

TOWNSHIP COMMITTEE WORKSHOP MEETING – MARCH 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. Cuttrell, 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. Inspection of used furniture for potential use in Township offices.

2. Discussion – Neptune Day date.

3. Discussion – Responsible Contractor ordinance.

4. Discussion – 2009 municipal budget.

ITEMS FOR DISCUSSION

MARCH 23, 2009

5. Discussion – COPS Hiring Recovery Program.

6. Outstanding parking lot items (PW)

Res. # 09-166 – 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 – MARCH 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 March 9th regular and executive sessions.

REPORT OF THE CLERK

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

Annual Report of the Tax Collector.

Senior Center monthly statistics for February.

A letter from St. Paul's Church thanking Jaime Garay and Daryl Albert for their efforts with snow plowing on the streets surrounding the church.

A note from Jeanine Galvan thanking Rosemary Gray for her help in coordinating transportation to the Presidential Inauguration.

Carina Santos and Sharon Rowe completed courses on Microsoft Excel and Maintaining and Organizing Files.

COMMENTS FROM THE DAIS

MARCH 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. The public will be permitted one visit to the microphone with a limit of five minutes.

ORDINANCES

For each ordinance with a public hearing, the public will be permitted one visit to the microphone with a limit of five minutes.

ORDINANCE NO. 09-12 - An ordinance to amend Volume I, Chapter II of the Code of the Township of Neptune by amending the fee for the Summer Recreation Program. – Final Reading

Public Hearing:

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

ORDINANCE NO. 09-13 - An ordinance amending Volume I, Chapter IV, Section 4-17 of the Code of the Township of Neptune by further amending the section regulating taxicabs. – Final Reading

Public Hearing:

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

ORDINANCE NO. 09-14 – An ordinance to authorize the imposition of an occupancy tax on hotels within the Township of Neptune, County of Monmouth, State of New Jersey. – First Reading

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

ORDINANCE NO. 09-15 – An ordinance to amend Volume I, Chapter VII of the Code of the Township of Neptune by adding handicapped parking zones on Benson Avenue and Embury Avenue. – First Reading

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

ORDINANCE NO. 09-16 – 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 Historic Preservation Commission Secretary. – First Reading

Offered by: _____ Seconded by: _____

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

The Public Hearings on Ordinances 09-14, 09-15 and 09-16 will be held on Monday, April 13, 2009.

CONSENT AGENDA

Res. # 09-167 – Release all guarantee and escrow posted by Double A Development Corp. for a minor subdivision at 401 & 403 Neptune Blvd.

Res. # 09-168 – Authorize the Monmouth County Mosquito Extermination Commission to apply pesticides from aircraft for mosquito control.

Res. # 09-169 – Authorize submission of a Summer Food Service Program Grant Application for the Summer Recreation Program.

Res. # 09-170 – Authorize execution of an agreement with Chartwells to provide meals in connection with the Summer Recreation Program.

Res. # 09-171 – Accept performance guarantee filed by Blauvelt Builders, Inc. for site improvements at a minor subdivision on Summerfield Avenue (Block 192, Lots 69.02 and 71.01)

Res. # 09-172 – Authorize the transfer of 2008 budget appropriation reserves.

Res. # 09-173 – Establish fees for non-residential containerized garbage collection.

Res. # 09-174 – Amend Resolution #09-164 which reclassified an employee to the position of Assistant Purchasing Agent.

Res. # 09-175 – Amend authorization to Brilliant Lewis Environmental Services, LLC to complete soil and groundwater remedial investigation at 1611 Sewall Avenue.

Res. # 09-176 – Award Façade Improvement Loan/Grant to John's Cracker Barrel.

Res. # 09-177 – Award U.D.A.G. Improvement Loan to 26-28 Highway 35, LLC.

Res. # 09-178 – Employ part-time Kitchen Aide in Senior Center.

Res. # 09-179 – Employ on-call part-time Kitchen Aide in Senior Center.

Res. # 09-180 – Authorize the submission of a US Department of Justice Office of Community Oriented Policing Services 2009 Recovery Act Cops Hiring Recovery Program Grant Application.

CONSENT AGENDA Offered by: _____ Seconded by: _____

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

Res. # 09-181 – Oppose the practice of insurance scoring when determining auto insurance risk and rates.

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

Res. # 09-182 – Reclassify employee to the position of Code Enforcement Supervisor.

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

Res. # 09-183 – Reclassify employee to the position of Departmental Secretary in the Recreation Department.

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

The Mayor announces the following appointment to the Neptune Township Housing Authority:

Edward Green for a five year term expiring March 31, 2014.

Res. # 09-184 – Consent to Mayor's appointment to the Housing Authority.

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

Res. # 09-185 – Authorize the payment of bills.

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

PRIVILEGE OF THE FLOOR/PUBLIC COMMENTS

Members of the public may address any concern relating to the Township. After all have had the opportunity to speak, individuals who desire to speak again will be invited back to the microphone. All comments are limited to five minutes per visit to the microphone.

ADJOURNMENT

ORDINANCE NO. 09-14

AN ORDINANCE AMENDING THE IMPOSITION OF AN OCCUPANCY TAX ON HOTELS AND MOTELS IN THE TOWNSHIP OF NEPTUNE, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

WHEREAS, the two hundred and thirty-ninth Session of the State of New Jersey adopted on June 30, 2003 and amended on August 1, 2003 a law which provides that in addition to any other assessments authorized by law, there shall be imposed and shall be paid on hotel and motel occupancies of seven percent (7%) for occupancies on and after August 1, 2003 but before July 1, 2004 and five percent (5%) for occupancies on and after July 1, 2004, and

WHEREAS, the aforesaid law supplementing Titles 54 and 40 of the revised Statutes provides that a governing body of a municipality other than those already authorized to impose hotel and motel taxes may adopt an ordinance imposing a tax on local hotels and motels, a uniform percentage rate not to exceed one percent (1%) on charges of rent for every occupancy on or after July 1, 2003 but before July 1, 2004 and not to exceed three percent (3%) on charges of rent for every occupancy on or after July 1, 2004 of a room or rooms in a hotel subject to the aforesaid law; and

WHEREAS, the aforesaid tax would provide extra needed revenues for the Township of Neptune during a period of reduced federal and state aid to municipalities.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Mayor and Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey that pursuant to State Statute imposing a state hotel and motel occupancy fee and tax and authorizing imposition of municipal hotel and motel occupancy taxes by certain municipalities, supplementing Titles 54 and 40 of the revised Statute, the Township imposes the following tax on all hotels and motels:

Section 1. Definitions

- A. Hotel – as used in this ordinance, “hotel” shall mean a building or portion of it that is regularly used and kept open as such for the lodging of guests, and includes but is not limited to an apartment hotel, a motel, boarding house or club, whether or not meals are served or other like facilities.
- B. “Occupant” shall be defined as a person who, for a consideration, uses, possesses or has the right to use or possess any room in a hotel, motel, boarding house or other facility subject to this ordinance’s definition of “hotel” under a concession, permit, right-of-access, license to use or other agreement or otherwise.

Section 2. Municipal Taxation of Hotels and Motels

The Township of Neptune hereby imposes a tax on all hotels and motels as defined in Section 1 of this ordinance as a uniform percentage rate of one (1%) percent on charges of rent for every occupancy. This tax shall be in addition to any other State or fee imposed pursuant to Statute or local Ordinance upon occupancy of a hotel or motel room.

Section 3. Obligations of Vendor Paying Tax

All taxes imposed by the ordinance shall be paid by the occupant of the room. The following conditions imposed upon the owner:

- A. The owner shall not assume or absorb any tax imposed by the ordinance;
- B. The owner shall not in any manner advertise or hold out to any person or to the public in general, in any manner directly or indirectly, that the tax will be assumed or absorbed by the owner, that the tax will not be separately charged and stated to the occupant or customer, or that the tax will be refunded to the occupant or customer.

Section 4. Responsibility for Collection

- A. The tax imposed by this ordinance shall be collected on behalf of the municipality by the person collecting the rent or consideration from the hotel occupant. That person shall either be the owner of the hotel, the manager or sales person or other employee of the owner who arranges with the occupant for the rental of the room.
- B. Individual Liability. Each person required to collect the tax imposed by this ordinance shall be personally liable for the tax imposed, collected or required to be collected hereunder. Any such person shall have the same right in respect to collecting the tax from an occupant as if the tax were a part of the rent and payable at the same time.
- C. Each person required to collect the tax imposed under this ordinance as described above shall on or before the date required pursuant to Section 17 of P.L. 1966, C. 30 (N.J.S.A. 54:32B-17), forward to the Director of the Division of Taxation in the Department of the Treasury, the tax collected in the preceding month and shall make and file a return for the preceding month with the Director on any form and containing any information that the Director shall prescribe as necessary to determine liability for the tax in the preceding month during which the person was required to collect the tax. Should the Director determine to require payments of tax liability at any interval and based upon any collection classifications other than described in this ordinance, the person required to collect the tax shall comply with any determinations made in that regard by the Director.

- D. The Director of the Division of Taxation shall collect and administer the tax imposed under this ordinance, and shall determine and certify to the State Treasurer on a quarterly or more frequent basis the amount of revenues collected in the municipality. The State Treasurer upon certification of the Director and upon the warrant of the State Comptroller shall pay and distribute on a quarterly or more frequent basis, as prescribed by the State Treasurer, the amount of revenues determined and certified as described above, to the Township of Neptune.

Section 5. Violations and Penalties

- A. Each assumption or absorption by an owner of the tax shall be deemed a separate offense and each representation or advertisement by an owner for each day the representation or advertisement continues shall be deemed a separate offense.
- B. Any person, firm, partnership, association, corporation, LLC or the like who shall violate any provision of the chapter shall be subject to a fine of not more than One Thousand Two Hundred Fifty (\$1,250.00) Dollars, imprisonment for not more than ninety (90) days or a period of community service not exceeding ninety (90) days, or any combination thereof in the discretion of the judge hearing the matter.

Section 6. When and How Effective

This ordinance shall take effect upon advertisement and final adoption in accordance with the law. A copy of the ordinance adopted shall be transmitted upon adoption or amendment to the Treasurer of the State of New Jersey. The tax provisions of the ordinance or any amendment to the tax provisions shall take effect on the first day of the first full month occurring ninety (90) days after the date of transmittal to the State Treasurer for the ordinance or amendments adopted.

Section 7. Severance

Should any terms, provisions or a part of this ordinance be found invalid, said provisions shall not affect any other of the terms.

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

Richard J. Cuttrell,
Municipal Clerk

Dr. Michael Brantley,
Mayor

ORDINANCE NO. 09-15

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING HANDICAPPED PARKING ZONES ON BENSON AVENUE AND EMBURY AVENUE

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

SECTION 1

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

<u>Name of Street</u>	<u>No. of Spaces</u>	<u>Location</u>
Benson Avenue	1	East side of Benson Avenue beginning 25 feet south of the southeast intersection of Mt. Hermon Way and Benson Avenue.

<u>Name of Street</u>	<u>No. of Spaces</u>	<u>Location</u>
Embury Avenue	1	North side of Embury Avenue beginning 25 feet west of the northwest intersection of New York Avenue and Embury Avenue.

SECTION 2. 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

ORDINANCE NO. 09-16

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 HISTORIC PRESERVATION COMMISSION SECRETARY

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

Section 1. The Township Committee of the Township of Neptune hereby creates the job title of Historic Preservation Commission Secretary.

Section 2. Ordinance No. 05-45 be and is hereby amended to add the salary range of said position as follows:

<u>OFFICIAL</u>	<u>MINIMUM SALARY</u>	<u>MAXIMUM SALARY</u>
Historic Preservation Comm. Secretary	\$2,500.00	\$6,000.00

Section 3. The above ordinance shall be effective immediately upon publication in accordance with law.

APPROVED ON FIRST READING:

APPROVED, PASSED AND ADOPTED:

ATTEST:

Richard J. Cuttrell,
Municipal Clerk

Dr. Michael Brantley,
Mayor

RESOLUTION #09-166 – 3/23/09

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 – Eminent domain ordinance.

Litigation – Mifco decision.

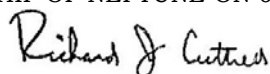
Personnel – Reclassification of employee

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 03/23/09



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

RESOLUTION #09-167 - 3/23/09

RELEASE ALL GUARANTEES AND ESCROW POSTED BY DOUBLE A DEVELOPMENT CORP. FOR A MINOR SUBDIVISION AT 401 & 403 NEPTUNE BLVD.

WHEREAS, on March 26, 2007, Double A Development Corp. posted a cash maintenance guarantee in the amount of \$1,260.00 guaranteeing the maintenance of site improvements at a minor subdivision on Neptune Blvd. for a period of two years (Block 2003, Lot 36); and,

WHEREAS, the two year maintenance period has expired and the property has been inspected to ensure the maintenance of all site improvements; and,

WHEREAS, the Director of Engineering and Planning has certified that all site improvements have been maintained in a satisfactory manner and said maintenance guarantee can be released; and,

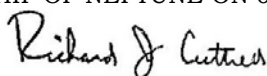
THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the release of the maintenance guarantee as stated herein; and,

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

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

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 03/23/09



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

RESOLUTION #09-168 - 3/23/09

AUTHORIZE THE MONMOUTH COUNTY MOSQUITO EXTERMINATION
COMMISSION TO APPLY PESTICIDES FROM AIRCRAFT FOR MOSQUITO CONTROL

WHEREAS, the Monmouth County Mosquito Extermination Commission has requested authorization to apply pesticides from aircraft to control mosquitoes over portions of the County of Monmouth and possibly the Township of Neptune; and,

WHEREAS, it is this Committee's understanding that all pesticides used are only those approved for aerial application by the New Jersey Department of Environmental Protection and the United States Environmental Protection Agency; and,

WHEREAS, the areas to be treated are only those which have significantly high mosquito populations to be either a nuisance or health hazard; and,

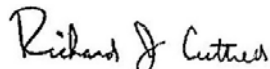
WHEREAS, prior to each and every application, the Monmouth County Mosquito Extermination Commission further agrees to notify the Neptune Township Police Department;

THEREFORE, BE IT RESOLVED, that the Mayor and Clerk are hereby authorized to execute an agreement authorizing the Monmouth County Mosquito Extermination Commission to apply pesticides from aircraft for the year 2009, pursuant to the conditions of this resolution; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Monmouth County Mosquito Extermination Commission, the Neptune Township Police Department, 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 03/23/09



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

RESOLUTION #09-169 - 3/23/09

AUTHORIZE SUBMISSION OF A SUMMER FOOD SERVICE PROGRAM GRANT
APPLICATION FOR THE SUMMER RECREATION PROGRAM

WHEREAS, grant funding is available through the New Jersey Department of Agriculture Division of Food and Nutrition for a Summer Food Service Program; and,

WHEREAS, the Neptune Township Recreation Department will conduct a Summer Recreation Program in July, 2009 and provide breakfast and lunch to the program participants; and,

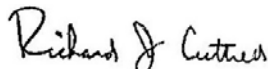
WHEREAS, the Recreation Director recommends that a grant application be submitted for full funding of the cost of the meals,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the submission of a State of New Jersey Department of Agriculture Division of Food and Nutrition Summer Food Service Program Grant Application for funding in the amount of \$17,601.20 for the purposes as stated herein; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Chief Financial Officer, Recreation Director, Assistant C.F.O., Administrative Assistant to the C.F.O. 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 03/23/09



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

RESOLUTION #09-170 - 3/23/09

AUTHORIZE EXECUTION OF AN AGREEMENT WITH CHARTWELLS TO PROVIDE MEALS IN CONNECTION WITH THE SUMMER RECREATION PROGRAM

WHEREAS, the Township Recreation Department will be running the annual Summer Recreation Program in July, 2009; and,

WHEREAS, the program will provide breakfast and lunch to the participants; and,

WHEREAS, the Recreation Director recommends the execution of a contract with Chartwells, the meal provider to the Neptune Township School District, to provide meals for the Program; and,

WHEREAS, funds will be provided for the first three months of 2009 in the 2009 Temporary Budget in the appropriation entitled Summer Food Program, known as Account No. 02-242-100 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; and,

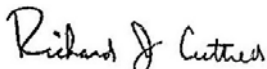
WHEREAS, the Township is also applying for a reimbursement grant through the State Department of Agriculture to fully fund the cost of the meals,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the execution of a contract with Chartwells to provide breakfast and lunch for the participants of the 2009 Summer Recreation Program (180 estimated participants) at a total cost not to exceed \$15,945.60; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Chief Financial Officer, Assistant C.F.O., Recreation Director, Administrative Assistant to the C.F.O., 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 03/23/09



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

RESOLUTION #09-171 - 3/23/09

ACCEPT PERFORMANCE GUARANTEE FILED BY BLAUVELT BUILDERS, INC.
FOR SITE IMPROVEMENTS AT A MINOR SUBDIVISION ON SUMMERFIELD
AVENUE (BLOCK 192, LOTS 69.02 AND 71.01)

WHEREAS, Blauvelt Builders, Inc. has filed a cash performance guarantee in the amount of \$15,840.00, guaranteeing site improvements at a minor subdivision on Summerfield Avenue (Block 192, Lots 69.02 and 71.01); and,

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

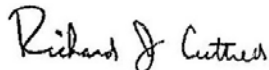
WHEREAS, the acceptance of this Performance Guarantee does not authorize the issuance of any licenses or permits by the Construction Department but serves as certification to the Planning Board/Board of Adjustment that compliance with the Land Development Ordinance of the Township of Neptune has been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

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Performance Guarantee as stated above be and is hereby accepted; and,

BE IT FURTHER RESOLVED, that a copy of this resolution shall be forwarded to the Planning Board, Construction Department, Director of Engineering and Planning 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 03/23/09



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

RESOLUTION #09-172 - 3/23/09

AUTHORIZE THE TRANSFER OF 2008 BUDGET APPROPRIATION RESERVES

WHEREAS, N.J.S.A. 40A:4-58 permits the transfer of previous year appropriations during the first three months of the fiscal year; and,

WHEREAS, the Chief Financial Officer has recommended that the following appropriation transfers be authorized;

FROM:

Municipal Court S&W 1,500.00

TO:

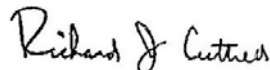
Municipal Court O.E. 1,500.00

THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune that the 2008 Budget Appropriation Reserves be transferred as stated herein; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Chief Financial Officer, 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 03/23/09



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

RESOLUTION #09-173 - 3/23/09

ESTABLISH FEES FOR NON-RESIDENTIAL CONTAINERIZED GARBAGE COLLECTION

WHEREAS, the Township Committee has adopted Ordinance No. 07-59 which amends the provisions and regulations for non-residential garbage collection; and,

WHEREAS, the ordinance permits the establishment of fees for collection of non-residential containerized receptacles by Resolution of the Township Committee,

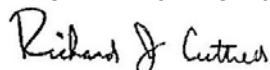
THEREFORE BE IT RESOLVED, by the Township Committee of the Township Committee that the following rates are hereby established for collection of non-residential containerized receptacles by the Public Works Department for the year 2009:

Non-residential not for profit organizations - \$2.00 per cubic yard per pick-up
All other non-residential businesses - \$4.00 per cubic yard per pick-up
JSUMC owned property located in Borough of Neptune City - \$6.00 per cubic yard per pick-up

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Business Administrator, Chief Financial Officer, Director of Public Works 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 03/23/09



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

RESOLUTION #09-174 - 3/23/09

AMEND RESOLUTION #09-164 WHICH RECLASSIFIED AN EMPLOYEE TO
THE POSITION OF ASSISTANT PURCHASING AGENT

WHEREAS, on March 9, 2009, the Township Committee adopted Resolution #09-164 which reclassified Melissa Zucconi to the position of Assistant Purchasing Agent in the Purchasing Department; and,

WHEREAS, the annual base salary as stated in said resolution was incorrect; and,

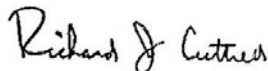
WHEREAS, funds will be provided for the first three months of 2009 in the 2009 Temporary Budget in the appropriation entitled Finance S&W, known as Account No. 130-011 and funds for the balance of 2009 will be provided in the Budget for the year 2009, when finally adopted, and the Chief Financial Officer has so certified in writing; and,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Resolution #09-164 is hereby amended to reflect the reclassification of Melissa Zucconi to the position of Assistant Purchasing Agent at an annual base salary of \$49,000.00; 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, Carina Santos and AFSCME Local #1844.

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 03/23/09



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

RESOLUTION #09-175 - 3/23/08

AMEND AUTHORIZATION TO BRILLIANT LEWIS ENVIRONMENTAL SERVICES, LLC
TO COMPLETE SOIL AND GROUNDWATER REMEDIAL INVESTIGATION
AT 1611 SEWALL AVENUE

WHEREAS, the Township of Neptune conveyed property located at 1611 Sewall Avenue to Interfaith Neighbors, Inc. for construction of an affordable single family home; and,

WHEREAS, an environmental study revealed significant soil contamination on the site; and,

WHEREAS, the Township of Neptune has received a Hazardous Discharge Site Remediation Fund grant to fund soil and groundwater remedial investigation; and,

WHEREAS, the Township Committee adopted Resolution #08-85 which engaged the services of Brilliant Lewis Environmental Services, LLC to complete the required soil and ground water remedial investigation at the site at an amount not to exceed \$8,024.40; and,

WHEREAS, said authorization requires an amendment to the amount authorized to complete the site work; and,

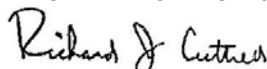
WHEREAS, funds for this purpose are available through a Hazardous Discharge Site Remediation Fund grant and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby amends the authorization to Brilliant Lewis Environmental Services, LLC to complete soil and ground water remedial investigation at 1611 Sewall Avenue at a total amount not to exceed \$10,565.90; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Chief Financial Officer, Assistant C.F.O., Administrative Assistant to the C.F.O., Brilliant Lewis Environmental Services, 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 03/23/09



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

RESOLUTION #09-176 - 3/23/09

AWARD FAÇADE IMPROVEMENT LOAN/GRANT TO JOHN'S CRACKER BARREL

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

WHEREAS, on March 11, 2009, the Façade Review Committee approved an application filed by John's Cracker Barrel, 1 South Riverside Drive, Neptune for a \$10,000 grant and \$10,000 loan; and,

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

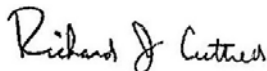
WHEREAS, funds will be provided from the U.D.A.G. Reciprocal Loan Account and the Chief Financial Officer has so certified in writing; and,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that an award of a \$10,000 grant and a \$10,000 loan be and is hereby approved under the Façade Improvement Loan/Grant Program to John's Cracker Barrel, 1 South Riverside Drive, pursuant to the application approved by the Façade Review Committee on March 11, 2009; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Chief Financial Officer and Grant 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 03/23/09



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

RESOLUTION #09-177 - 3/23/09

AWARD U.D.A.G. IMPROVEMENT LOAN TO 26-28 HIGHWAY 35, LLC

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

WHEREAS, on March 11, 2009, the Façade Review Committee approved an application filed by 26-28 Highway 35, LLC d/b/a/ Accredited Dermatology, 26-28 Highway 35 for a \$100,000 loan through the UDAG Reciprocal Loan Program; and,

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

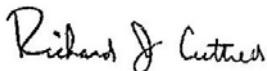
WHEREAS, funds will be provided from the U.D.A.G. Reciprocal Loan Account and the Chief Financial Officer has so certified in writing; and,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that an award of a \$100,000 loan be and is hereby approved under the UDAG Reciprocal Loan Program to 26-28 Highway 35, LLC d/b/a/ Accredited Dermatology, 26-28 Highway 35, pursuant to the application approved by the UDAG/Façade Review Committee on March 11, 2009; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Chief Financial Officer and Grant 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 03/23/09



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

RESOLUTION #09-178 - 3/23/09

EMPLOY PART-TIME KITCHEN AIDE IN SENIOR CENTER

WHEREAS, there is a vacancy in the position of part-time Kitchen Aide in the Senior Center;
and,

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

WHEREAS, the Senior Center Director has made her recommendation; and,

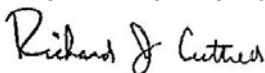
WHEREAS, funds will be provided for the first three months of 2009 in the 2009 Temporary Budget in the appropriation entitled Sr Center S&W, known as Account No. 372-011 and funds for the balance of 2009 will be provided in the Budget for the year 2009, when finally adopted, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Shannel Barbour be and is hereby employed as a part-time Kitchen Aide in the Senior Center, pending favorable results of the required physical, effective March 30, 2009, at a hourly rate of \$9.49; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Senior Center Director, Business Administrator, Chief Financial Officer, Assistant C.F.O., 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 03/23/09



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

RESOLUTION #09-179 - 3/23/09

EMPLOY ON-CALL PART-TIME KITCHEN AIDE IN SENIOR CENTER

WHEREAS, there is a vacancy in the position of on-call part-time Kitchen Aide in the Senior Center; and,

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

WHEREAS, the Senior Center Director has made her recommendation; and,

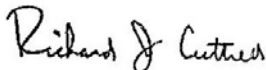
WHEREAS, funds will be provided for the first three months of 2009 in the 2009 Temporary Budget in the appropriation entitled Sr Center S&W, known as Account No. 372-011 and funds for the balance of 2009 will be provided in the Budget for the year 2009, when finally adopted, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Kathryn Goslee be and is hereby employed as an on-call part-time Kitchen Aide in the Senior Center, pending favorable results of the required physical, effective March 30, 2009, at a hourly rate of \$9.49; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Senior Center Director, Business Administrator, Chief Financial Officer, Assistant C.F.O., 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 03/23/09



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

RESOLUTION #09-180 – 3/23/09

AUTHORIZE THE SUBMISSION OF A US DEPARTMENT OF JUSTICE OFFICE OF
COMMUNITY ORIENTED POLICING SERVICES 2009 RECOVERY ACT COPS HIRING
RECOVERY PROGRAM GRANT APPLICATION

WHEREAS, the U.S. Department of Justice, Office of Community Oriented Policing Services has posted the availability of grant funds for the Cops Hiring Recovery Program (CHRP), as provided through the American Recovery and Reinvestment Act of 2009 to create and preserve jobs to increase community policing and crime prevention efforts through 100 per cent (100 %) funding for thirty-six (36) months for newly-hired full-time sworn officers at entry level salaries and benefits; and,

WHEREAS, all CHRP grant funded positions will be retained for 12 months with local funds following the end of the grant period; and,

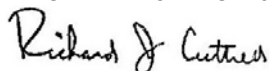
WHEREAS, the Police Department desires to apply for this grant to maintain or to advance the safety of the public and to maintain or to improve the efficiency of the Police Department,

THEREFORE, BE IT FURTHER RESOLVED, by the Township Committee of the Township of Neptune that the Mayor, or his designated authority the Chief Financial Officer; and the Chief of Police be and are hereby authorized to submit an application for a 2009 United States Department of Justice Office of Community Oriented Policing Services Cops Hiring Recovery Program CHRP grant and to administer this grant, and,

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

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 03/23/09



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

RESOLUTION #09-181 - 3/23/09

OPPOSE THE PRACTICE OF INSURANCE SCORING WHEN DETERMINING
AUTO INSURANCE RISK AND RATES

WHEREAS, the New Jersey Department of Banking and Insurance is now allowing providers of automobile insurance to utilize the concept of insurance scoring in evaluating risk and ultimately setting a rate for an individual's auto insurance; and,

WHEREAS, insurance scoring utilizes consumer credit reports and level of education; and,

WHEREAS, the Township Committee believes that auto insurance rates should be based on the driving history of an individual and not an individual's financial situation given the current national economic crisis; and,

WHEREAS, insurance scoring penalizes those who have marginal financial resources and will result in higher insurance costs for those who have less ability to pay; and,

WHEREAS, insurance scoring will adversely affect the residents of our Township who are struggling more than ever to pay for basic needs such as shelter, food and transportation; and,

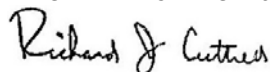
WHEREAS, the New Jersey Consumer Advocate has also been vocal against this practice, fearing that will increase the number of uninsured drivers,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby declares that the concept in insurance scoring in determining the automobile insurance rates paid by the residents of Neptune Township is unfair and poses an undue burden on individuals who may have outstanding driving records but are experiencing financial difficulty in these uncertain economic times; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the New Jersey Department of Banking and Insurance.

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 03/23/09



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

RESOLUTION #09-182 - 3/23/09

RECLASSIFY EMPLOYEE TO THE POSITION OF
CODE ENFORCEMENT SUPERVISOR

WHEREAS, there is a vacancy in the position of Code Enforcement Supervisor; and,

WHEREAS, Robert Day, Code Inspector, has recently served in the capacity of acting Director of Code; and,

WHEREAS, William Doolittle has been appointed to the position of Director of Code/Construction; and,

WHEREAS, the Business Administrator recommends returning Robert Day to the position of Code Enforcement Supervisor on a permanent basis; and,

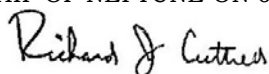
WHEREAS, funds will be provided for the first three months of 2009 in the 2009 Temporary Budget in the appropriation entitled Code S & W, known as Account No. 200-011 and funds for the balance of 2009 will be provided in the Budget for the year 2009, when finally adopted, and the Chief Financial Officer has so certified in writing; and,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Robert Day be and is hereby reclassified to the position of Code Enforcement Supervisor at an annual base salary of \$57,284.46 effective March 24, 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., and AFSCME Local #1844.

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 03/23/09



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

RESOLUTION #09-183 - 3/23/09

RECLASSIFY EMPLOYEE TO THE POSITION OF
DEPARTMENTAL SECRETARY IN RECREATION DEPARTMENT

WHEREAS, there is a vacancy in the position of Departmental Secretary in the Recreation Department; and,

WHEREAS, the Business Administrator has made a recommendation to reclassify a current Clerk/Typist in the Department to said position; and,

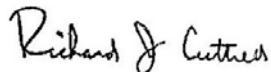
WHEREAS, funds will be provided for the first three months of 2009 in the 2009 Temporary Budget in the appropriation entitled Rec S & W, known as Account No. 370-011 and funds for the balance of 2009 will be provided in the Budget for the year 2009, when finally adopted, and the Chief Financial Officer has so certified in writing; and,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Sherry Sotnikoff be and is hereby reclassified to the position of Departmental Secretary in the Recreation Department at an annual salary of \$27,000.00 effective March 24, 2009; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Business Administrator, Recreation Director, Chief Financial Officer, Assistant C.F.O, AFSCME Local #1844 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 03/23/09



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

RESOLUTION #09-184 - 3/23/09

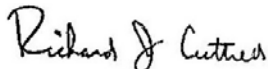
CONSENT TO MAYOR'S APPOINTMENT TO THE HOUSING AUTHORITY

BE IT RESOLVED, by the Township Committee of the Township of Neptune that it hereby consents to the Mayor's appointment of Edward Green to the Neptune Township Housing Authority for a five year term expiring March 31, 2014; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Neptune Housing Authority.

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 03/23/09



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

RESOLUTION #09-185 – 3/23/09

AUTHORIZE THE PAYMENT OF BILLS

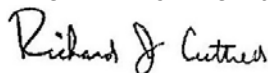
BE IT RESOLVED, That the following bills be paid if properly certified:

CURRENT FUND	3,239,837.25
FEDERAL & STATE GRANT FUND	4,362.00
TRUST OTHER	48,279.00
GENERAL CAPITAL FUND	301,147.63
SEWER OPERATING FUND	1,105,071.30
SEWER CAPITAL FUND	139,120.00
MARINA OPERATING FUND	186.14
MARINA CAPITAL FUND	41.00
DOG TRUST	7,094.25
BILL LIST TOTAL	\$4,845,138.57

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 03/23/09



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