEREST ON TAXES TO 2008 TAXES & SEWER (701 ROUTE 35)

WHEREAS, a property known as Block 1007, Lot 26, with an address of 701 Highway 35, assessed to Fourth Avenue Bowling Corp reflects a balance of \$12.14 on 2008 Taxes and \$1.05 on 2008 Sewer; and,

WHEREAS, a payment was applied to Interest on Taxes and Interest on Sewer in error; and,

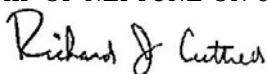
WHEREAS, the Tax Collector has recommended transferring said payment in the amount of \$12.14 from Interest on Taxes to 2008 Taxes and \$1.05 from Interest on Sewer to 2008 Sewer,

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 transfer the amount of \$12.14 from Interest on Taxes to 2008 Taxes and the amount of \$1.05 from Interest on Sewer to 2008 Sewer for the property known as Block 1007, Lot 26; and,

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 02/23/09



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

RESOLUTION #09-106 - 2/23/09

AUTHORIZE THE TRANSFER OF A CREDIT BALANCE FROM
2008 TAXES TO INTEREST ON TAXES (10 FREDERICK AVENUE)

WHEREAS, a property known as Block 9054, Lot 5, with an address of 10 Frederick Drive, assessed to Samuel & Dina Hawkins reflects a balance of \$11.97 on Interest on Taxes; and,

WHEREAS, a payment was applied to 2008 Taxes in error; and,

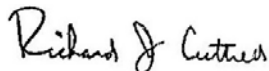
WHEREAS, the Tax Collector has recommended transferring said payment in the amount of \$11.97 from 2008 Taxes to Interest on Taxes,

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 transfer the amount of \$11.97 from 2008 Taxes to Interest on Taxes known as Block 9054, Lot 5; and,

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 02/23/09



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

RESOLUTION #09-107 - 2/23/09

AUTHORIZE THE TRANSFER OF A CREDIT BALANCE FROM
2008 TAXES TO INTEREST ON TAXES (11 JONATHAN PLACE)

WHEREAS, a property known as Block 9055, Lot 2, with an address of 11 Jonathan Place, assessed to Michael & Mary P. Otway reflects a balance of \$15.00 on Interest on Taxes; and,

WHEREAS, a payment was applied to 2008 Taxes in error; and,

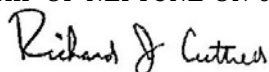
WHEREAS, the Tax Collector has recommended transferring said payment in the amount of \$15.00 from 2008 Taxes to Interest on Taxes,

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 transfer the amount of \$15.00 from 2008 Taxes to Interest on Taxes known as Block 9055, Lot 2; and,

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 02/23/09



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

RESOLUTION #09-108 - 2/23/08

AUTHORIZE ISSUANCE OF DUPLICATE TAX SALE CERTIFICATE

WHEREAS, Asbury Park Bus Terminal previously purchased Tax Sale Certificate 03-070, comprising a lien on property known as Block 192, Lot 68.01, Summerfield Avenue, assessed to John Ricks, and has filed a duly executed affidavit swearing that they are still the lawful owner of said certificate but has lost same; and,

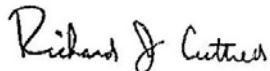
WHEREAS, the Tax Collector has recommended the issuance of a duplicate tax sale certificate pursuant to Chapter 99, P.L. 1997,

THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth, State of New Jersey, that the Tax Collector be and hereby is authorized to issue a duplicate tax sale certificate to be marked "Duplicate Certificate" to Asbury Park Bus Terminal upon payment of the sum of \$100.00; and,

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 02/23/09



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

RESOLUTION #09-109 - 2/23/09

AUTHORIZE THE CANCELLATION OF A FAÇADE IMPROVEMENT PROGRAM
MORTGAGE ISSUED TO GUY'S PACKAGE STORE

WHEREAS, the Township of Neptune holds a mortgage on Guy's Liquor Store, 1409 Corlies Avenue in connection with a Façade Improvement Program loan; and,

WHEREAS, the loan has been paid in full and the building has been maintained for five full years; and;

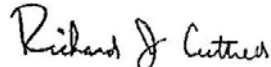
WHEREAS, the Township desires to cancel said mortgage in accordance with the terms of the mortgage note,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Mayor and Clerk be and they are hereby authorized to execute a cancellation of mortgage in connection the Façade Improvement Program loan issued to Guy's Package Store; and,

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 02/23/09



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

RESOLUTION #09-110 - 2/23/09

AUTHORIZE CHANGE ORDER #1 IN CONNECTION WITH
HOUSING REHABILITATION PROJECT #1047

WHEREAS, a contract was awarded to ANPE Corp. in the amount of \$28,197.00 in connection with Housing Rehabilitation Project #1047; and,

WHEREAS, changes to the contract have been experienced as a result of the installation of studs, window headers and insulation throughout the house; and,

WHEREAS, these changes have been approved by the RCA Program Coordinator; and,

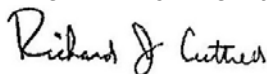
WHEREAS, funds for this purpose are available in the Upper Freehold RCA Trust Account,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby approves Change Order #1 in the contract with ANPE Corp. for Housing Rehabilitation Project #1047 resulting in a net increase of \$3,771.00 revising the total contract amount to \$31,968.00; and,

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 02/23/09



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

RESOLUTION #09-111 - 2/23/09

AUTHORIZE CHANGE ORDER #1 IN CONNECTION WITH
HOUSING REHABILITATION PROJECT #1045

WHEREAS, a contract was awarded to ANPE Corp. in the amount of \$23,755.00 in connection with Housing Rehabilitation Project #1045; and,

WHEREAS, changes to the contract have been experienced as a result of replacing two windows with new vinyl windows; and,

WHEREAS, these changes have been approved by the RCA Program Coordinator; and,

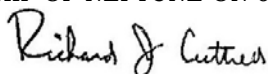
WHEREAS, funds for this purpose are available in the Upper Freehold RCA Trust Account,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby approves Change Order #1 in the contract with ANPE Corp. for Housing Rehabilitation Project #1045 resulting in a net increase of \$540.00 revising the total contract amount to \$24,295.00; and,

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 02/23/09



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

RESOLUTION #09-112 - 2/23/09

APPROVE THE TRANSFER OF TAXI MEDALLION LICENSE NO. 026

WHEREAS, Shahzad Ashraf is the owner of Neptune Township Taxi Medallion No. 026;
and,

WHEREAS, he has notified the Taxi License Coordinator of the intent to sell and transfer
ownership of said medallion to Mohammed Elgamel; and,

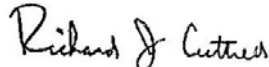
WHEREAS, the Taxi License Coordinator has certified that all requirements of transfer have
been satisfied,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune
that approval is hereby granted for the transfer of Taxi Medallion License No. 026 to Mohammed
Elgamel; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Taxi
License Coordinator and Municipal Clerk.

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 02/23/09



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

RESOLUTION #09-113 - 2/23/09

AUTHORIZE A RESIDENTIAL PAINT PROGRAM FOR 2009

WHEREAS, the Township Committee desires to re-establish the Exterior Free Paint Program for qualified residential properties; and,

WHEREAS, U.D.A.G. Reciprocal Funds must be utilized for Title I Community Development Block Grant Projects and the Paint Program is an eligible utilization of said funds, and the Chief Financial Officer has certified in writing that said funds are available; and,

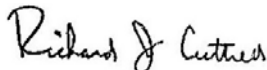
WHEREAS, the Township Committee desires, in addition to funding for paint, that the program also provide funding for a Painter for income qualified senior residents,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the expenditure of \$25,000 for the 2009 Exterior Free Paint Program for qualified residential properties; and,

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 02/23/09



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

RESOLUTION #09-114 – 2/23/09

AUTHORIZE THE DEFERMENT OF 2009 SCHOOL TAXES AS
PROMULGATED BY THE DIVISION OF LOCAL GOVERNMENT SERVICES

WHEREAS, the Township Committee of the Township of Neptune, County of Monmouth, State of New Jersey desires to increase the 2009 deferred school taxes as promulgated by the Division of Local Government Services,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth, State of New Jersey to increase the 2009 deferred school taxes as follows:

	<u>From</u>	<u>To</u>	<u>Increase</u>
Local District School Tax	\$15,374,560.50	\$ 15,981,058.50	\$ 606,498.00

BE IT FURTHER RESOLVED, that the Municipal Clerk of the Township of Neptune be directed to file three certified copies of this resolution with the Division of Local Government Services.

Offered By: Mr. Bishop

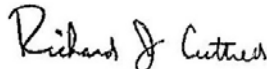
Seconded By: Mr. Manning

Vote:

Bishop: aye
Jahn: absent
Manning: aye
McMillan: aye
Brantley: aye

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 02/23/09



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

RESOLUTION #09-115 - 2/23/09

ACCEPT A MAINTENANCE GUARANTEE AND RELEASE A PERFORMANCE BOND
FILED BY ALM CONSTRUCTION CO., LLC FOR SITE IMPROVEMENTS AT A MINOR
SUBDIVISION AT GREEN GROVE ROAD AND GREEN GROVE PLACE

WHEREAS, on September 11, 2007, ALM Construction Co., Inc filed a performance bond written by First Indemnity of America Insurance Company in the amount of \$23,058.00 guaranteeing site improvements for a minor subdivision at Green Grove Road and Green Grove Place (Block 9012, Lots 6 & 8); and,

WHEREAS, the Township Engineering Inspector has certified that all site improvements have been completed in a satisfactory manner as of January 23, 2009 and said performance bond can be released; and,

WHEREAS, ALM Construction Co., Inc. has filed Maintenance Bond #S12326M written by First Indemnity of America Insurance Company guaranteeing said site improvements for a period of two years,

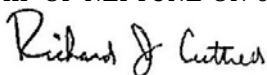
THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Maintenance Guarantee as stated above be and is hereby accepted and the performance bond is authorized to be released; and,

BE IT FURTHER RESOLVED, that the cash portion of the performance guarantee on escrow with the Township be and is hereby authorized to be refunded; and,

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 02/23/09



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

RESOLUTION #09-116 - 2/23/09

ACCEPT A MAINTENANCE GUARANTEE AND RELEASE A PERFORMANCE BOND
FILED BY JV HOME BUILDERS CORP FOR SITE IMPROVEMENTS AT A MINOR
SUBDIVISION AT 559 WAYSIDE ROAD

WHEREAS, on June 22, 2007, JV Home Builders Corp filed a performance bond written by First Indemnity of America Insurance Company in the amount of \$13,932.00 guaranteeing site improvements for a minor subdivision at 559 Wayside Road (Block 8000, Lots 32.01 and 33.02); and,

WHEREAS, the Township Engineering Inspector has certified that all site improvements have been completed in a satisfactory manner as of January 23, 2009 and said performance bond can be released; and,

WHEREAS, JV Home Builders Corp. has filed Maintenance Bond #S12039M written by First Indemnity of America Insurance Company guaranteeing said site improvements for a period of two years,

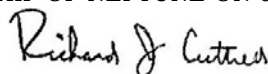
THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Maintenance Guarantee as stated above be and is hereby accepted and the performance bond is authorized to be released; and,

BE IT FURTHER RESOLVED, that the cash portion of the performance guarantee on escrow with the Township be and is hereby authorized to be refunded; and,

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 02/23/09



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

RESOLUTION #09-117 - 2/23/09

ADOPT HAZARD MITIGATION PLAN

WHEREAS the Township of Neptune, County of Monmouth, has experienced natural hazards that result in public safety hazards and damage to private and public property; and,

WHEREAS the hazard mitigation planning process set forth by the State of New Jersey and the Federal Emergency Management Agency offers the opportunity to consider natural hazards and risks, and to identify mitigation actions to reduce future risk; and,

WHEREAS the New Jersey Office of Emergency Management provided federal mitigation funds to support development of the Monmouth County Multi-jurisdictional All Natural Hazards Pre-Disaster Mitigation Plan; and,

WHEREAS this **Hazard Mitigation Plan** has been developed by the Mitigation Planning Committee; and,

WHEREAS this **Hazard Mitigation Plan** includes a prioritized list of mitigation actions including activities that, over time, will help minimize and reduce safety threats and damage to private and public property, and,

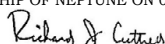
WHEREAS two public meetings were held on, July 17, 2007 and November 29, 2007, to introduce the planning concept and to solicit questions and comment; and to present the Plan and request comments, as required by law,

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Neptune:

1. The **Hazard Mitigation Plan** is hereby adopted as an official plan of the Township of Neptune; minor revisions recommended by the Federal Emergency Management Agency and/or the New Jersey Office of Emergency Management may be incorporated without further action.
2. The Municipal Office of Emergency Management and the various Municipal Departments identified in the Plan are hereby encouraged to pursue implementation of the recommended high priority activities that are applicable to their departments.
3. Any action proposed by the Plan shall be subject to and contingent upon budget approval, if required, which shall be at the discretion of the *City/Borough/Municipal* Council, and this resolution shall not be interpreted so as to mandate any such appropriations.
4. The Municipal Office of Emergency Management is designated to coordinate with other offices and shall periodically report on the activities, accomplishments, and progress, and shall prepare an annual progress report to be submitted to the Monmouth County Office of Emergency Management. The status reports shall be submitted by September 15th of each year.

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 02/23/09



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

RESOLUTION #09-118 - 2/23/09

AWARD CONTRACT FOR ANIMAL CONTROL SERVICES

WHEREAS, the Business Administrator has negotiated with the organization supplying this service as required by NJSA 40:48-5.1; and,

WHEREAS, the current provider has agreed to hold the rate for this service at the same level as 2008; and,

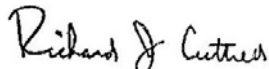
WHEREAS, funds for this purpose are available in the appropriation entitled Dog Account known as Account No. 12-604 and the Chief Financial Officer has so certified in writing,

THEREFORE BE IT RESOLVED, that the Mayor and Clerk be and are hereby authorized to execute an agreement with Associated Humane Societies for Animal Control for the year 2009 at a cost of \$7,094.25 per month based on a charge of \$3.00 per capita; and,

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 02/23/09



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

RESOLUTION #09-119 - 2/23/09

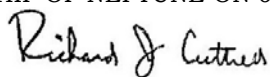
AUTHORIZE THE SALE OF VETERANS POPPIES

BE IT RESOLVED, that the Neptune Township American Legion Auxiliary Unit No. 346 and the O'Brien Major Post No. 2639 be and is hereby authorized to sell Veterans Poppies in the Township of Neptune for the month of May at various locations throughout the Township; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Neptune Township American Legion Auxiliary Unit No. 346, O'Brien Major Post No. 2639 and the Neptune Township Police Department.

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 02/23/09



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

RESOLUTION #09-120 - 2/23/09

ACCEPT THE RESIGNATION OF GEMMA COFONE AS A
PART-TIME KITCHEN AIDE AT THE SENIOR CENTER

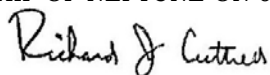
WHEREAS, the Township Committee has received a letter from Gemma Cofone resigning as a part-time Kitchen Aide in the Senior Center effective March 9, 2009,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Gemma Cofone as a part-time Kitchen Aide in the Senior Center is hereby accepted effective March 9, 2009; and,

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 02/23/09



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

RESOLUTION #09-121 - 2/23/09

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

WHEREAS, in the matter of Carl R. Lepis v. Township of Neptune, Ptl. Leslie D. Borges has requested that Charles Uliano, Esq. serve as his legal counsel as to the claim for punitive damages; and,

WHEREAS, in accordance with the current P.B.A. Local #74 contract, 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,

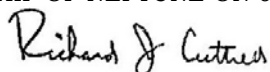
WHEREAS, the Township's reimbursement will be limited to a rate per hour not to exceed the current hourly rate of the Township Attorney, the Township reserves the right to limit the total expenditure to a reasonable cost and the Township reserves the right to not reimburse for legal fees and costs should 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 Ptl. Leslie D. Borges to retain Charles Uliano, Esq. as legal counsel for the claim of punitive damages in the above referenced matter; and,

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 02/23/09



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

RESOLUTION #09-122 - 2/23/09

AUTHORIZE APPLICATION FOR A LOAN FROM THE NEW JERSEY ENVIRONMENTAL
INFRASTRUCTURE FINANCING PROGRAM (MARINA IMPROVEMENTS)
LOAN NUMBER - 452WOTWB

WHEREAS, the Township Committee intends to file an application with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust for bulkhead replacement, dock replacement, upgrade to boat well and launch area, storm sewer rehabilitation and water quality measurers, dock expansion and channel dredging at the Shark River Municipal Marina,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Michael J. Bascom, Chief Financial Officer, is hereby authorized to act as the Authorized Representative to represent the Township of Neptune in all matters relating to the project undertaken pursuant to the above referenced New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust. The Authorized Representative may be contacted at: Township of Neptune, 25 Neptune Blvd., Neptune, NJ 07753 – (732) 988-5200.

Resolution I do hereby certify that the foregoing is a correct and true copy of a
adopted by the Township Committee of the Township of Neptune at a
meeting duly held on the 23rd day of February, 2009.

Dated: February 23, 2009

Richard J. Cuttrell, Municipal Clerk

RESOLUTION #09-123 - 2/23/09

AUTHORIZE APPLICATION FOR A LOAN FROM THE NEW JERSEY
ENVIRONMENTAL INFRASTRUCTURE FINANCING PROGRAM
(SANITARY SEWER UPGRADE PROJECT 2009) LOAN NUMBER – 183QMP77

WHEREAS, the Township Committee intends to file an application with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust for Upgrading Sanitary Sewer Systems in Neptune to include but not limited to; Gables Sewer Main and Laterals on certain roads; Pennsylvania Avenue Pump Station Upgrade; Eleventh Avenue Sanitary Improvements, and Memorial Drive Sanitary Tank Abandonment.

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Michael J. Bascom, Chief Financial Officer, is hereby authorized to act as the Authorized Representative to represent the Township of Neptune in all matters relating to the project undertaken pursuant to the above referenced New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust. The Authorized Representative may be contacted at: Township of Neptune, 25 Neptune Blvd., Neptune, NJ 07753 – (732) 988-5200.

Resolution I do hereby certify that the foregoing is a correct and true copy of a adopted by the Township Committee of the Township of Neptune at a meeting duly held on the 23rd day of February, 2009.

Dated: February 23, 2009

Richard J. Cuttrell, Municipal Clerk

RESOLUTION #09-124 - 2/23/09

AUTHORIZE APPLICATION FOR A LOAN FROM THE NEW JERSEY
ENVIRONMENTAL INFRASTRUCTURE FINANCING PROGRAM
(LAKE DREDGING/STORMWATER MANAGEMENT) LOAN NUMBER – 42Q92M59

WHEREAS, the Township Committee intends to file an application with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust for Lake Dredging of Alberta Lake, Wesley Lake, Fletcher Lake to include sediment removal and disposal to improve both water quality and Stormwater Management.

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Michael J. Bascom, Chief Financial Officer, is hereby authorized to act as the Authorized Representative to represent the Township of Neptune in all matters relating to the project undertaken pursuant to the above referenced New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust. The Authorized Representative may be contacted at: Township of Neptune, 25 Neptune Blvd., Neptune, NJ 07753 – (732) 988-5200.

Resolution I do hereby certify that the foregoing is a correct and true copy of a
adopted by the Township Committee of the Township of Neptune at a
meeting duly held on the 23rd day of February, 2009.

Dated: February 23, 2009

Richard J. Cuttrell, Municipal Clerk

RESOLUTION #09-125 - 2/23/09

AUTHORIZE APPLICATION FOR A LOAN FROM THE NEW JERSEY
ENVIRONMENTAL INFRASTRUCTURE FINANCING PROGRAM
(SALT DOME CONSTRUCTION) LOAN NUMBER – 5ADCXM92

WHEREAS, the Township Committee intends to file an application with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust for construction of a Salt Dome at the Neptune Public Works Garage, to be compliant with our Stormwater Management Permit and improve water quality and reduce runoff to receiving waters.

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Michael J. Bascom, Chief Financial Officer, is hereby authorized to act as the Authorized Representative to represent the Township of Neptune in all matters relating to the project undertaken pursuant to the above referenced New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust. The Authorized Representative may be contacted at: Township of Neptune, 25 Neptune Blvd., Neptune, NJ 07753 – (732) 988-5200.

Resolution I do hereby certify that the foregoing is a correct and true copy of a
adopted by the Township Committee of the Township of Neptune at a
meeting duly held on the 23rd day of February, 2009.

Dated: February 23, 2009

Richard J. Cuttrell, Municipal Clerk

RESOLUTION #09-126 - 2/23/09

ACCEPT PERFORMANCE GUARANTEE FILED BY HUNTER ROBERTS CONSTRUCTION GROUP, LLC FOR IMPROVEMENTS AT THE WEST LAKE REDEVELOPMENT ZONE – SECTION B1 OFFICE BUILDING (BLOCK 218.02, LOTS 612-643)

WHEREAS, Hunter Roberts Construction Group, LLC has filed performance bond 105152244, written by Travelers Casualty and Surety Company of America in the amount of \$444,960.00, guaranteeing site improvements at the West Lake Avenue Redevelopment Zone Section B1 office building (Block 218.02, Lots 612-643); and,

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

WHEREAS, the required inspection fee escrow has been posted; and,

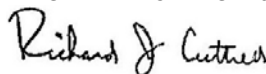
WHEREAS, the acceptance of this Performance Guarantee does not authorize the issuance of any licenses or permits by the Construction Department but serves as certification to the Planning Board/Board of Adjustment that compliance with the Land Development Ordinance of the Township of Neptune has been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

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

1. The Performance Guarantee as stated above be and is hereby accepted.
2. The Mayor and Clerk be and are hereby authorized to execute a Developer's Agreement for the above referenced project.
3. A copy of this resolution shall be forwarded to the Township Engineer, Planning Board, Construction Department, Director of Engineering and Planning, Chief Financial Officer and the Developer.

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 02/23/09



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

RESOLUTION #09-127 - 2/23/09

AUTHORIZE THE NEPTUNE TOWNSHIP HOUSING AUTHORITY TO INSTALL AN ANTENNA
AND RELATED EQUIPMENT ON THE TOWNSHIP'S COMMUNICATIONS TOWER

WHEREAS, the Township owns a communications tower on the grounds of the Municipal Complex; and,

WHEREAS, the Neptune Township Housing Authority has experienced difficulty with their communication system due to the limited height of the antenna located at their main office on Alberta Avenue; and,

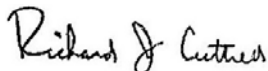
WHEREAS, the Housing Authority tested their communications system with a repeater on the Township's communications tower and found a vast improvement,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the Neptune Township Housing Authority to place an antenna and related equipment on the Township's communication tower at no cost provided that the Housing Authority assumes the cost of acquisition, maintenance and installation of the antenna and related equipment; and,

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 02/23/09



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

RESOLUTION #09-128 - 2/23/09

AUTHORIZE THE FILING OF A RECYCLING TONNAGE GRANT APPLICATION

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and,

WHEREAS, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and,

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and,

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and,

WHEREAS, a resolution authorizing this municipality to apply for the 2008 Recycling Tonnage Grant will memorialize the commitment of this municipality to recycling and indicate the assent of the Township Committee to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and,

WHEREAS, such a resolution should designate the individual authorized to ensure that the application is properly completed and timely filed,

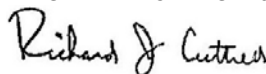
THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby endorses the submission of a recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Wayne Rode, Director of Public Works, to ensure that the said Application is properly filed; and,

BE IT FURTHER RESOLVED, that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling; and,

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 02/23/09



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

RESOLUTION #09-129 - 2/23/09

APPROVE THE TRANSFER OF TAXI MEDALLION LICENSE NO. 015

WHEREAS, Spencer Hubbard is the owner of Neptune Township Taxi Medallion No. 015;
and,

WHEREAS, he has notified the Taxi License Coordinator of the intent to sell and transfer
ownership of said medallion to Gurkiran Kaur; and,

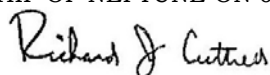
WHEREAS, the Taxi License Coordinator has certified that all requirements of transfer have
been satisfied,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune
that approval is hereby granted for the transfer of Taxi Medallion License No. 015 to Gurkiran Kaur;
and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Taxi
License Coordinator and Municipal Clerk.

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 02/23/09



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

RESOLUTION #09-130 - 2/23/09

AUTHORIZE THE CANCELLATION OF A CREDIT BALANCES

WHEREAS, the below listed accounts reflect small credit balance for sewer rent as indicated and;

WHEREAS, the property owners of said property have been notified and have not been able to identify the source of said credits; and,

WHEREAS, the Tax Collector has recommended canceling said credit to fund balance,

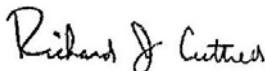
THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth, State of New Jersey, that the Tax Collector be and is hereby authorized to cancel a credit balance as described herein,

BLOCK	LOT	ADDRESS	YEAR	AMOUNT
250	1.01	505 HIGHWAY 35	2009	2.60
267.02	386	2109 WELLS AVE	2009	.14
304.23	2	302 DEAL AVE	2009	.09
408	45	511 S RIVERSIDE DR	2009	.02
529	6	214 VICTOR PL	2008	.44

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 02/23/09



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

RESOLUTION #09-131 - 2/23/09

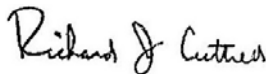
GRANT RAFFLE LICENSES

BE IT RESOLVED, by the Township Committee of the Township of Neptune that raffle licenses be issued as follows:

- 1) RA 1246 to St. Rose Grammar School PTA to conduct an on-premise 50/50 cash raffle on March 13, 2009 from 7:00 p.m. to 10:00 p.m. at 92 Lawrence Avenue, Ocean Grove, NJ.
- 2) RA 1247 & RA 1248 to Red Bank Catholic High School PTA to conduct an on-premise Gift Auction and off-premise 50/50 on March 28, 2009 between 7:00 p.m. and 11:00 p.m. at 210 Jumping Brook Road, Neptune, NJ.
- 3) RA 1249 & RA 1250 to Holy Innocents Church to conduct an on-premise Gift Auction and 50/50 on March 28, 2009 from 4:00 p.m. to 12:00 a.m. at 3455 West Bangs Avenue, Neptune, NJ.
- 4) RA 1251 & RA 1252 to Tinton Falls School PTA to conduct an on-premise Gift Auction and 50/50 on March 21, 2009 between 7:00 p.m. and 12:00 a.m. at 210 Jumping Brook Road, Neptune, NJ.
- 5) RA 1253 to VFW Post #2639 to conduct an on-premise Gift Auction on May 9, 2009 between 6:00 p.m. and 11:00 p.m. at 1515 Corlies Avenue, Neptune, NJ.
- 6) RA 1254 to Wanamassa School PTA to conduct an on-premise Penny Auction on May 1, 2009 from 6:00 p.m. to 11:00 p.m. at 210 Jumping Brook Road, Neptune, NJ.
- 7) RA 1255 & RA 1256 to Neptune Middle School PTSO to conduct a Gift Auction and off-premise 50/50 on April 24, 2009 at 9:00 p.m. at 200 Brighton Avenue, Neptune, NJ.
- 8) RA 1257 & RA 1258 to Shark River Hills School PTA to conduct a Gift Auction and off-premise 50/50 on May 1, 2009 between 7:00 p.m. and 1:00 a.m. at 200 Brighton Avenue, Neptune, NJ.

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 02/23/09



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

RESOLUTION #09-132 - 2/23/09

OPPOSE DECREASE ON STATE FUNDING TO MUNICIPAL PUBLIC LIBRARIES

WHEREAS, the New Jersey League of Municipalities ("League") passed a resolution, at its 2008 annual conference, to seek to reduce the minimum funding level for New Jersey municipal public libraries from 1/3 mil to 1/6 mil of equalized assessed valuation, and has forwarded that resolution to the Legislature (2008-03 Resolution Recommending Amendment Regarding Tax Levies for Free Public Libraries); and,

WHEREAS, municipal public libraries have been established at the direction of its citizens through a binding referendum which specified the minimum funding level at 1/3 of a mil; and,

WHEREAS, public libraries are vital community centers providing essential services to the residents of their municipalities, even more so during these difficult economic times; and,

WHEREAS, the current funding formula for municipal libraries has endured for over 100 years providing a stable source of tax support for municipal library services; and,

WHEREAS, the resolution proposed by the League would critically weaken the foundation of library services in New Jersey by drastically reducing the minimum funding level which would directly impact library services; and,

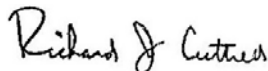
WHEREAS, the fiscal hardships facing many residents and businesses require access to key information resources available in New Jersey's free public libraries, such as access to computers for educational or business needs, or to find jobs and other opportunities; and increases the use of the other services of the public library, such as borrowing books and other media or attending programs for children and the entire family; and,

THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby protests the action of the League of Municipalities in adopting Resolution 2008-03 to reduce the minimum funding level for New Jersey municipal public libraries from 1/3 mil to 1/6 mil of equalized assessed valuation; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the League of Municipalities, the Neptune Library Board of Trustees and the legislators of the 11th district.

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 02/23/09



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

RESOLUTION #09-133 - 2/23/09

AUTHORIZE ENFORCEMENT OF STIPULATION OF SETTLEMENT ENTERED INTO
BETWEEN THE TOWNSHIP OF NEPTUNE AND IRMA ROJAS AND ALVARO ROJAS

WHEREAS, Neptune Township authorized the legal action to be brought in the Superior Court of New Jersey Law Division Monmouth County against Irma Rojas and Alvaro Rojas owner of Block 7000, Lot 21 on the tax map of the Township of Neptune, County of Monmouth due to a wall encroachment that existed upon Township property park land subject to Green Acres jurisdiction; and

WHEREAS, the Township of Neptune has filed the aforesaid lawsuit on December 15, 2006 under Docket No. MON-L-5711-06; and

WHEREAS, by resolution #08-134 adopted by the Mayor and Township Committee on February 25, 2008 the Township Committee authorized settlement in the aforesaid matter as set forth in a Stipulation of Settlement signed by all parties which provided that Neptune Township would apply to the State of New Jersey, Green Acres Division to seek a land swap from Green Acres proposed between the easement presently held by Neptune Township on the northeastern portion of the Rojas property and a wall encroachment along the rear or northwest side of the Rojas property along with a paver block encroachment and southwest side wall encroachment with Neptune Township using its best efforts to effectuate the swap; and

WHEREAS, the Stipulation of Settlement specifically provides that should Neptune Township be denied the right to swap property per Green Acres regulation that the Rojas, upon notification, should immediately remove the aforesaid encroachments within six (6) months with the Rojas providing the Township with proof of cost of removal and replacement of the rear yard wall within the boundary lines of the Rojas property in which case the Township would provide a contribution towards costs not to exceed Seven Thousand Five Hundred Dollars (\$7,500.00) towards removal and reconstruction of the rear wall; and

WHEREAS, the attorney for the Township received the letter on December 19, 2008 dated December 15, 2008 from the State of New Jersey Department of Environmental Protection Green Acres Division that specifically denied the land swap proposal and required that all private encroachments be removed from Jumping Brook Park no later than March 30, 2009 and that park land be restored and returned to its original park like condition no later than March 30, 2009; and

WHEREAS, the Township attorney advised the attorney for the Rojas of the aforesaid decision by letter of January 6, 2009 and having received no response contacted the attorney for Mr. and Mrs. Rojas again by letter of January 28, 2009 to determine whether or not the Rojas intended to perform under the aforesaid Stipulation of Settlement; and

WHEREAS, no action has been taken by the Rojas in contacting the Township or the Township attorney through their attorney to indicate when and if there will be compliance with the aforesaid Stipulation of Settlement reached between the parties and filed with the Court on April 3, 2008.

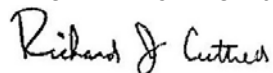
NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune that the governing body hereby authorizes the Township attorney, Gene J. Anthony, Esq., 48 South Street, Eatontown, New Jersey to file a Motion for Enforcement of the aforesaid Stipulation of Settlement should the Township attorney conclude that Mr. and Mrs. Rojas are failing the act in compliance with the Stipulation of Settlement within the time period prescribed by the Stipulation of Settlement and the State mandate for removal of the aforesaid private encroachments.

BE IT FURTHER RESOLVED that the Township attorney is authorized to bring all necessary legal action at a cost not to exceed Ten Thousand Dollars (\$10,000.00) without further authorization of the Township Committee.

DATED: February 23, 2009

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 02/23/09



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

RESOLUTION #09-134 - 2/23/09

AUTHORIZE SETTLEMENT OF THE MATTER OF JONATHAN MENDES
AND ROSE ANNE CONBOY-MENDES V. TOWNSHIP OF NEPTUNE

WHEREAS, Jonathan Mendes and Rose Anne Conboy-Mendes filed a verified complaint in the State of New Jersey Department of Law and Public Safety Division of Civil Rights under Docket #HN34HM-60005 dated 9/9/08 against the Township of Neptune alleging that Neptune Township was in violation of the New Jersey Law against Discrimination (N.J.S.A. 10:5-1 et seq) because it refused to provide a handicap parking space in front of a part-time seasonal residence of Mr. and Mrs. Mendes located at 72 Clark Avenue, Ocean Grove, New Jersey; and

WHEREAS, the Township's position was that there was no violation of law since there was a handicap parking space already available on Clark Avenue 100 feet west of the intersection of Clark Avenue and Pilgrim Pathway and that there was no requirement nor policy for providing additional handicap parking spots for seasonal residents; and

WHEREAS, the parties have reached an amicable settlement in the above referenced matter, a true copy of which is attached hereto as Exhibit "A", which takes into consideration the fact that an existing handicap parking space on Clark Avenue is no longer useful in its present location and should be transferred to a location where handicap parking is more in need such as 72 Clark Avenue, Ocean Grove, New Jersey; and

WHEREAS, the placement of this new handicap parking space does not change Neptune Township's public policy and it is not an exclusive parking space for any particular resident but merely an accommodation in light of the fact that the handicap parking space in its present location on Clark Avenue is no longer needed by residents living in that area of Clark Avenue.

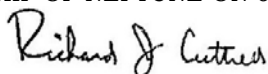
NOW, THEREFORE BE IT RESOLVED, by the Neptune Township Committee of Neptune Township that the governing body hereby authorizes the Township attorney to execute on its behalf the Stipulation of Settlement attached hereto settling all claims arising from the aforesaid lawsuit.

BE IT FURTHER RESOLVED that the appropriate Township agency shall immediately upon approval of this resolution and adoption of the required ordinance move the aforesaid existing handicap parking space on Clark Avenue to the location in front of the property located at 72 Clark Avenue.

DATED: February 23, 2009

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 02/23/09



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

RESOLUTION #09-135 - 2/23/09

CONFIRM EXECUTION OF AN AMENDMENT TO THE REDEVELOPMENT
AGREEMENT WITH TRF DP RIDGE AVENUE, LLC

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., as amended and supplemented ("Redevelopment Law"), provides a process for municipalities to participate in the redevelopment and improvement of areas in need of redevelopment; and,

WHEREAS, by Resolution #04-566, the Township Committee of the Township of Neptune designated the Midtown and Bradley Park neighborhoods as an area in need of rehabilitation in accordance with the requirements of N.J.S.A. 40A:12A-14; and,

WHEREAS, a plan for redevelopment was prepared by the Neptune Township Committee's planning consultant, T& M Associates, and is entitled "Redevelopment Plan Ridge Avenue School Site" ("Redevelopment Plan"); and,

WHEREAS, by Ordinance No. 06-08, the Township Committee adopted the Ridge Avenue School Site Redevelopment Plan to address the redevelopment of the properties within the Redevelopment Zone; and,

WHEREAS, the Township Committee adopted Resolution #06-195 designating the Committee as the Redevelopment Entity for the Ridge Avenue School Site Redevelopment Zone; and,

WHEREAS, the Township Committee desires that the Redevelopment Area be redeveloped by TRF DP Ridge Avenue, LLC in accordance with the Redevelopment Plan; and,

WHEREAS, the Township Committee adopted Resolution #08-127 which authorized the execution of a Redevelopment Agreement setting the terms and conditions for the redevelopment of the Ridge Avenue School Site Redevelopment Zone; and,

WHEREAS, the Township wishes to amend said Agreement by including dates of Planning Board site plan approval, extend the time period for obtaining financing for the project, including a diagram of project improvements and detailing the method and provisions of payment of the purchase price to the Township; and,

WHEREAS, closing of the sale of the property contained in the Ridge Avenue School Site Redevelopment Zone took place on February 21, 2009 necessitating the need to execute the Amendment at that time and confirming said execution by this Resolution,

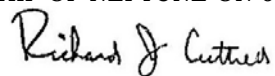
THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby confirms the actions of the Mayor and Clerk to execute an amendment to the Redevelopment Agreement, a copy of which is on file with the Municipal Clerk for public inspection, with TRF DP Ridge Avenue, LLC (formerly known as Cityworks Ridge Avenue, LLC) to include dates of preliminary and final subdivision and site plan approval by the Planning Board, extending the time period to obtain financing for the Project to April 1, 2009, including a diagram of project improvements and detailing the method and provisions of payment of the purchase price to the

Township; and,

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 02/23/09



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

RESOLUTION #09-136 - 2/23/09

AUTHORIZE THE CLERK OF THE BOROUGH OF BELMAR TO ADVERTISE A REQUEST FOR PROPOSAL AND NOTICE TO BIDDERS FOR A POLICE SHARED SERVICES FEASIBILITY STUDY CONSULTANT

WHEREAS, it is the intention of a group of municipalities (the "Participating Municipalities") to award an appointment and contract through a fair and open process as set forth in N.J.S.A. 19:44A-20.4. The Participating Municipalities are requesting a proposal from qualified individuals or firms to provide the following professional service; and,

WHEREAS, the purpose of this proposal is to analyze the feasibility of sharing certain services between and among the participating municipalities with respect to the various individual elements that constitute police including, but no limited to, such individual elements of service as communications and dispatch, prisoner detention and processing, records management, evidence, training, crime analysis, use of K-9 units, use of tactical units, purchasing, management, patrol coverage, etc; and,

WHEREAS, the adoption of this Resolution authorizing the participation in the request for proposals, does not obligate or bind the governing body of the Township of Neptune to enact or to agree with any recommendation or proposal, or to participate in the sharing of any individual element or service (e.g., communications and dispatch), as a condition of sharing in any other individual element of service, and the governing body of the Township of Neptune is free to participate in the sharing in such individual elements of service as it may choose after due deliberation, including none at all,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune that the use of a Request for Proposal process for the following professional service is hereby authorized and that the Borough of Belmar Business Administrator Robbin Kirk is hereby appointed to administer the Request for Proposal process; and,

BE IT FURTHER RESOLVED, that as the lead administrative agency for the purposes of the submission of any grant application and the administration of the Request for Proposals that the Borough Clerk of the Borough of Belmar be and is hereby authorized and directed to advertise for Request for Proposals for a Police Shared Services Feasibility Study Consultant in the Asbury Park Press upon the following terms and conditions:

Scope of Services and Proposal Requirements or any additional information may be obtained at the office of the Borough Clerk, (732) 681-3700 Ext. 225 during regular business hours 9:00 am till 4:30 pm, Monday thru Friday, excluding holidays.

Submission of Proposal:

Proposal shall be delivered to the Borough of Belmar no later than 11:00 A.M. March 11, 2009 and shall be addressed as follows:

Borough Clerk
Borough of Belmar
601 Main Street
P.O. Box A
Belmar, NJ 07719

All Proposals shall include two originals and one digital format to be in MS Word or PDF format on a compact disc (CD) and shall be submitted in sealed envelopes with the applicable wording "Proposal for Police Shared Services Feasibility Study Consultant" noted on the outside of the envelope.

Proposals received in the Office of the Borough Clerk after the date and time prescribed shall not be opened and will be returned unopened to the sender.

Proposals will be opened in public at 11:00 A.M., March 11, 2009 in the Office of the Borough Clerk.

The proposals will be reviewed by all Participating Municipalities and subject to review by the Governing Body of each Municipality. Proposals will be evaluated on the qualifications and experience of the applicant and its employees, proposed scheduling timelines and proposed price for the Scope of Services. All questions pertaining to the proposals should be directed to Robbin Kirk, Belmar Borough Administrator 732-681-9191 or email rkirk@boro.belmar.nj.us.

Offered by: Mr. Bishop

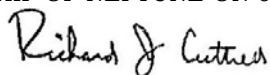
Seconded by: Mr. Manning

Vote:

Bishop	aye
Jahn	absent
Manning	aye
McMillan	aye
Brantley	aye

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 02/23/09



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

RESOLUTION #09-137 - 2/23/09

AUTHORIZE CHANGE ORDER #2 IN CONNECTION WITH
RENOVATIONS TO THE MUNICIPAL COMPLEX

WHEREAS, on April 28, 2008, a contract was awarded to Structural Concepts in the amount of \$5,409,000.00 in connection with renovations to the Municipal Complex; and,

WHEREAS, on December 1, 2008, the Township adopted Resolution #08-537 which authorized Change Order #1 to increase the contract amount by \$205,951.05; and,

WHEREAS, changes to the contract have been experienced as a result of toilet partition upgrades, lighting override switches, revisions to the basement floor plan in the Police Department, , additional outlets in basement area, additional plumbing work to alleviate drain overflow to basement, repair damage to exterior wall, welding steel plates resulting from new cell water closets and removal and relocation of walls in administration area; and,

WHEREAS, these changes have been approved by the Director of Engineering and Planning; and,

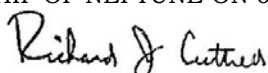
WHEREAS, funds for this purpose are available in Ordinance No. 06-36, as amended by Ordinance No. 07-03, and Ordinance No. 07-61, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Mayor and Clerk be and are hereby authorized to execute Change Order #2 in the contract with Structural Concepts in connection with Renovations to the Municipal Complex resulting in a net increase of \$29,174.96 revising the total contract amount to \$5,644,126.01; and,

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 02/23/09



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

RESOLUTION #09-138 - 2/23/09

AUTHORIZE BIRDSALL SERVICES GROUP TO PROVIDE AIR MONITORING SERVICES IN CONNECTION WITH RENOVATIONS TO THE MUNICIPAL BUILDING

WHEREAS, the Director of Engineering received proposals for air monitoring services in connection with renovation work at the Neptune Township Police Department; and,

WHEREAS, the monitoring will ensure that the air quality in the indoor work environment is properly maintained; and,

WHEREAS, the Township desires to engage the services of Birdsall Services Group to perform this work; and,

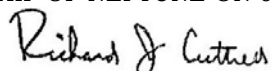
WHEREAS, funds for this purpose are available in Ordinance No. 06-36, as amended by Ordinance No. 07-03, and Ordinance No. 07-61, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes Birdsall Services Group to perform the services as stated herein at an amount not to exceed \$11,000.00; and,

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 02/23/09



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

RESOLUTION #09-139 - 2/23/09

AUTHORIZE SENIOR CENTER ARCHITECT TO PREPARE DESIGN AND
CONSTRUCTION DOCUMENTS FOR THE NEW SENIOR CENTER

WHEREAS, the Township of Neptune has purchased the former Rite-Aid property on Route 33 for the purpose of converting the building into a Senior Center; and,

WHEREAS, on October 27, 2008, the Township Committee appointed Cornerstone Architectural Group, LLC as Architect of Record for the design and construction on said facility; and,

WHEREAS, it is necessary for the Architect to prepare design documents, construction documents and public bidding documents in connection with this project; and,

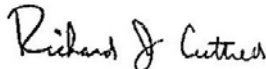
WHEREAS, funds for this purpose will be provided in Ordinance No. 08-30, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes Cornerstone Architectural Group, LLC to perform the services as stated herein at an amount not to exceed \$121,493.85; and,

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 02/23/09



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

RESOLUTION #09-140 - 2/23/09

AUTHORIZE BIRDSALL ENGINEERING TO PREPARE BULKHEAD PERMIT AND
TIDELANDS LEASE APPLICATIONS IN CONNECTION WITH
IMPROVEMENTS TO THE SHARK RIVER MUNICIPAL MARINA

WHEREAS, the Township desires to make improvements to the bulkheading at the Shark River Municipal Marina; and,

WHEREAS, it is necessary for the Township Engineer to prepare the required state permitting applications in connection with this project; and,

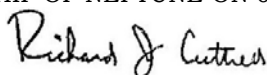
WHEREAS, funds for this purpose will be provided in Marina OE, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes Birdsall Engineering to perform the services as stated herein at an amount not to exceed \$15,000.00; and,

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 02/23/09



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

RESOLUTION #09-141 - 2/23/09

EXTEND LEAVE WITHOUT PAY FOR IRENE BREW

WHEREAS, Irene Brew, Clerk/Typist in the Police Department, is currently absent from work through January 28, 2009 under the provisions of the Family and Medical Leave Act; and,

WHEREAS, Irene Brew has notified the Business Administrator that she is unable to resume her duties through April 1, 2009; and

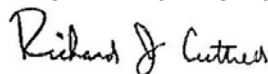
WHEREAS, in accordance with Section 9-7.15 of the Township Personnel Code, the Business Administrator recommends that the employment of Irene Brew be continued without pay for this additional period,

THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune that the employment of Irene Brew, Clerk/Typist in the Police Department, be and is hereby continued without pay for an additional period from January 29, 2009 through April 1, 2009; 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., Chief of Police, AFSCME Local #1844, Mandy To and Carina Santos.

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 02/23/09



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

RESOLUTION #09-142 - 2/23/09

APPOINT MEMBERS TO THE LOCAL EMERGENCY PLANNING COMMITTEE

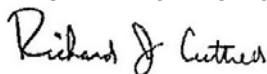
BE IT RESOLVED, by the Township Committee of the Township of Neptune that the following individuals be and are hereby appointed to the Local Emergency Planning Committee for the year 2009:

Joseph Mauro – TNHA
Mary Alyce Berkowitz – JSUMC (replaces Marlene Baldinger)

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Emergency Management Coordinator, Deputy OEM Coordinator and the Business Administrator.

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 02/23/09



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

RESOLUTION #09-143 - 2/23/09

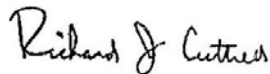
TERMINATE EMPLOYEE

BE IT RESOLVED, by the Township Committee of the Township of Neptune that Michelle Bivens be and is hereby terminated as an employee with the Township of Neptune, not in good standing, effective February 3, 2009; 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., Carina Santos and Mandy To.

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 02/23/09



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

RESOLUTION #09-144 - 2/23/09

EMPLOY COMMUNITY PROGRAMS COORDINATOR

WHEREAS, the Township Committee adopted Ordinance No. 09-04 which created the position of Community Programs Coordinator and now desires to fill this position; and,

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

WHEREAS, the Business Administrator has made his recommendations; and,

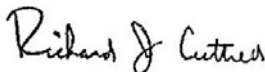
WHEREAS, funds will be provided for the first three months of 2009 in the 2009 Temporary Budget in the appropriation entitled NPP S+W, known as Account No. 705-100 and funds for the balance of 2009 will be provided in the Budget for the year 2009, when finally adopted, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Monique Burger be and is hereby employed as Community Programs Coordinator, pending favorable results of the required physical, effective March 9, 2009, at an annual salary of \$47,000.00; and,

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 02/23/09



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

RESOLUTION #09-145 - 2/23/09

GRANT UNPAID LEAVE OF ABSENCE TO ANNETTE SIMONE

WHEREAS, Annette Simone, Clerk/Typist in the Police Department, has requested an unpaid one month leave of absence; and,

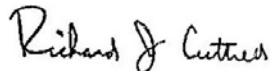
WHEREAS, the Business Administrator has approved the request,

THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune that Annette Simone, Clerk/Typist in the Police Department, is hereby granted a one month unpaid leave of absence commencing February 27, 2009 and returning to work on March 31, 2009; and,

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 02/23/09



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

RESOLUTION #09-146 - 2/23/09

GRANT UNPAID LEAVE OF ABSENCE TO HOLLY RHINEHARDT

WHEREAS, Holly Rhinehardt, Clerk/Typist in the Police Department, has requested a twelve week unpaid leave of absence; and,

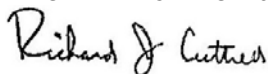
WHEREAS, the Business Administrator has approved the request,

THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune that Holly Rhinehardt, Clerk/Typist in the Police Department, is hereby granted a twelve week unpaid leave of absence commencing March 9, 2009 and returning to work on June 1, 2009; and,

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 02/23/09



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

RESOLUTION #09-147 – 2/23/09

AUTHORIZE THE PAYMENT OF BILLS

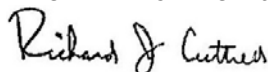
BE IT RESOLVED, That the following bills be paid if properly certified:

CURRENT FUND	6,472,445.27
FEDERAL & STATE GRANT FUND	48,686.03
TRUST OTHER	78,042.58
GENERAL CAPITAL FUND	523,625.13
SEWER OPERATING FUND	2,505.00
SEWER CAPITAL FUND	66,934.60
MARINA OPERATING FUND	5,705.46
DOG TRUST	7,966.63
BILL LIST TOTAL	\$7,205,910.70

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 02/23/09



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

RESOLUTION #09-148 - 2/23/09

AUTHORIZE EMERGENCY REPAIRS TO A HOUSING REHABILITATION PROJECT

WHEREAS, the Township Committee awarded a contract to Anpe Corp. in connection with Housing Rehabilitation Project No. 1047 through the Upper Freehold RCA Program; and,

WHEREAS, during the course of the work, the Contractor and the RCA Program Coordinator found water damaged and rotted floor joists and beams in addition to electric wire pinched in the floor joists, all of which require immediate replacement. The Township Building Sub-Code Official confirmed that the joists, beams and lolly columns require replacement; and,

WHEREAS, the RCA Program Coordinator has certified that this is an emergency situation that requires immediate repair because the homeowner is without bathroom facilities; and,

WHEREAS, the Contractor on-site has prepared an estimate for the emergency repairs; and,

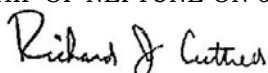
WHEREAS, funds for this purpose will be provided through the Neighborhood Preservation Program and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Anpe Corp. be and is hereby authorized to perform emergency repair work in connection with Housing Rehabilitation Project No. 1047 at an amount not to exceed \$4,965.00; 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., and RCA Program Coordinator.

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 02/23/09



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