

TOWNSHIP COMMITTEE WORKSHOP MEETING – NOVEMBER 9, 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. 2010 RFP's for professional services.

2. Outstanding parking lot items (PW)

Res. # 09-478 – 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 – NOVEMBER 9, 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 D. 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.

APPROVAL OF MINUTES

Motion offered by _____, seconded by _____, to approve the minutes of the meetings held on October 14th and October 26th 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:

Senior Beacon for November.

Notice of public hearing on an amendment to the Land Development Ordinance of the Township of Wall.

Minutes of the September 2nd meeting of the Senior Citizens Advisory Council.

A letter of thanks from Ann Callaghan to the Public Works Department for their efforts in picking up leaves and branches.

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

NOVEMBER 9, 2009

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. 09-40 - An ordinance to amend Volume I, Chapter VII of the Code of the Township of Neptune by adding a handicapped parking zone on Mt. Hermon Way. – Final Reading

Public Hearing:

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

ORDINANCE NO. 09-41 - An ordinance to amend Volume I, Chapter XXI of the Code of the Township of Neptune by amending the Township’s recycling program to comply with the County Solid Waste Plan. – First Reading

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

ORDINANCE NO. 09-42 - An ordinance amending and supplementing the Land Development Ordinance of the Township of Neptune by amending Section 907 entitled “Demolition within a Historic District” by amending and adding definitions. – First Reading

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

The Public Hearing on Ordinance 09-41 will be held on Monday, November 23, 2009.

The Public Hearing on Ordinance 09-42 will be held on Monday, December 14, 2009.

CONSENT AGENDA

Res. # 09-479 – Appoint School Crossing Guard for the 2009-2010 school year.

Res. # 09-480 – Authorize execution of a Treatment Works Application for the installation of sanitary sewer mains and laterals on Hoover, Cardinal and Oriole Roads.

Res. # 09-481 – Authorize Change Order #1 in connection with Housing Rehabilitation Project #1054.

Res. # 09-482 – Authorize Change Order #1 in connection with Housing Rehabilitation Project #1055.

Res. # 09-483 – Grant raffle licenses.

Res. # 09-484 – Authorize the refund of taxes as a result of an overpayment.

Res. # 09-485 – Authorize the transfer of a credit balance from 2008 sewer to interest on sewer for two properties.

Res. # 09-486 – Authorize the transfer of a credit balance from 2009 taxes to interest on taxes for three properties.

Res. # 09-487 – Authorize the transfer of a credit balance from interest on taxes to 2009 taxes (152 Hillside Drive)

Res. # 09-488 – Authorize the transfer of 2009 budget appropriations.

Res. # 09-489 – Award Façade Improvement Loan/Grant to Poppy Do, LLC at 601 Highway 35.

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

Res. # 09-490 – Amend authorization to the Township Attorney to provide representation in the matter of a Notice of Appeal filed by Kevin Chambers in regards to the adoption of Ordinance No. 08-08.

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

Res. # 09-491 – Authorize the purchase of a two room interview recording system for the Police Department through the Monmouth County Cooperative Purchasing Program.

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

Res. # 09-492 – Award bid for the 2009 Road Program.

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

Res. # 09-493 – Authorize the purchase of a Tax Collection system under the New Jersey State Cooperative Purchasing Program.

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

Res. # 09-494 – 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. 09-41

AN ORDINANCE TO AMEND VOLUME I, CHAPTER XXI OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY AMENDING THE TOWNSHIP'S RECYCLING PROGRAM TO COMPLY WITH THE COUNTY SOLID WASTE PLAN

WHEREAS, the County of Monmouth has adopted amendments to the County Solid Waste Plan; and,

WHEREAS, it is necessary for the Township to update the Recycling Program section of its Solid Waste Management ordinance,

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

SECTION 1

Volume I, Chapter XXI, Section 21-5 – Enforcement and Administration, hereby amended as follows (additions are indicated in **bold**):

21-5 ENFORCEMENT AND ADMINISTRATION

21-5.1 Enforcement

This chapter shall be enforced in Municipal Court upon a complaint signed by a member of **the Monmouth County Solid Waster Enforcement Team, a designated representative of the Monmouth County** Board of Health, **the Municipal Recycling Coordinator**, the Public Works Department, **the Code Enforcement Department**, or the Police Department of the Township of Neptune. Further, once a complaint has been signed and issued, the responsibility for disposal of solid waste shall lie with the violator, and/or shall be processed as a lien against the property in accordance with law.

21-5.5 Appointment **and Duties of Municipal Recycling Coordinator**

The Township Committee **shall** appoint a **Municipal** Recycling Coordinator selected from Public Works personnel who shall be required to act as liaison with Monmouth County and New Jersey Solid Waste Officials, keep records, perform the annual Tonnage Grant application process, **prepare reports as required by state or county agencies or the municipal governing body regarding local solid waste and recycling programs, review performance of local schools and municipal agencies in conducting recycling activities, periodic review of local residential and business recycling practices and compliance.**

SECTION 2

Volume I, Chapter XXI, Section 21-6 – Recycling Program, is hereby amended as follows (additions are indicated in **bold**):

21-6 RECYCLING PROGRAM

21-6.1 Designation of Recycling Materials and Services

a. Upon classification of an item or material, presently or prospectively a part of commingled solid waste flow, as recyclable, residential and other property owners, except for the United States Government and the State of New Jersey, shall cause themselves or their agents, lessees, tenants or their occupants to separate said item or materials separately for collection, whether said collection is performed by a municipal agency or private contractor.

b. On and after the date fixed in the regulations and in accordance with the terms thereof, it shall be mandatory for all persons who are owners, lessors, renters, or occupants of residential dwellings and commercial, industrial and institutional properties in the Township of Neptune to separate recyclable materials from all other solid waste generated. Commercial, industrial and institutional properties that are not serviced by the Township shall be required to negotiate with their private hauler/contractor in accordance with the provisions of the Monmouth County District Recycling Plan.

c. All waste containers must be labeled as either “trash” or “recycling” containers wherever appropriate. All apartment and other multi-family complexes, schools, businesses and institutions shall provide separate and clearly marked containers for use of residents, students, employees, customers or other visitors, for trash and the types of recyclables as indicated in 21-6.1(d) 1 through 7.

d. At the present time, the waste materials to be recycled by the New Jersey State mandate and designated as recyclable by the Township of Neptune are:

1. Aluminum cans
2. **Tin & Bi-Metal Cans**
3. Glass Bottles & Jars
4. Plastic Pourable Containers (#1 & #2)
5. Newspapers
6. Corrugated Cardboard
7. Mixed Paper (including chipboard, office paper, stationary envelopes, magazines and colored sheets in newspapers)
8. Yard waste – branches, vegetative waste
9. **Leaves – (must be separate from yard waste)**
10. Tree parts (stumps and limbs over 3” in diameter)
11. **Concrete**
12. **Asphalt**
13. **Bulk Ferrous and Non-ferrous Scrap Metal (any amount over 5 pounds in weight or bigger than one cubic foot)**
14. **Automotive batteries**
15. **Used Motor Oil**
16. **Computers, Monitors & Televisions (effective January 1, 2011)**

Note: Additional recyclable materials shall be added in accordance with the time line of the New Jersey Source Separation and Recycling Act: S-1478/A-1781 and the Monmouth County District Recycling Plan, in order that the Township meets the volume requirements of said laws. The Public Works Department shall issue further regulations classifying recyclables and providing for the method and manner of collection. Said classification shall be dependent upon the existence

of lawful disposal, users or markets for said recyclables.

21-6.2 Municipal Drop-Off Center

The Township of Neptune will operate a Municipal Drop-Off Center and be open to the public at hours prescribed in the Neptune Township Municipal Calendar disseminated by the Department of Public Works. Only residents with a valid Neptune Township Driver's License will be allowed to utilize the Municipal Drop-Off Center

Small businesses operating in Neptune Township and in possession of a valid Neptune Township Mercantile License will be permitted to utilize the Drop-Off Center for commingled paper, cardboard, junk mail, telephone books, cans, bottles and electronics only.

a. The following items are accepted at the Municipal Drop-Off Center:

Aluminum cans

Glass bottles and jars

Newspaper – paper of the type commonly known as newsprint.

Pourable plastics – plastic containers, such as food, drink, and laundry

Telephone books

Cardboard – type used to make cardboard boxes, cartons, and kraft paper

Commingled – includes glass bottles, tin and aluminum cans

Mixed paper – magazines, junk mail, colored sections of the newspaper, **colored cardboard** (almost all paper products except newspaper and **brown cardboard**)

Yard Waste – leaves and plant materials (must not be in plastic bags, **no grass clippings**)

Metal – all metal products except for refrigerators, air conditioners, dehumidifiers and products with Freon

Brush and branches

Bulk items – couches, chairs, furniture, rugs

Demolition and construction material (maximum of two (2) forty-two (42) gallon containers

Concrete – up to a 2 x 2 x 2 piece (combined)

Electronics (computers, monitors and televisions)

Latex paint in non-leaking paint cans

b. The following items will be accepted at the Drop-Off Center only if a ticket is purchased at the Department of Public Works Office, 2201 Heck Avenue, Monday through Friday from 7:30 a.m. to 2:30 p.m., at an amount established in the schedule of fees by the Township Committee:

Tires

Freon products

c. The following items are prohibited at the Drop-Off Center:

Demolition, construction materials and concrete in excess of amount permitted in subsection 21-6.2a.

Roof shingles

Oil

Household Garbage

Car batteries and car parts with oil

Asphalt

Asbestos shingles

Oil paint cans

Hazardous waste as defined in Section 21-1

Prohibited materials **that are required to be recycled but are prohibited at the Drop-Off Center** can be disposed of at the Monmouth County Reclamation Center, Shafto Road, Tinton Falls 732-922-8686 or call the Monmouth County Health Department at 732-922-4788.

21-6.3 Disposal of Recyclable Items

Materials classified as recyclable shall only be disposed of by:

a. Placing them for collection by the municipality pursuant to the terms of this chapter and regulations issued by the Public Works Department in accordance with the provisions set forth in the Neptune Township Municipal Calendar.

b. Disposing of giving, donating or selling them or permitting them to be collected by any person, partnership or corporation, whether operating for profit or not, provided that the material shall:

1. Be Recycled

2. Be collected from a point other than the curbside in districts with municipal collection of recyclable items or materials or at a municipal drop-off center, except with the permission of the Township of Neptune.

3. Be reported to the municipality by both the generator and receiver of the recyclable items or materials in accordance with the regulations of the Public Works Department.

c. Recycling documentation in the form of weight slips or a signed business form letter shall be required from all those who market, collect, haul and/or generate recyclable materials, whether they be residential, commercial and/or institutional premises located within the boundaries of the Township of Neptune, as required by the Monmouth County District Recycling Plan. These records and reports shall be submitted to the Neptune Township Recycling Coordinator on a quarterly basis, specifically, not later than the close of business January 1, April 1, July 1 and October 1 of a given year.

d. Used Tires. Depending upon the availability of markets or other disposal means for used tires, the department may, at its discretion, provide for the disposal of used tires by residents. The Township Committee shall be empowered to fix fees by regulation for the disposal of used tires; and the disposal method shall be established by regulation of the Department.

21-6.4 Enforcement

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

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

Richard J. Cuttrell,
Municipal Clerk

Dr. Michael Brantley,
Mayor

ORDINANCE NO. 09-42

AN ORDINANCE AMENDING AND SUPPLEMENTING THE LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF NEPTUNE BY AMENDING SECTION 907 ENTITLED "DEMOLITION WITHIN A HISTORIC DISTRICT" BY AMENDING AND ADDING DEFINITIONS

WHEREAS, the Township Committee previously adopted significant revisions to Section 907 of the Land Development Ordinance related to demolition within an Historic District through Ordinance 07-46; and,

WHEREAS, the Township Committee has been advised that certain technical changes are required to further advance the objectives of that Ordinance; and,

WHEREAS, the Township Committee is resolved to enact those technical changes required within the Historic District,

THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Neptune that the Land Development Ordinance of the Township of Neptune is hereby amended as follows:

SECTION 1.

Section 907, Demolition Within An Historic District, Section 2 is hereby amended and supplemented as follows to repeal and replace the "Definitions" contained in Section 2 (a) Demolition and (b) Partial Demolition with the revised Definitions contained herein:

(a) **Demolition:** shall mean the total demolition of fifty (50%) per-cent or more of the exterior walls, visible pier foundations and, as applicable, alterations, refinements or removal to the roof assembly (as defined herein) including any ornamentation, eyelids, soffits, overhangs, dormers, turrets, towers or roof form of any structure, as determined by a qualified professional, situate within the Historic District and which shall consist of the razing or removal of said structure and/or the removal of such of the distinguishing or defining characteristics (as applicable) to the style of such structure or the removal of any architecturally or historically significant exterior elements from the structure which define or contribute to its classification within the Historic District. Demolition, as defined herein, shall require any owner to obtain a demolition permit in accordance with the requirements established herein and any such additional requirements as established by the Construction Department. Any such Demolition Permit shall be issued by the Construction Official. Nothing herein shall excuse compliance with all applicable ordinances of the Township of Neptune related to Land Use.

(b) **Partial Demolition:** shall mean the removal or demolition of not less than fifteen (15%) per-cent nor more than fifty (50%) per-cent of the exterior walls visible pier foundations and, as applicable, alterations, refinements or removal to the roof assembly (as defined herein) including any ornamentation, eyelids, soffits, overhangs, dormers, turret, towers or roof form of any Key, Supporting or Contributing Structure located within the Historic District, as determined by a qualified professional and approved or confirmed by the Commission and/or the removal of

such architecturally or historically significant features which would compromise the classification of a structure within the Historic District as determined by the Commission. An Owner seeking to partially demolish a portion of a Key, Supporting or Contributing Structure shall obtain a demolition permit in accordance with the requirements established herein and any such additional requirements established by the Construction Department. Any such Demolition Permit will be issued by the Construction Official. Partial Demolition shall not include those structures classified as "Other Structures", by the Commission, which shall not require a formal demolition application for a partial demolition. However, an Applicant shall be required to obtain a Certificate of Appropriateness from the Commission upon application and approval. Nothing herein shall excuse compliance with all applicable ordinances of the Township of Neptune related to Land Use.

SECTION 2

Neptune Township Ordinance Section 907, Demolition Within A Historic District, Section 2 is hereby amended and supplemented to insert the following additional terms as "Definitions" as listed herein:

(s) **Pier Foundations:** shall mean and consist of any isolated masonry or cast-in-place concrete structural elements extending into firm materials which are visible on the structure.

(t) **Roof Assembly:** shall mean a system designed to provide weather protection and resistance to design loads. The system consists of a roof covering and roof deck or a single component serving as both the roof covering and roof deck. A roof assembly includes the roof deck, vapor retarder, substrate or thermal barrier, insulation, vapor retarder and roof covering.

SECTION 3

Effective Date: This ordinance shall take effect upon final passage and publication as required by law.

SECTION 4

Inconsistent Ordinances: All ordinances or parts thereof inconsistent with the provisions of this ordinance section are hereby repealed to the extent of such inconsistency.

SECTION 5

Severability: If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid by a Court of competent jurisdiction, such adjudication shall apply only to that section, paragraph, clause or provision and the remainder of this ordinance shall be deemed to be valid and enforceable.

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

Richard J. Cuttrell,
Municipal Clerk

Dr. Michael Brantley,
Mayor

RESOLUTION #09-478 – 11/9/09

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

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

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

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

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

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

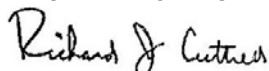
Real Estate negotiations – Appraisal for property to be acquired for park
Contract negotiations – Amendments to West Lake and Ridge Avenue School
Redevelopment Plans
Contract negotiations – Employee contract negotiations
Contract negotiations – Tax collection software system
Litigation – Chambers v. Neptune

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 11/09/09



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

RESOLUTION #09-479 - 11/9/09

APPOINT SCHOOL CROSSING GUARD FOR THE 2009-2010 SCHOOL YEAR

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

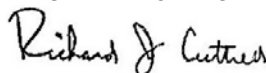
WHEREAS, funds are available for this purpose in the appropriation entitled Police - Salaries and Wages known as Account No. 240-012 and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Homer Credle be and he is hereby appointed as a School Crossing Guard 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 11/09/09



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

RESOLUTION #09-480 - 11/9/09

AUTHORIZE EXECUTION OF A TREATMENT WORKS APPLICATION FOR
THE INSTALLATION OF SANITARY SEWER MAINS AND LATERALS
ON HOOVER, CARDINAL AND ORIOLE ROADS

WHEREAS, the Township of Neptune has submitted a Treatment Works Application to install sanitary sewer mains and laterals to service residential homes on Hoover, Cardinal and Oriole Roads; and,

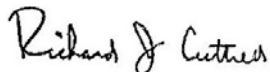
WHEREAS, the Director of Engineering and Planning has reviewed said application and has certified that available capacity exists,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the Clerk to execute the Treatment Works Application Statement of Consent for the installation of sanitary sewer mains and laterals to service residential homes on Hoover, Cardinal and Oriole Roads; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to TNSA along with the Treatment Works Application.

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 11/09/09



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

RESOLUTION #09-481 - 11/9/09

AUTHORIZE CHANGE ORDER #1 IN CONNECTION WITH
HOUSING REHABILITATION PROJECT #1054

WHEREAS, a contract was awarded to ANPE Corp. in the amount of \$8,925.00 in connection with Housing Rehabilitation Project #1054; and,

WHEREAS, changes to the contract have been experienced as a result of reframing two windows in the living room and one window in the bathroom to repair water damage, installation of two new basement windows and repair of the remainder of the basement windows; and,

WHEREAS, these changes have been approved by the Community Programs Coordinator; and,

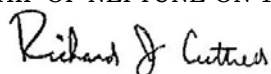
WHEREAS, funds for this purpose are available in the Neighborhood Preservation Program,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby approves Change Order #1 in the contract with ANPE Corp. for Housing Rehabilitation Project #1054 resulting in a net increase of \$1,484.00 revising the total contract amount to \$10,409.00; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Chief Financial Officer; Assistant C.F.O., Business Administrator and Community Programs 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 11/09/09



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

RESOLUTION #09-482 - 11/9/09

AUTHORIZE CHANGE ORDER #1 IN CONNECTION WITH
HOUSING REHABILITATION PROJECT #1055

WHEREAS, a contract was awarded to ANPE Corp. in the amount of \$15,763.00 in connection with Housing Rehabilitation Project #1055; and,

WHEREAS, changes to the contract have been experienced as a result of the removal of the limestone edge on the front and rear landing and installation of new concrete; and,

WHEREAS, these changes have been approved by the Community Programs Coordinator; and,

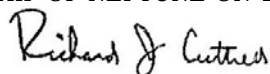
WHEREAS, funds for this purpose are available in the Neighborhood Preservation Program,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby approves Change Order #1 in the contract with ANPE Corp. for Housing Rehabilitation Project #1055 resulting in a net increase of \$1,345.00 revising the total contract amount to \$17,108.00; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Chief Financial Officer; Assistant C.F.O., Business Administrator and Community Programs 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 11/09/09



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

RESOLUTION #09-483 - 11/9/09

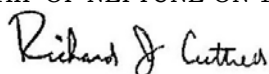
GRANT RAFFLE LICENSES

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

- 1) RA 1287 to Red Bank Catholic High School PTA to conduct an off-premise raffle on March 20, 2010 between 7:00 p.m. and 11:00 p.m. at 210 Jumping Brook Road, Neptune, NJ.
- 2) RA 1288 to Asbury Park-Wall Elks to conduct an on-premise 50/50 raffle at 3409 West Bangs Avenue, Neptune, NJ.
- 3) RA 1289 to Alyssa's Angels to conduct an off-premise 50/50 on January 29, 2010 between 7:00 p.m. and 11:00 p.m. at 210 Jumping Brook Road, Neptune, NJ.
- 4) RA 1290 & RA 1291 to Howell Memorial Middle School to conduct an on-premise 50/50, on-premise draw raffle on November 13, 2009 between 6:00 p.m. and 11:00 p.m. at 210 Jumping Brook Road, Neptune, NJ.
- 5) RA 1292 to Upper Room Spiritual Center to conduct an on-premise cash raffles monthly from March, 2010 through December, 2010 at 1:00 p.m. at 3455 West Bangs Avenue, Neptune, NJ.
- 6) RA 1293 & RA 1294 to St. Catherine's School to conduct and on-premise Gift Auction and on-premise 50/50 on February 5, 2010 between 6:00 p.m. to 9:30 p.m. at 210 Jumping Brook Road, Neptune, NJ.
- 7) RA 1295 to Wagon Inn Rescue, Inc. to conduct an on-premise 50/50 on December 6, 2009 between 12:00 p.m. and 2:00 p.m. at 68 Main Avenue, Ocean Grove, NJ
- 8) RA 1296 & RA 1297 to Neptune Marching Band Parents Association to conduct two on-premise 50/50s and a Gift Auction on December 5, 2009 from 10:00 a.m. to 4:00 p.m. at 55 Neptune Blvd., Neptune, NJ.

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 11/09/09



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

RESOLUTION #09-484 - 11/9/09

AUTHORIZE THE REFUND OF TAXES
AS A RESULT OF AN OVERPAYMENT

WHEREAS, the properties listed below reflect overpayments; and,

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

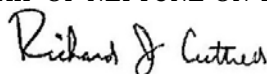
THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth, State of New Jersey, that the Tax Collector be and is hereby authorized to refund the taxes as stated herein; and,

BLOCK/LOT	ASSESSED TO	ADDRESS	YEAR	AMOUNT
564/40	FITZGERALD	208 SEAVIEW CI	2008	1,804.44
503/1045	HACKER	411 DURAND RD	2008	424.56
474/3	PRESSEY	219 VALLEY RD	2008	209.96
532/4	SMITH	407 MAPLE AVE	2008	209.59
208/25	TORRES	1410 7 TH AVE	2008	.30

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 11/09/09



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

RESOLUTION #09-485 - 11/9/09

AUTHORIZE THE TRANSFER OF A CREDIT BALANCE FROM
2008 SEWER TO INTEREST ON SEWER FOR TWO PROPERTIES

WHEREAS, there are two properties described below that reflect a balance on Interest on Sewer; and,

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

WHEREAS, the Tax Collector has recommended transferring said payments from 2008 Sewer to Interest on Sewer:

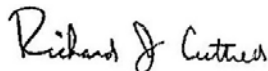
BLOCK/LOT	ASSESSED TO	ADDRESS	YEAR	AMOUNT
8001/30	W Cong of Nept	2900 West Bangs Av	2008	.15
185/14.01	Dunn	1623 Sewall Av	2008	.05

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 amounts as indicated above from 2008 Sewer to Interest on Sewer; 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 11/09/09



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

RESOLUTION #09-486 - 11/9/09

AUTHORIZE THE TRANSFER OF A CREDIT BALANCE FROM
2009 TAXES TO INTEREST ON TAXES FOR THREE PROPERTIES

WHEREAS, there are two properties described below that reflect a balance on Interest on Taxes; and,

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

WHEREAS, the Tax Collector has recommended transferring said payments from 2009 Taxes to Interest on Taxes:

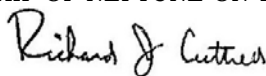
BLOCK/LOT	ADDRESS	ASSESSED TO	YEAR	AMOUNT
210/5	208 Union Av	Patterson	2009	.04
167/352	1223 6 th Av	Vitale	2009	.30
3035/13	219 Poplar Pl	Doremus	2009	.17

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 amounts as indicated above from 2009 Taxes to Interest on Taxes; 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 11/09/09



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

RESOLUTION #09-487 - 11/9/09

AUTHORIZE THE TRANSFER OF A CREDIT BALANCE FROM
INTEREST ON TAXES TO 2009 TAXES (152 HILLSIDE DRIVE)

WHEREAS, the property listed below reflects a balance on 2009 taxes; and,

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

WHEREAS, the Tax Collector has recommended transferring said payment from Interest on Taxes to 2009 Taxes:

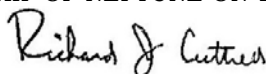
BLOCK/LOT	ADDRESS	ASSESSED TO	YEAR	AMOUNT
491/50	152 Hillside Dr	Townsend	2009	53.71

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 as indicated above from Interest on Taxes to 2009 Taxes; 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 11/09/09



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

RESOLUTION #09-488 - 11/9/09

AUTHORIZE THE TRANSFER OF 2009 BUDGET APPROPRIATIONS

WHEREAS, N.J.S.A. 40A:4-58 permits the transfer of current year appropriations during the last two months of the fiscal year; and,

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

FROM:

Police S&W	225,000.00
Health S&W	1,500.00
Solid Waste Disposal O.E.	95,000.00
Finance S&W	20,000.00
Assessing S&W	5,000.00
Code S&W	15,000.00
Road S&W	20,000.00
Solid Waste S&W	90,000.00

TO:

Legal O.E.	112,000.00
Group Insurance O.E.	130,000.00
Police O.E.	150,000.00
MOMV O.E.	78,000.00
Health O.E.	1,500.00

SEWER UTILITY

From:

Sewer O.E. Acct. 501-590	50,000.00
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To:

Sewer O.E. Acct. 505-100	50,000.00
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MARINA UTILITY

From:

Marina O.E. Acct. 501-090 10,000.00

To:

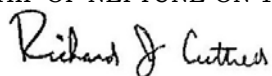
Marina O.E. Acct. 501-092 10,000.00

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth, State of New Jersey, that 2009 Budget Appropriations be transferred as stated herein; and,

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 11/09/09



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

RESOLUTION #09-489 - 11/9/09

AWARD FAÇADE IMPROVEMENT LOAN/GRANT TO POPPY DO, LLC AT 601 HIGHWAY 35

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

WHEREAS, the Façade Review Committee approved an application filed by Poppy Do, LLC and Law Offices of Monica Kowalski, LLC for the business located at 601 Highway 35, Neptune for a \$5,000 grant and \$5,000 loan; and,

WHEREAS, the Façade Review Committee also approved an application filed by Poppy Do, LLC and Julius A. Lodato, CPA for a \$5,000 grant and \$5,000 loan at the same location; and,

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

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

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the following awards under the Façade Improvement Loan/Grant Program are hereby approved for façade improvements at 601 Highway 35 pursuant to the applications approved by the Façade Review Committee:

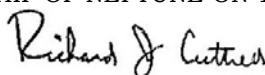
- 1) \$5,000.00 grant and \$5,000.00 loan to Poppy Do, LLC and Law Offices of Monica Kowalski, LLC.
- 2) \$5,000.00 grant and \$5,000.00 loan to Poppy Do, LLC and Julius A. Lodato, CPA.

BE IT FURTHER RESOLVED, that said award shall be contingent upon compliance with the Scope of Work as detailed by the Economic Development Corporation's Consulting Architect and the approval of required variances through the Zoning Board of Adjustment; and,

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 11/09/09



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

RESOLUTION #09-490 - 11/9/09

AMEND AUTHORIZATION TO THE TOWNSHIP ATTORNEY
TO PROVIDE REPRESENTATION IN THE MATTER OF A NOTICE OF APPEAL FILED
BY KEVIN CHAMBERS IN REGARDS TO THE ADOPTION OF ORDINANCE NO. 08-08

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, the Township Committee adopted Resolution #09-403 which authorized funding of an additional amount of not to exceed \$2,500.00; and,

WHEREAS, this amount has been expended and the Township Attorney has received a Notice of Appeal filed by Mr. Chambers dated October 27, 2009; and,

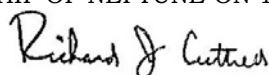
WHEREAS, funds will be provided in the appropriation entitled Legal O.E, known as Account No. 155-027, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby amends Resolution #08-293, Resolution #09-262 and Resolution #09-403 which authorized the Township Attorney to represent the Township in the matter of Kevin Chambers V. Township of Neptune concerning the adoption of Ordinance No. 08-08, to authorize an additional amount not to exceed \$5,000.00 due to the filing of a Notice of Appeal (total amount of authorization for this matter now being \$27,500.00); 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

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 11/09/09



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

RESOLUTION #09-491 - 11/9/09

AUTHORIZE THE PURCHASE OF A TWO ROOM INTERVIEW RECORDING SYSTEM FOR
THE POLICE DEPARTMENT THROUGH THE MONMOUTH COUNTY
COOPERATIVE PURCHASING PROGRAM

WHEREAS, the Neptune Township Police Department wishes to purchase a two room interview recording system through an authorized vendor under the Monmouth County Purchasing Program; and,

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Laws, N.J.S. 40A:11-12; and,

WHEREAS, Integrated Systems and Services has been awarded Monmouth County Cooperative Contract #F-273-2008 for this equipment; and,

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

WHEREAS, the amount of the interview recording system shall not exceed \$20,672.00; and,

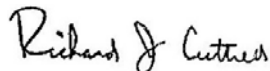
WHEREAS, funds for this purpose are available from the Law Enforcement Trust Fund and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the purchase of a two room interview recording system for the Police Department be and is hereby authorized through Monmouth County Cooperative Contract #F-273-2008 at an amount not to exceed \$20,672.00; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Chief of Police, Chief Financial Officer, Business Administrator, 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 11/09/09



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

RESOLUTION #09-492 - 11/9/09

AWARD BID FOR THE 2009 ROAD PROGRAM

WHEREAS, on November 5, 2009, the Township Engineer and Director of Engineering and Planning received bids for the award of a contract for the 2009 Road Program; and,

WHEREAS, said bids were reviewed by the Township Engineer and the Director of Engineering and Planning who have recommended that the bid be awarded to the lowest bid submitted by Earle Asphalt; and,

WHEREAS, said bids were advertised, received and awarded in a "fair and open" competitive bidding process in accordance with the Open Public Contracts Law; and,

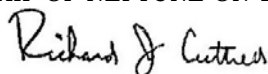
WHEREAS, funds for this purpose will be provided in Ordinance No. 08-50 and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that a contract be awarded to Earle Asphalt on their lowest responsible bid of \$866,339.39 for the 2009 Road Program (includes base bid and both alternate bids); 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., Director of Engineering and Planning and Director of Public Works.

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 11/09/09



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

RESOLUTION #09-493 - 11/9/09

AUTHORIZE THE PURCHASE OF A TAX COLLECTION SYSTEM UNDER THE
NEW JERSEY STATE COOPERATIVE PURCHASING PROGRAM

WHEREAS, the Tax Collection Department wishes to purchase a tax collection system utilizing pricing under the State of New Jersey Cooperative Purchasing Program 1-NJCP; and,

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Laws, N.J.S. 40A:11-12; and,

WHEREAS, Dell, Inc. has been awarded New Jersey State Contract No. A72727 for its tax collection system package; and,

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

WHEREAS, the amount of the purchase and installation of said equipment shall not exceed \$16,000.00; and,

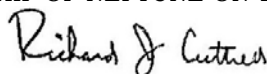
WHEREAS, funds for this purpose are available in Ordinance No. 07-42, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the purchase of tax collection system, including data conversion, for the Tax Collection Department through the New Jersey Cooperative Purchasing Program be and is hereby authorized at an amount not to exceed \$16,000.00; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Chief Financial Officer, Business Administrator, Assistant C.F.O. 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 11/09/09



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

RESOLUTION #09-494 – 11/9/09

AUTHORIZE THE PAYMENT OF BILLS

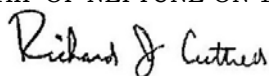
BE IT RESOLVED, That the following bills be paid if properly certified:

CURRENT FUND	3,032,994.25
FEDERAL & STATE GRANT FUND	60,901.28
TRUST OTHER	91,982.23
GENERAL CAPITAL FUND	3,206.26
SEWER OPERATING FUND	50,032.60
MARINA OPERATING FUND	1,164.01
DOG TRUST	139.20
BILL LIST TOTAL	\$3,240,419.83

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 11/09/09



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