

**TOWNSHIP COMMITTEE WORKSHOP MEETING – AUGUST 10, 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 June 11, 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 – Fee for removing/storing clothing bins.
  
  
  
  
  
  
  
  
  
  
2. Discussion – 2009 League Conference.
  
  
  
  
  
  
  
  
  
  
3. Discussion – Villa’s/Jumping Brook Garden Grove.
  
  
  
  
  
  
  
  
  
  
4. Discussion – Changing name of West Lake Avenue to Springwood Avenue.

5. Outstanding parking lot items (PW)

Res. # 09-387 – 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 – AUGUST 10, 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; and Richard J. Cuttrel, Municipal Clerk.

Silent Prayer and Flag Salute

The Clerk states, "Fire exits are located in the rear of the room and to my 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 June 11, 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](http://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 July 27<sup>th</sup>, 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:

A letter from Our Lady of Providence Church thanking the Police Department for their support with the Hispanic-American Festival.

**COMMENTS FROM THE DAIS**

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

**PUBLIC COMMENTS ON RESOLUTIONS**

Public comments regarding resolutions presented on this agenda only. The public will be permitted one visit to the microphone with a limit of five minutes.

**ORDINANCES**

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

ORDINANCE NO. 09-32 - An ordinance to amend Ordinance #05-45 entitled "An ordinance creating job titles and setting the salary ranges for said job titles and for existing job titles of the Township of Neptune in the County of Monmouth and repealing all parts of previous ordinances inconsistent herewith." by amending the salary range for the health benefits opt-out. – Final Reading

Public Hearing:

Offered by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Vote: Bishop, \_\_\_\_\_; Jahn, \_\_\_\_\_; Manning, \_\_\_\_\_; McMillan, \_\_\_\_\_; Brantley, \_\_\_\_\_.

ORDINANCE NO. 09-33 - 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 Assessing/Land Use Inspector. – First Reading

Offered by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Vote: Bishop, \_\_\_\_\_; Jahn, \_\_\_\_\_; Manning, \_\_\_\_\_; McMillan, \_\_\_\_\_; Brantley, \_\_\_\_\_.

ORDINANCE NO. 09-34 – Bond ordinance providing for the acquisition and the payment of the purchase price of real property being designated as Block 7013, Lot 11 on the official tax map of, by and in the Township of Neptune, in the County of Monmouth, State of New Jersey; appropriating \$550,000 therefor and authorizing the issuance of \$522,500 bonds or notes of the Township to finance part of the cost thereof. – First Reading

Offered by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Vote: Bishop, \_\_\_\_\_; Jahn, \_\_\_\_\_; Manning, \_\_\_\_\_; McMillan, \_\_\_\_\_; Brantley, \_\_\_\_\_.

ORDINANCE NO. 09-35 – Bond ordinance providing for the acquisition and installation, as applicable, of various equipment by and for the Township of Neptune, in the County of Monmouth, State of New Jersey; appropriating \$200,000 therefor and authorizing the issuance of \$190,000 bonds or notes of the Township to finance part of the cost thereof. – First Reading

Offered by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Vote: Bishop, \_\_\_\_\_; Jahn, \_\_\_\_\_; Manning, \_\_\_\_\_; McMillan, \_\_\_\_\_; Brantley, \_\_\_\_\_.

ORDINANCE NO. 09-36 – Bond ordinance providing for the acquisition of various vehicles and equipment for the Department of Public Works and the Senior Citizens Center of the Township of Neptune, in the County of Monmouth, State of New Jersey; appropriating \$1,000,000 therefor and authorizing the issuance of \$950,000 bonds or notes of the Township to finance part of the cost thereof – First Reading

Offered by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Vote: Bishop, \_\_\_\_\_; Jahn, \_\_\_\_\_; Manning, \_\_\_\_\_; McMillan, \_\_\_\_\_; Brantley, \_\_\_\_\_.

ORDINANCE NO. 09-37 – Bond ordinance providing for the acquisition of various vehicles and equipment for the Sewer Utility of the Township of Neptune, in the County of Monmouth, State of New Jersey; appropriating \$175,000 therefor and authorizing the issuance of \$166,250 bonds or notes of the township to finance part of the cost thereof – First Reading

Offered by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Vote: Bishop, \_\_\_\_\_; Jahn, \_\_\_\_\_; Manning, \_\_\_\_\_; McMillan, \_\_\_\_\_; Brantley, \_\_\_\_\_.

The Public Hearings on Ordinances 09-33 through 09-37 will be held on Monday, August 24, 2009.

**CONSENT AGENDA**

Res. # 09-388 – Accept a Corrective Action Plan in connection with the 2008 Audit recommendations.

Res. # 09-389 – Accept the resignation of Mary Beth Jahn as a member of the Harbor Commission.

Res. # 09-390 – Authorize Tetra Tech, Inc. to prepare Benefit Cost Analysis and Grant Application for the 2010 FEMA Hazard Mitigation Assistance Program.

Res. # 09-391 – Amend 2009 rates for the Municipal Marina as established by the Harbor Commission to add summer dockage prorated charge.

Res. # 09-392 – Request the NJDOT to combine previously awarded Transportation Trust Fund Grants for Improvements to Broadway.

Res. # 09-393 – Accept Site Restoration Bond filed by FLO TV, Inc. for site restoration at the telecommunications facility at Summit Drive (adjacent to West Bangs Avenue).

Res. # 09-394 – Authorize a reduction in the performance guarantee filed by All American Turf, Inc. for site improvements at All American Turf, 3502 West Bangs Avenue (Block 7013, Lot 1).

Res. # 09-395 – Extend leave without pay for Jessica Stocum.

Res. # 09-396 – Authorize the refund of taxes as a result of an overpayment.

Res. # 09-397 – Authorize the Tax Collector to transfer credits.

Res. # 09-398 – Authorize the transfer of a credit balance from 2009 taxes to interest on taxes (17 South Riverside Drive).

Res. # 09-399 – Authorize a Fireworks Display by the Township of Neptune on September 11<sup>th</sup>.

Res. # 09-400 – Authorize the endorsement of the tax sale certificate affecting Block 228, Lot 323.

Res. # 09-401 – Appoint School Crossing Guards for the 2009-2010 school year.

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

Res. # 09-402 – Support state legislation concerning “drug paraphernalia”.

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

Res. # 09-403 – Oppose Verizon FiOS TV rate hike.

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

Res. # 09-404 – Request the State Department of Transportation to install a left turn only arrow on eastbound Route 66 at Green Grove Road.

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

Res. # 09-405 – Express support of organ and tissue donation.

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

Res. # 09-406 – Support legislation which would enable municipalities and other local government entities to utilize credit unions as depositories.

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

Res. # 09-407 – Approve Letter of Intent in regards to the purchase of the former Welsh Farms property (703 Old Corlies Avenue).

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

Res. # 09-408 – Amend Resolution #09-262 which authorizes the Township Attorney to provide representation in the matter of Kevin Chambers v. Neptune Township.

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

Res. # 09-409 – Reclassify employee to the position of Foreman in the Sewer Utility.

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

Res. # 09-410 – Appoint member to the Township of Neptune Sewerage Authority.

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

Res. # 09-411 – 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 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. 09-33

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 ASSESSING/LAND USE INSPECTOR

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 Assessing/Land Use Inspector.

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>
Assessing/Land Use Inspector	\$30,000.00	\$35,000.00

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

ORDINANCE NO. 09-34

BOND ORDINANCE PROVIDING FOR THE ACQUISITION AND THE PAYMENT OF THE PURCHASE PRICE OF REAL PROPERTY BEING DESIGNATED AS BLOCK 7013, LOT 11 ON THE OFFICIAL TAX MAP OF, BY AND IN THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$550,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$522,500 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

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

**SECTION 1.** The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized as a general improvement or purpose to be undertaken by the Township of Neptune, in the County of Monmouth, State of New Jersey (the "Township"). For the said improvement or purpose stated in Section 3, there is hereby appropriated the sum of \$550,000, said sum being inclusive of a down payment in the aggregate amount of \$27,500 for said improvement or purpose as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). The \$27,500 down payment is now available therefor from the general capital improvement fund by virtue of a provision or provisions in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes.

**SECTION 2.** For the financing of said improvement or purpose described in Section 3 hereof and to meet the part of said \$550,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$522,500 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Township in a principal amount not exceeding \$522,500 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

**SECTION 3.** (a) The improvement hereby authorized and purpose for the financing of which said bonds or notes are to be issued is the acquisition and the payment of the purchase price of real property, a lawful public purpose, such real property being designated as Block 7013, Lot 11 on the Official Tax Map of the Township (the "Property" or "703 Old Corlies Avenue") and also including, all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for said improvement or purpose is \$522,500.

(c) The estimated cost of said improvement or purpose is \$550,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the down payment for said improvement or purpose in the amount of \$27,500.

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

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

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

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

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

(b) The average period of usefulness of said improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is forty (40) years.

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

Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$522,500 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

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

(e) Pursuant to Section 4 hereof, the Township will hereby apply for funding under the Monmouth County Municipal Open Space Grant Program and/or the New Jersey Department of Environmental Protection Green Acres Program in order to reduce the aggregate amount of authorized bonds or notes issued by the aggregate amount of grants or contributions to be received from the Monmouth County Municipal Open Space Grant Program and/or the New Jersey Department of Environmental Protection Green Acres Program.

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

**SECTION 9.** The Township is hereby authorized to acquire the Property and to negotiate an agreement of sale for the aforesaid acquisition. The Mayor, Business Administrator, Chief Financial Officer, Township Attorney and the Township Clerk are each hereby authorized, as applicable, to negotiate, approve, execute, attest, deliver and perform said agreement of sale and any and all documents necessary to acquire said property.

**SECTION 10.** The Township reasonably expects to reimburse any expenditures toward the costs of the improvement or purpose described in Section 3 of this bond ordinance and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein have been or are reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the Township, or any member of the same "Controlled Group" as the Township, within the meaning of Treasury Regulation Section 1.150-1(e), pursuant to its budget or financial policies with respect to any expenditures to be reimbursed. This Section 10 is intended to be and hereby is a declaration of the Township's official intent to reimburse any expenditures toward the costs of the improvement or purpose described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulation Section 1.150-2, and no further action (or inaction) will be an abusive arbitrage device in accordance with Treasury Regulation Section 1.148-10 to avoid the arbitrage yield restrictions or arbitrage rebate requirements under section 148 of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the Township for any expenditures toward the costs of the improvement or purpose described in Section 3 hereof will not be used directly or indirectly (i) to "refund" an issue of governmental obligations within the meaning of Treasury Regulation Section 1.150-1(d), (ii) to create, within one year, following the reimbursement of any expenditures of bond proceeds "replacement proceeds", within the meaning of Treasury Regulation Section 1.148-1 of the bonds, or any other bond issue, or (iii) to reimburse the Township for any expenditure or payment that was originally paid with the proceeds of any

obligation of the Township (other than borrowing by the Township from one of its own funds or the funds of a member of the same "Controlled Group" within the meaning of Treasury Regulation Section 1.150-1(e)). The bonds or notes authorized herein to reimburse the Township for any expenditures toward the costs of the improvement or purpose described in Section 3 hereof will be issued in an amount not to exceed \$522,500. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of section 150 of the Code and Treasury Regulation Section 1.150-1. This provision will take effect immediately, but will be of no effect with regard to expenditures for costs paid outside the permitted reimbursement period set forth in Treasury Regulation Section 1.150-2(d)(2).

**SECTION 11.** The Township covenants to maintain the exclusion from gross income under section 103(a) of the Code of the interest on all bonds and notes issued under this ordinance.

**SECTION 12.** This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption as provided by the Local Bond Law.

APPROVED ON FIRST READING:

APPROVED, PASSED AND ADOPTED:

ATTEST:

\_\_\_\_\_  
Richard J. Cuttrell,  
Municipal Clerk

\_\_\_\_\_  
Dr. Michael Brantley,  
Mayor

ORDINANCE NO. 09-35

BOND ORDINANCE PROVIDING FOR THE ACQUISITION AND INSTALLATION, AS APPLICABLE, OF VARIOUS EQUIPMENT BY AND FOR THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$200,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$190,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

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

**SECTION 1.** The improvements or purposes described in Section 3 of this bond ordinance is hereby authorized as general improvements or purposes to be undertaken by the Township of Neptune, in the County of Monmouth, State of New Jersey (the "Township"). For the said improvements or purposes stated in Section 3, there is hereby appropriated the sum of \$200,000, said sum being inclusive of a down payment in the aggregate amount of \$10,000 for said improvements or purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 *et seq.* (the "Local Bond Law"). The \$10,000 down payment is now available therefor from the general capital improvement fund by virtue of a provision or provisions in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes.

**SECTION 2.** For the financing of said improvements or purposes described in Section 3 hereof and to meet the portion of the \$200,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$190,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in a principal amount not exceeding \$190,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

**SECTION 3.** (a) The improvements hereby authorized and purposes for the financing of which said bonds or notes are to be issued are the acquisition and installation, as applicable, of various equipment by and for the Township, including but not limited to, digital recording systems, security equipment, computers and other similar capital equipment for the Municipal Court, Police Department and administrative offices of the Township and which acquisition and installation, as applicable, of equipment shall also include all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$190,000.

(c) The estimated cost of said improvements or purposes is \$200,000.

**SECTION 4.** In the event the United States of America, the State of New Jersey, and/or the County of Monmouth make a contribution or grant in aid to the Township, for the improvement and purpose authorized hereby and the same shall be received by the Township prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or

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

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

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

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

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

(b) The average period of usefulness of said improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is seven (7) years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$190,000 and the said bonds or notes

authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

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

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

**SECTION 9.** The Township reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 of this bond ordinance and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein have been or are reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the Township, or any member of the same "Controlled Group" as the Township, within the meaning of Treasury Regulation Section 1.150-1(e), pursuant to its budget or financial policies with respect to any expenditures to be reimbursed. This Section 9 is intended to be and hereby is a declaration of the Township's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulation Section 1.150-2, and no further action (or inaction) will be an abusive arbitrage device in accordance with Treasury Regulation Section 1.148-10 to avoid the arbitrage yield restrictions or arbitrage rebate requirements under section 148 of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the Township for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will not be used directly or indirectly (i) to "refund" an issue of governmental obligations within the meaning of Treasury Regulation Section 1.150-1(d), (ii) to create, within one year, following the reimbursement of any expenditures of bond proceeds "replacement proceeds", within the meaning of Treasury Regulation Section 1.148-1 of the bonds, or any other bond issue, or (iii) to reimburse the Township for any expenditure or payment that was originally paid with the proceeds of any obligation of the Township (other than borrowing by the Township from one of its own funds or the funds of a member of the same "Controlled Group" within the meaning of Treasury Regulation Section 1.150-1(e)). The bonds or notes authorized herein to reimburse the Township for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed \$190,000. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of section 150 of the Code and Treasury Regulation Section 1.150-1. This provision will take effect immediately, but will be of no effect with regard to expenditures for costs paid outside the permitted reimbursement period set forth in Treasury Regulation Section 1.150-2(d)(2).

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

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

APPROVED ON FIRST READING:

APPROVED, PASSED AND ADOPTED:

ATTEST:

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Richard J. Cuttrell,  
Municipal Clerk

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Dr. Michael Brantley,  
Mayor

ORDINANCE NO. 09-36

BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF VARIOUS VEHICLES AND EQUIPMENT FOR THE DEPARTMENT OF PUBLIC WORKS AND THE SENIOR CITIZENS CENTER OF THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$1,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$950,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

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

**SECTION 1.** The improvements or purposes described in Section 3 of this bond ordinance is hereby authorized as general improvements or purposes to be undertaken by the Township of Neptune, in the County of Monmouth, State of New Jersey (the "Township"). For the said improvements or purposes stated in Section 3, there is hereby appropriated the sum of \$1,000,000, said sum being inclusive of a down payment in the aggregate amount of \$50,000 for said improvements or purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). The \$50,000 down payment is now available therefor from the general capital improvement fund by virtue of a provision or provisions in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes.

**SECTION 2.** For the financing of said improvements or purposes described in Section 3 hereof and to meet the portion of the \$1,000,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$950,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in a principal amount not exceeding \$950,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

**SECTION 3.** (a) The improvements hereby authorized and the purposes for the financing of which said obligations are to be issued are for: (i) the acquisition of various vehicles and equipment for the Department of Public Works of the Township, including but not limited to, the acquisition of dump trucks, loader, garbage truck, recycling truck, light and medium duty trucks, plows, sanders, leaf trailer and vehicle maintenance equipment; (ii) the acquisition of various vehicles and equipment for the Senior Citizens Center of the Township, including but not limited to, the acquisition of a bus; and (iii) and any and all equipment and accessories, work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$950,000.

(c) The estimated cost of said improvements or purposes is \$1,000,000.

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

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

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

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

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

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

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

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

bonds or notes provided for in this bond ordinance by \$950,000 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$30,000 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the purpose or improvement hereinbefore described.

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

**SECTION 9.** The Township reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 of this bond ordinance and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein have been or are reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the Township, or any member of the same "Controlled Group" as the Township, within the meaning of Treasury Regulation Section 1.150-1(e), pursuant to its budget or financial policies with respect to any expenditures to be reimbursed. This Section 9 is intended to be and hereby is a declaration of the Township's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulation Section 1.150-2, and no further action (or inaction) will be an abusive arbitrage device in accordance with Treasury Regulation Section 1.148-10 to avoid the arbitrage yield restrictions or arbitrage rebate requirements under section 148 of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the Township for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will not be used directly or indirectly (i) to "refund" an issue of governmental obligations within the meaning of Treasury Regulation Section 1.150-1(d), (ii) to create, within one year, following the reimbursement of any expenditures of bond proceeds "replacement proceeds", within the meaning of Treasury Regulation Section 1.148-1 of the bonds, or any other bond issue, or (iii) to reimburse the Township for any expenditure or payment that was originally paid with the proceeds of any obligation of the Township (other than borrowing by the Township from one of its own funds or the funds of a member of the same "Controlled Group" within the meaning of Treasury Regulation Section 1.150-1(e)). The bonds or notes authorized herein to reimburse the Township for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed \$950,000. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of section 150 of the Code and Treasury Regulation Section 1.150-1. This provision will take effect immediately, but will be of no effect with regard to expenditures for costs paid outside the permitted reimbursement period set forth in Treasury Regulation Section 1.150-2(d)(2).

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

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

APPROVED ON FIRST READING:

APPROVED, PASSED AND ADOPTED:

ATTEST:

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Richard J. Cuttrell,  
Municipal Clerk

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Dr. Michael Brantley,  
Mayor

ORDINANCE NO. 09-37

BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF VARIOUS VEHICLES AND EQUIPMENT FOR THE SEWER UTILITY OF THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$175,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$166,250 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

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

**SECTION 1.** The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken as general improvements or purposes by the Sewer Utility of the Township of Neptune, in the County of Monmouth, State of New Jersey (the "Township"). For the said improvements or purposes stated in Section 3, there is hereby appropriated the sum of \$175,000, said sum being inclusive of a down payment in the aggregate amount of \$8,750 for said improvements or purposes required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). The down payment is now available from the sewer capital improvement fund by virtue of a provision or provisions in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes.

**SECTION 2.** For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$175,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Sewer Utility of the Township are hereby authorized to be issued in the aggregate principal amount of \$166,250 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Sewer Utility of the Township in an aggregate principal amount of \$166,250 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

**SECTION 3.** (a) The improvements hereby authorized and the purposes for the financing of which said obligations are to be issued are for the acquisition of various vehicles and equipment for the Sewer Utility of the Township, and any and all equipment, accessories, work, materials, labor and appurtenances necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$166,250.

(c) The estimated cost of said improvements or purposes is \$175,000, the excess thereof over the estimated maximum amount of bonds or notes to be issued therefor, is the aggregate down payment for said improvements or purposes in the amount of \$8,500.

**SECTION 4.** In the event the United States of America, the State of New Jersey, the County of Monmouth and/or any other lawful outside source make a contribution or grant in aid to the Township for the improvement and purpose authorized hereby and the same shall be received by the Township prior to the issuance of the bonds or notes authorized in Section 2 hereof, then

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

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

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

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

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

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

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, in the New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by \$166,250, the authorization of

the bonds or notes provided for in this bond ordinance, and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$10,000 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the improvements or purposes described in Section 3 hereof.

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

**SECTION 9.** The Township reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 of this bond ordinance and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein have been or are reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the Township, or any member of the same "Controlled Group" as the Township, within the meaning of Treasury Regulation Section 1.150-1(e), pursuant to its budget or financial policies with respect to any expenditures to be reimbursed. This Section 9 is intended to be and hereby is a declaration of the Township's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulation Section 1.150-2, and no further action (or inaction) will be an abusive arbitrage device in accordance with Treasury Regulation Section 1.148-10 to avoid the arbitrage yield restrictions or arbitrage rebate requirements under section 148 of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the Township for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will not be used directly or indirectly (i) to "refund" an issue of governmental obligations within the meaning of Treasury Regulation Section 1.150-1(d) of the Code, (ii) to create, within one year, following the reimbursement of any expenditures of bond proceeds, "replacement proceeds" within the meaning of Treasury Regulation Section 1.148-1 of the Code, or any other bond issue, or (iii) to reimburse the Township for any expenditure or payment that was originally paid with the proceeds of any obligation of the Township (other than borrowing by the Township from one of its own funds or the funds of a member of the same "Controlled Group" within the meaning of Treasury Regulation Section 1.150-1(e)). The bonds or notes authorized herein to reimburse the Township for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed \$166,250. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of section 150 of the Code and Treasury Regulation Section 1.150-1. This Section 9 will take effect immediately, but will be of no effect with regard to expenditures for costs paid outside the permitted reimbursement period set forth in Treasury Regulation Section 1.150-2(d)(2).

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

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

APPROVED ON FIRST READING:

APPROVED, PASSED AND ADOPTED:

ATTEST:

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Richard J. Cuttrell,  
Municipal Clerk

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Dr. Michael Brantley,  
Mayor

RESOLUTION #09-387 – 8/10/09

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:

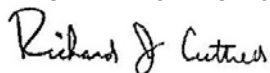
Contract negotiations – Senior Center project  
Personnel – Vacancy in Building Maintenance Department  
Personnel – Appointment to TNSA

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 08/10/09



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

RESOLUTION #09-388 - 8/10/09

ACCEPT A CORRECTIVE ACTION PLAN IN CONNECTION  
WITH THE 2008 AUDIT RECOMMENDATIONS

WHEREAS, the Township Committee previously accepted the 2008 Township of Neptune audit by resolution; and,

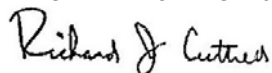
WHEREAS, the various Departments within the Township have reviewed the comments and recommendations portion of said audit and submitted a Corrective Action Plan to the Chief Financial Officer and Township Committee,

THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Corrective Action Plan of the 2008 Township of Neptune Audit be and is hereby accepted and is authorized for submission to the Division of Local Government.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded 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 08/10/09



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

RESOLUTION #09-389 - 8/10/09

ACCEPT THE RESIGNATION OF MARY BETH JAHN AS A  
MEMBER OF THE HARBOR COMMISSION

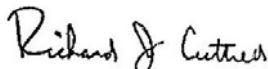
WHEREAS, the Township Committee has received a letter from Deputy Mayor Mary Beth Jahn resigning as a member of the Harbor Commission effective July 27, 2009,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Deputy Mayor Mary Beth Jahn as a member of the Harbor Commission is hereby accepted effective July 27, 2009; and,

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

**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 08/10/09



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

RESOLUTION #09-390 - 8/10/09

AUTHORIZE TETRA TECH, INC. TO PREPARE BENEFIT COST ANALYSIS AND GRANT APPLICATION FOR 2010 FEMA HAZARD MITIGATION ASSISTANCE PROGRAM

WHEREAS, the Federal Emergency Management Agency provides funding for hazard mitigation projects through its 2010 FEMA Hazard Mitigation Assistance Program; and,

WHEREAS, the Township of Neptune will serve as the lead agency in a three town application with the Borough of Neptune City and Borough of Belmar called the Tide-Gates project which will seek to minimize street flooding during high tides and storms by retrofitting outfalls into the Shark River to only allow water to flow out; and,

WHEREAS, Tetra Tech EM, Inc. will first prepare the required preliminary Benefits Cost Analysis to determine the cost effectiveness of submitting an application and, if the results are positive, to prepare a final Benefits Cost Analysis and Grant Application; and,

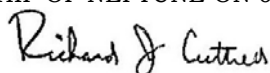
WHEREAS, funds for this purpose will be provided in the appropriation entitled Engineering O.E., known as Account No. 165-028, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes Tetra Tech EM, Inc. to complete a preliminary Benefits Cost Analysis at an amount not to exceed \$6,000.00 and, if the results of said analysis are favorable, to complete a final Benefits Cost Analysis and prepare/submit a 2010 FEMA Hazard Mitigation Assistance Program Grant Application at an amount not to exceed \$10,000.00; 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, Business Administrator and OEM 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 08/10/09



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

RESOLUTION #09-391 - 8/10/09

AMEND 2009 RATES FOR THE MUNICIPAL MARINA AS ESTABLISHED BY  
THE HARBOR COMMISSION TO ADD SUMMER DOCKAGE PRORATED CHARGE

WHEREAS, on October 9, 2008, the Township Committee adopted Resolution #08-467 to adopt 2009 rates for the Shark River Municipal Marina; and,

WHEREAS, said rates were amended by the adoption of Resolution #09-229 on April 27, 2009; and,

WHEREAS, the Harbor Commission has recommended a further amendment to establish a summer dockage prorated fee for a portion of the summer dockage season for new customers only; and,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby amends the 2009 marina rate schedule as adopted by the Harbor Commission by adding the following in the sections indicated:

a. Summer dockage

A prorated fee shall be offered for summer dockage contracts signed by new marina customers after April 1<sup>st</sup>. New marina customers shall be defined as boaters who have not been customers of the marina for at least the last three years. The prorated fee shall be computed based on the number of days between the date of the contract and the end of the summer dockage season.

c. Dry Winter storage

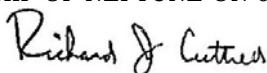
The Marina Supervisor must approve the hauling and blocking of any vessel that meets any one of the following conditions:

1. Fifteen years or older
2. Made of wood
3. Not in Bristol condition

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Marina Supervisor, Marina Bookkeeper, Township Chief Financial Officer, Township Business Administrator, Township Assistant C.F.O. and Township 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 08/10/09



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

RESOLUTION #09-392 - 8/10/09

REQUEST THE NJDOT TO COMBINE PREVIOUSLY AWARDED  
TRANSPORTATION TRUST FUND GRANTS FOR IMPROVEMENTS TO BROADWAY

WHEREAS, the Township of Neptune received New Jersey Department of Transportation (NJDOT) Trust Fund grants in FY 2007 and FY 2009 for two phases of roadway and drainage improvements to Broadway in Ocean Grove; and,

WHEREAS, the Director of Engineering and Planning has requested the NJDOT to combine the two allotments in order to reduce the overall construction and administrative costs; and,

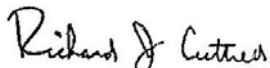
WHEREAS, the NJDOT has granted conditional approval pending adoption of a resolution formally making the request,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby requests the New Jersey Department of Transportation to combine the Township's FY 2007 and FY 2009 Transportation Trust Fund allotments for drainage and roadway improvements to Broadway in order to realize a reduction in overall construction and administrative costs; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Director of Engineering and Planning, Chief Financial Officer, 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 08/10/09



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

RESOLUTION #09-393 - 8/10/09

ACCEPT SITE RESTORATION BOND FILED BY FLO TV, INC.  
FOR SITE RESTORATION AT THE TELECOMMUNICATIONS FACILITY  
AT SUMMIT DRIVE (ADJACENT TO WEST BANGS AVENUE)

WHEREAS, FLO TV, Inc. has filed site restoration bond 105294192, written by Travelers Casualty and Surety Company of America in the amount of \$37,500.00, guaranteeing site restoration at the proposed telecommunications facility on Summit Drive (adjacent to West Bangs Avenue (Block 372, Lots 3159-3166 & 3175-3179); and,

WHEREAS, there are no other surety or inspection fee escrow requirements with the application; and,

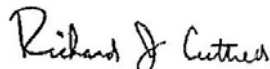
WHEREAS, the acceptance of this Performance Guarantee does not authorize the issuance of any licenses or permits by the Construction Department but serves as certification to the Planning Board/Board of Adjustment that compliance with the Land Development Ordinance of the Township of Neptune has been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

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby accepts the Site Restoration Bond for the project as stated above; and,

BE IT FURTHER RESOLVED, that a copy of this resolution shall be forwarded to the Leon Avakian, Inc., Planning Board, Construction Department 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 08/10/09



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

RESOLUTION #09-394 - 8/10/09

AUTHORIZE A REDUCTION IN THE PERFORMANCE GUARANTEE FILED BY  
ALL AMERICAN TURF, INC. FOR SITE IMPROVEMENTS AT ALL AMERICAN TURF  
3502 WEST BANGS AVENUE (BLOCK 7013, LOT 1)

WHEREAS, on September 24, 2007, the Township Committee adopted a resolution which accepted performance bond S12348 in the amount of \$196,560.00 filed by All American Turf, Inc written by First Indemnity of America Insurance Company guaranteeing site improvements at All American Turf, 3502 West Bangs Avenue (Block 7013, Lot 1); and,

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

WHEREAS, the Developer has posted a Change Rider reducing the amount of the performance bond from \$196,560.00 to \$66,697.00,

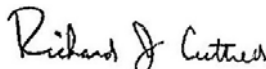
THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that a reduction in the Performance Guarantee for All American Turf (Block 7013, Lot 1) be and is hereby approved to the amount of \$66,697.00 and the Change Rider submitted to affect said reduction is hereby accepted; and,

BE IT FURTHER RESOLVED, that the proportionate amount of cash portion of the performance guarantee in the amount of \$14,429.16 shall be refunded to the Developer; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Township Engineer, Director of Planning and Engineering 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 08/10/09



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

RESOLUTION #09-395 - 8/10/09

EXTEND LEAVE WITHOUT PAY FOR JESSICA STOCUM

WHEREAS, Jessica Stocum, Clerk/Typist in the Police Department, is currently absent from work through August 19, 2009 under the provisions of the Family and Medical Leave Act; and,

WHEREAS, Jessica Stocum has notified the Business Administrator that she is unable to resume her duties through September 30, 2009; and

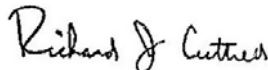
WHEREAS, in accordance with Section 9-7.15 of the Township Personnel Code, the Business Administrator recommends that the employment of Jessica Stocum be continued without pay for this additional period,

THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune that the employment of Jessica Stocum, Clerk/Typist in the Police Department, be and is hereby continued without pay for an additional period from August 19, 2009 through September 30, 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, 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 08/10/09



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

RESOLUTION #09-396 - 8/10/09

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,

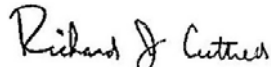
THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth, State of New Jersey, that the Tax Collector be and is hereby authorized to refund the taxes as stated herein; and,

<b>BLOCK</b>	<b>LOT</b>	<b>ASSESSED TO</b>	<b>ADDRESS</b>	<b>YEAR</b>	<b>AMOUNT</b>
7013	12	ELY FUNERAL	3316 HIGHWAY 33	2008	292.98
1303	46	DEWITT	15 CEDAR TR	2008	1,139.72
248	2	UNION BAPTIST	511 SAYRE ST	2009	808.38
3	358C323	LANG	4 OCEAN AVE	2009	2,735.24
170	103	FLORKE	1214 10 <sup>TH</sup> AVE	2007	730.05

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 08/10/09



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

RESOLUTION #09-397 - 8/10/09

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,

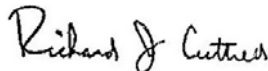
THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth, State of New Jersey, that the Tax Collector be and is hereby authorized to transfer credits listed below and apply same against balances as stated herein; and,

<b>BLOCK</b>	<b>LOT</b>	<b>ASSESSED TO</b>	<b>ADDRESS</b>	<b>AMOUNT</b>	<b>FROM YEAR</b>	<b>TO YEAR</b>
9	532	MC MANUS	18 PITMAN AV	2.04	2009	2010
23	501.02	BYHAM	35 PITMAN AV	25.82	2009	2010
23	507.02	CHERNY	23 PITMAN AV	2,425.11	2009	2010
222	281	MTGLQ INVEST	1809 COLUMBUS AV	4,950.03	2009	2010
527	70	LORD	2620 HIGHWAY 33	2,285.00	2009	2010
9000	25.01	SEAVIEW CORP	ROUTE 66	468.23	2009	2010
9030	8	FROST	10 PRINCETON AV	27.03	2009	2010
9040	18	JACKSON	9 HARVEY AV	1,243.12	2009	2010
10000	29	NEPT LODGE	3510 ROUTE 66	4,929.48	2009	2010

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 08/10/09



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

RESOLUTION #09-398 - 8/10/09

AUTHORIZE THE TRANSFER OF A CREDIT BALANCE FROM  
2009 TAXES TO INTEREST ON TAXES (17 SOUTH RIVERSIDE DRIVE)

WHEREAS, a property known as Block 481, Lot 44.01, with an address of 17 South Riverside Drive, assessed to D. Stanislaw reflects a balance of \$36.44 on Interest on Taxes; and,

WHEREAS, a payment was applied to 2009 Taxes in error; and,

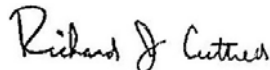
WHEREAS, the Tax Collector has recommended transferring said payment in the amount of \$36.44 from 2009 Taxes to Interest on Taxes,

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 \$36.44 from 2009 Taxes to Interest on Taxes for the property known as Block 481, Lot 44.01; 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 08/10/09



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

RESOLUTION #09-399 - 8/10/09

AUTHORIZE A **DEFEATED** DISPLAY BY THE  
TOWNSHIP OF NEPTUNE ON SEPTEMBER 11TH

WHEREAS, the Township of Neptune desires to authorize a professional fireworks display on Friday, September 11, 2009 at 8:30 P.M. on the beach in Ocean Grove; and,

WHEREAS, the Township has solicited and is accepting proposals from professional fireworks vendors for a \$10,000.00 display plus insurance coverage to the Township of Neptune for public liability and/or property damage; and,

WHEREAS, the vendor will be selected based on the number of fireworks shells provided for the budgeted amount; and,

WHEREAS, funds for this purpose will be provided in the appropriations entitled Celebration of Public Events – Other Expenses and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, that the Township Committee hereby authorizes the following:

1) Permission for a fireworks display by the Township of Neptune on Friday, September 11, 2009 commencing at 8:30 P.M. on the beach at the foot of Ocean Pathway in Ocean Grove. (Rain date – Saturday, September 12<sup>th</sup>)

2) The execution of an agreement by the Mayor and Clerk to provide a fireworks display as described herein.

3) The acquisition by the Clerk of the appropriate permit from the Ocean Grove Fire Bureau.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Chief of Police, Recreation Director, Ocean Grove Fire Official, Chief Financial Officer, Assistant C.F.O. and Ocean Grove Camp Meeting Association.

RESOLUTION #09-400 - 8/10/09

AUTHORIZE THE ENDORSEMENT OF THE TAX SALE CERTIFICATE  
AFFECTING BLOCK 228, LOT 323

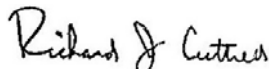
WHEREAS, all the taxes, costs and interest have been paid on the Tax Title Lien Certificate affecting the property listed below,

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 endorse for cancellation the Tax Title Lien Certificate affecting Block 228, Lot 323; and,

BE IT FURTHER RESOLVED, that a copy of this resolution and the endorsed Tax Sale Certificate be forwarded to the Tax Collector.

**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 08/10/09



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

RESOLUTION #09-401 - 8/10/09

APPOINT SCHOOL CROSSING GUARDS FOR THE 2009-2010 SCHOOL YEAR

WHEREAS, there is a need for School Crossing Guards for the 2009-2010 school year; and,

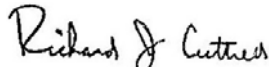
WHEREAS, funds are available for this purpose in the appropriation entitled Police - Salaries and Wages known as Account No. 240-013 and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Sandra Acevedo, Nicole Bennett, Lisa Brown, Ronald Coleman, Nancy Cole, Frederick Dangler, Jerry Diglio, Philip DeStaven, Clayton Harrison, Shirley Harrison, Juanita Jones, Ki Nam Kang, Kathryn Kelly, Rosalee Lane, Virginia Majewski, Amelia Okpanachi, Robert Perkins, Joseph Perri, Edna Salas, Detremus Thomas, Caroline Vandervort, Charles Whites and Alfreda Wright be and they are hereby appointed Crossing Guards for the 2009-2010 school year and to perform such other duties as prescribed by the Chief of Police, at an hourly rate of \$12.84; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Chief of Police, 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 08/10/09



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

RESOLUTION #09-402 - 8/10/09

SUPPORT STATE LEGISLATION CONCERNING "DRUG PARAPHERNALIA"

WHEREAS, the Mayor and Township Committee of Neptune Township acknowledge that in 2007 the State Legislature passed an amendment to the Drug Laws declaring it illegal for any person to use, possess with the intent to use, drug paraphernalia. N.J.S. 2C:36-2; and

WHEREAS, State Law also prohibits sale of drug paraphernalia but said laws may be very difficult to distinguish between those sale items that are truly illegal paraphernalia and those items that can also be used for illegal purposes thus allowing the sale of totally legal merchandise, which are often utilized for illegal purposes; and

WHEREAS, Neptune Township and the Township Committee is concerned that addressing crime, especially in the area of drug sales and the use of paraphernalia, which has apparently been preempted by State Statute.

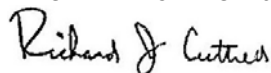
THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby supports legislative initiative in improving and modifying the present State Statutes to address the issue of illegal sale of merchandise that though may have a legal purpose is predominantly utilized as drug paraphernalia and therefore used illegally.

BE IT FURTHER RESOLVED that it is requested that the Township's State representatives seek modification of the present laws to enable law enforcement and local police departments to better determine the existence of paraphernalia as items for sale in legitimate retail stores and businesses and to better enforce the anti-drug and paraphernalia laws.

BE IT FURTHER RESOLVED that a copy of this resolution upon passage shall be forwarded to Senator Sean T. Kean, Assemblywoman Mary Pat Angelini and Assemblyman David P. Rible.

**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 08/10/09



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

RESOLUTION #09-403 - 8/10/09

OPPOSE VERIZON FIOS TV RATE HIKE

WHEREAS, the Township of Neptune has received notification from Verizon that the rates for the Verizon FiOS TV Premier Service will be increasing by \$10.00 per month effective October 1, 2009; and,

WHEREAS, this equates to a 23% rate increase to \$52.99 per month for customers who began subscribing in 2007 and a 21% rate increase to \$57.99 for customers that who began subscribing in 2008; and,

WHEREAS, in these difficult economic times, the Township Committee views this increase as burdensome to our residents, particularly those on a fixed or limited income; and,

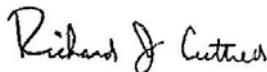
WHEREAS, the Township Committee believes that the degree of this rate increase exceeds the threshold of what is considered reasonable by our residents,

THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby opposes excessive rate increase to be imposed by Verizon for Verizon FiOS TV Premier Service customers effective October 1, 2009 and respectfully requests that Verizon revisit is decision to impose such a large rate increase during a severe economic recession; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to Verizon, Inc.

**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 08/10/09



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

RESOLUTION #09-404 - 8/10/09

REQUEST THE STATE DEPARTMENT OF TRANSPORTATION TO INSTALL A LEFT TURN ONLY ARROW ON EASTBOUND ROUTE 66 AT GREEN GROVE ROAD

WHEREAS, in 2002, the Township of Neptune, at the request of the West Neptune Homeowners Association, contacted the New Jersey Department of Transportation (NJDOT) to request left hand turn lanes and left turn arrows on the traffic signal at Route 66 and Green Grove Road; and,

WHEREAS, the NJDOT subsequently installed left only turn lanes on both directions of Route 66 at Green Grove Road and a left turn only traffic light arrow on westbound Route 66 to southbound Green Grove Road; and,

WHEREAS, traffic continues to be heavy on Route 66 and it is very difficult to make a left turn from eastbound Route 66 to northbound Green Grove Road without the benefit of a left turn only traffic light arrow; and,

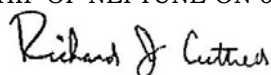
WHEREAS, since there is frequently no break in the line of cars traveling westbound on Route 66 through the Green Grove Road intersection, only one vehicle can make this turn during each traffic signal cycle,

THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby requests the New Jersey Department of Transportation to install a left turn only arrow on eastbound Route 66 at Green Grove Road to provide a safer traffic flow at this intersection; and,

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

**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 08/10/09



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

RESOLUTION #09-405 - 8/10/09

EXPRESS SUPPORT OF ORGAN AND TISSUE DONATION

WHEREAS, every human life has matchless value; the Neptune Township Committee and our residents must reaffirm our commitment to raising awareness about the importance of organ and tissue donation; and,

WHEREAS, we also wish to express our appreciation to those who have donated organs, tissue, and bone marrow; and,

WHEREAS, over 102,000 Americans are currently on the waiting list for an organ transplant and thousands more need life enhancing tissue transplants; and,

WHEREAS, we urge all Neptune Township residents to register with the state's donor registry; say yes to organ and tissue donation on their driver's license; and share their decision with family and friends; and,

WHEREAS, by taking these steps, Neptune Township residents can help save lives. The Neptune Township Committee is committed to strengthening organ and tissue donation programs and to increase the number of organs available for transplantation in order to save lives. The kindness and generosity of donors reflect the compassionate spirit of our township; and,

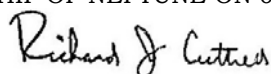
WHEREAS, we celebrate the life-saving work of medical professionals and researchers and the many others whose actions reflect our commitment to a brighter tomorrow. Individuals can visit [www.DonateLifeNJ.org](http://www.DonateLifeNJ.org) to register to become a donor, to learn the facts, and to understand how their decision to give the gift of life can make a difference in the world of so many who are in need,

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, by virtue of the authority vested in us by the citizens of the Township of Neptune do hereby proclaim our support of organ and tissue donation and call upon health care professionals, volunteers, educators, government agencies, faith-based and community groups, and private organizations to help raise awareness of the urgent need for organ and tissue donors throughout our state; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the New Jersey League of Municipalities.

**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 08/10/09



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

RESOLUTION #09-406 - 8/10/09

SUPPORT LEGISLATION (A-3508; S-2357) WHICH WOULD ENABLE  
MUNICIPALITIES AND OTHER LOCAL GOVERNMENT ENTITIES  
TO UTILIZE CREDIT UNIONS AS DEPOSITORIES

WHEREAS, local government entities are continually seeking ways to cut costs and save taxpayer dollars; and,

WHEREAS, credit unions are not-for-profit, financial cooperatives established to promote thrift by mutuality of ownership; and,

WHEREAS, these institutions are locally-owned by their members and play an active role in the community by encouraging personal thrift through savings accounts, homeownership through mortgage lending, and local economic development through small business lending; and,

WHEREAS, New Jersey Government Unit Depository Protection Act of 1970 (GUDPA) was enacted to ensure that local governments were adequately protected in the event a depository failed but before credit union deposits became federally insured to the same levels of bank and thrift deposits; and,

WHEREAS, US Government established the National Credit Union Share Insurance Fund (NCUSIF) and beginning in 1971 deposits in New Jersey credit unions have been guaranteed by the full faith and credit of the United States to the same levels as bank and thrift deposits insured by the Federal Deposit Insurance Corporation (FDIC); and,

WHEREAS, one-half of states including, Illinois, Indiana, Michigan, Pennsylvania and Texas and many large cities throughout the United States expressly allow for the deposit of public funds in credit unions; and,

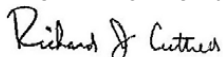
WHEREAS, enacting legislation to permit the deposit of municipal, county and other public funds in credit unions, the state will be helping local government entities by expanding their financial options, increasing the likelihood that these deposits will be used for local economic development and creating additional competition, which can be expected to result in savings to the taxpayer;

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of Township of Neptune calls upon the New Jersey Legislature to adopt and the Governor to sign legislation (A-3508/S-2357) which would permit municipalities and other local government entities to utilize credit unions, which meet the criteria established under the Government Unit Depository Act of 1970 (GUDPA) and which credit unions are on the list of "eligible depositories" maintained by the New Jersey Division of Banking, as a depository; and,

BE IT FURTHER RESOLVED, that a certified copy of this adopted resolution shall be forwarded to the Governor, New Jersey State Legislature and New Jersey League of Municipalities.

**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 08/10/09



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

RESOLUTION #09-407 - 8/10/09

APPROVE LETTER OF INTENT IN REGARDS TO THE PURCHASE OF THE FORMER  
WELSH FARMS PROPERTY (703 OLD CORLIES)

WHEREAS, the Township has negotiated with OWF, LLC for the Township's purchase of the former Welsh Farms property at 703 Old Corlies Avenue; and,

WHEREAS, the Township Attorney and Attorney for the Seller have negotiated a Letter of Intent which outlines various terms and conditions of the property conveyance; and,

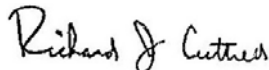
WHEREAS, the Township desires to approve the form of the Letter of Intent which will be followed by the preparation of a Contract of Sale,

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby approves of the Letter of Intent, a copy of which is on file in the Office of the Municipal Clerk, which outlines the terms and conditions of the purchase of the former Welsh Farms property (703 Old Corlies Avenue) by the Township from OWF, LLC; and,

BE IT FURTHER RESOLVED, that a certified copy of this adopted resolution shall be forwarded to the Township Attorney, Business Administrator and 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 08/10/09



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

RESOLUTION #09-408 - 8/10/09

AMEND RESOLUTION #09-262 WHICH AUTHORIZES THE TOWNSHIP ATTORNEY  
TO PROVIDE REPRESENTATION IN THE MATTER OF  
KEVIN CHAMBERS V. NEPTUNE TOWNSHIP

WHEREAS, the Township received a Complaint in Lieu of Prerogative Writs in the matter of Kevin Chambers v. Neptune Township, Docket No. MON-L-2210-08 which is a challenge to the Township Committee's adoption of Ordinance #08-08; and,

WHEREAS, the Township Committee adopted Resolution #08-293 which authorized the Township Attorney to file an Answer and commence the Township's defense of this litigation at an amount not to exceed \$10,000.00; and,

WHEREAS, the Township Committee adopted Resolution #09-262 which authorized funding of an additional amount of not to exceed \$10,000.00; and,

WHEREAS, this amount has been expended and the case is still on-going; and,

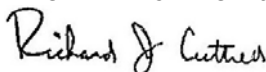
WHEREAS, funds will be provided in the appropriation entitled Legal O.E, known as Account No. 155-027 and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby amends Resolution #08-293 and Resolution #09-262 which authorized the Township Attorney to represent the Township in the matter of Kevin Chambers v. Neptune Township, Docket No. MON-L-2210-08, to authorize an additional amount not to exceed \$2,500.00 for this representation (total amount of authorization for this matter now being \$22,500.00); and,

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

**CERTIFICATION**

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TOWNSHIP OF NEPTUNE ON 08/10/09



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

RESOLUTION #09-409 - 8/10/09

RECLASSIFY EMPLOYEE TO THE POSITION OF  
FOREMAN IN THE SEWER UTILITY

WHEREAS, there is a vacancy in the position of Foreman in the Sewer Utility; and,

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

WHEREAS, the Sewer Supervisor and the Business Administrator have made a recommendation to reclassify an existing employee to said position; and,

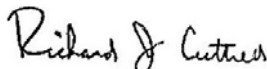
WHEREAS, funds will be provided in the 2009 Municipal Budget in the appropriation entitled Sewer S & W, known as Account No. 501-011, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Justin Persico be and is hereby reclassified to the position of Foreman and Secondary Sewer Operator in the Sewer Utility at an annual base salary of \$55,453.97 plus the stipend for Secondary Sewer Operator effective August 11, 2009; and,

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

**CERTIFICATION**

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TOWNSHIP OF NEPTUNE ON 08/10/09



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

RESOLUTION #09-410 - 8/10/09

APPOINT MEMBER TO THE TOWNSHIP OF NEPTUNE SEWERAGE AUTHORITY

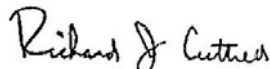
WHEREAS, due to the resignation of Janet Kortenhaus, there is a vacancy on the Township of Neptune Sewerage Authority,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that James Williams be and is hereby appointed to the Township of Neptune Sewerage Authority to an unexpired five year term expiring January 31, 2010; and,

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

**CERTIFICATION**

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TOWNSHIP OF NEPTUNE ON 08/10/09



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

RESOLUTION #09-411 – 8/10/09

AUTHORIZE THE PAYMENT OF BILLS

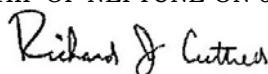
BE IT RESOLVED, That the following bills be paid if properly certified:

CURRENT FUND	7,682,605.04
FEDERAL & STATE GRANT FUND	45,421.85
TRUST OTHER	17,349.50
GENERAL CAPITAL FUND	135,534.44
SEWER OPERATING FUND	3,310.42
SEWER CAPITAL FUND	11,832.50
MARINA OPERATING FUND	979.56
DOG TRUST	7,900.65
UDAG RECIPROCAL TRUST	1,500.00
BILL LIST TOTAL	7,906,433.96

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

**CERTIFICATION**

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