

TOWNSHIP COMMITTEE WORKSHOP MEETING – DECEMBER 14, 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 – 2010 meeting dates. (PW)

2. Outstanding parking lot items (PW)

Res. # 09-505 – 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 – DECEMBER 14, 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 REPRESENTATIVE</u>
J. Randy Bishop	_____	Don Stine The Coaster
Mary Beth Jahn	_____	
James W. Manning, Jr.	_____	
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 meeting held on November 23rd.

PROCLAMATION

The Mayor will proclaim the month of December as Drunk and Drugged Driving Prevention Month. Accepting the proclamation will be the Drug Alliance Coordinator and Peer Leadership students.

REPORT OF THE CLERK

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

Senior Beacon for December.

Tax Collector's monthly statement for November.

Rosemary Gray sent letters of thanks to the following for recent contributions and donations to the Senior Center: Melanie Holzberg, N.T.E.A., Martha & William Crowell, Marie Malloy, Al Molinari, Frances Pettit, Polly Chu, Alfred Heimall, Don Bartlett, Hazel Beling, Twyler Daniels, Alice & Ralph Kramer, Wegmans, Shop-Rite, Freedman's, Catholic Men for Jesus Christ, Panera Bread, Sandra's Farm Market, Maureen White, Stella Young, Mauro Bacolo, Shark River Hills First Aid Squad, Rita Goldstein, Forever Young Group, Sybil & Percival Dawes, Nilda Corvo, Margaret Boileau, Charles Nicosia, Louise Beverly, Bernice

Anderson, Catharia Murray, Joan Hunziker, Sandra Fornino and Carol Ayoub.

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 HEARING - TRANSIT VILLAGE STUDY AREA LAND USE PLAN AND FORM BASED CODE NEPTUNE TRANSIT VILLAGE

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. 09-42 - 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. – Final Reading

Public Hearing:

Offered by: _____ Seconded by: _____

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

ORDINANCE NO. 09-43 - An ordinance amending and setting the salary ranges for existing job titles of the Township of Neptune and repealing all parts of previous ordinances inconsistent herewith. – Final Reading

Public Hearing:

Offered by: _____ Seconded by: _____

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

ORDINANCE NO. 09-44 - An ordinance to amend Volume I, Chapter II, Section 2-47 of the Code of the Township of Neptune by eliminating the two township committee members as members of the Neptune Harbor Commission and thereby reducing the number of members from seven to five. – First Reading

Offered by: _____ Seconded by: _____

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

The Public Hearing on Ordinance 09-44 will be held on Monday, December 28, 2009.

CONSENT AGENDA

Res. # 09-506 – Authorize a reduction in the performance guarantee filed by Dykeman Associates, Inc. for site improvements at Heritage Commons (Neptune Blvd. and West Bangs Avenue).

Res. # 09-507 – Award contract for animal control services.

Res. # 09-508 – Accept resignation of Edward Swannack as a Police Officer in the Police Department.

Res. # 09-509 – Release all surety bonds and developers escrow for improvements at I-HOP on Route 66.

Res. # 09-510 – Accept a maintenance guarantee and release a performance bond filed by RBA Development Corp for site improvements at a four home subdivision on Palmer Avenue.

Res. # 09-511 – Release all surety bonds and developers escrow for the subdivision at 332 & 334 Glenmere Avenue.

Res. # 09-512 – Authorize the cancellation of a mortgage in connection with a housing rehabilitation project at 14 Kenneth Terrace.

Res. # 09-513 – Authorize change in the amount of matching funds for grants line item in the 2009 municipal budget to appropriate matching funds for an Emergency Management exercise support grant.

Res. # 09-514 – Authorize an amendment to the 2009 Municipal Budget to realize monies from a FY2008 EMPG Exercise Support Program Grant.

Res. # 09-515 – Authorize execute of an agreement with the County of Monmouth for the loan of an antique women's bathing suit for display at Longstreet Farm.

Res. # 09-516 – Authorize Tetra Tech, Inc. to prepare and submit an application for a FEMA Flood Mitigation Assistance Grant.

Res. # 09-517 – Authorize the refund of taxes as result of an overpayment.

Res. # 09-518 – Authorize the Tax Collector to transfer credits.

Res. # 09-519 – Authorize the cancellation of a credit balance (615 Highway 35).

Res. # 09-520 – Authorize the refund of sewer rent.

Res. # 09-521 – Authorize the transfer of a credit balance from interest on taxes to 2009 taxes (2801 Highway 33)

Res. # 09-522 – Amend the salary of Mark Balzarano and John Fritz.

Res. # 09-523 – Release all surety guarantees and developers escrow for improvements at Gourmet Kitchen (1238 Corlies Avenue)

Res. # 09-524 – Authorize the transfer of 2009 budget appropriations.

Res. # 09-525 – Authorize the cancellation of unexpended budget appropriations in the municipal budget and marina utility.

Res. # 09-526 – Authorize the cancellation of grant receivables and grant reserves

Res. # 09-527 – Authorize submission of a 2010 Recreational Trails Program Grant Application to the NJDEP for a walking trail around the perimeter of the Jumping Brook Ball Fields.

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

Res. # 09-528 – Place lien on 28 Main Avenue (former Sampler Inn).

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

Res. # 09-529 – Authorize execution of employment agreements between the Township of Neptune and management employees not represented by a Township bargaining unit.

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

Res. # 09-530 – Authorize the execution of an agreement between the Township of Neptune and the Neptune Township Department /Division Head Association.

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

Res. # 09-531 – Authorize additional appropriation in regards to the lawsuit against the State of New Jersey seeking the dredging of the Shark River.

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

Res. # 09-532 – Authorize Township Attorney to defend township in Notice of Appeal of the denial of an injunction preventing the demolition of the Sampler Inn brought against the Township by E.K. Sampler, LLC and Elliott Koplitz.

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

Res. # 09-533 - 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. 09-44

AN ORDINANCE TO AMEND VOLUME I, CHAPTER II, SECTION 2-47 OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ELIMINATING THE TWO TOWNSHIP COMMITTEE MEMBERS AS MEMBERS OF THE NEPTUNE HARBOR COMMISSION AND THEREBY REDUCING THE NUMBER OF MEMBERS FROM SEVEN TO FIVE

BE IT ORDAINED, by the Township Committee of the Township of Neptune that Volume I, Chapter II, Section 2-47 of the Code of the Township of Neptune be and is hereby amended as follows:

SECTION 1

2-47.2 - Members

Section 2-47.2 – Members shall be amended in its entirety to read as follows:

The Commission shall consist of five (5) persons, residents of the Township of Neptune, and shall be appointed by the Governing Body.

The five (5) persons shall consist of the following:

- a. One (1) citizen with a valid Captain's License.
- b. One (1) resident of the Shark River Hills section of the Township.
- c. One (1) citizen with an environmental background.
- d. One (1) citizen with a recreational boating background.
- e. One (1) citizen member at large

SECTION 2

2-47.3 - Terms of Office.

Delete the portion of the first paragraph which states: "Two (2) members of said Commission shall be members of the Governing Body, who shall be appointed annually at the Township's reorganization meeting"

The last paragraph shall be amended to read as follows: The five (5) members shall serve for a term of five (5) years each or until their successors are appointed and qualified.

SECTION 3

All ordinances or parts of ordinances of the Township of Neptune, in conflict or inconsistent with this ordinance, are hereby repealed, but only, however, to the extent of such conflict or inconsistency; it being the legislative intent that all other ordinances, or parts of

ordinances, now existing and in effect, unless the same be in conflict or inconsistent with any of the provisions of this ordinance, shall remain in full force and effect.

SECTION 4

This ordinance shall become effective immediately upon its adoption and publication according to law.

APPROVED ON FIRST READING:

APPROVED, PASSED AND ADOPTED:

ATTEST:

Richard J. Cuttrell,
Municipal Clerk

Dr. Michael Brantley,
Mayor

RESOLUTION #09-505 – 12/14/09

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

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

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

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

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

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

Potential Litigation – Land Use ordinance as it relates to RSIS application

Litigation – E.K. Sampler Inn v. Neptune

Potential Litigation – Tree ordinance

Real Estate negotiations – Sale of undersized landlocked parcel (continued discussion from last meeting with additional information)

Real Estate negotiations – Vacation of paper street in Ocean Grove

Personnel – 2010 appointments

Potential Litigation – Executive Order #151 and hiring of local residents for construction projects

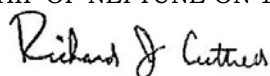
Potential Litigation – Bankruptcy claims

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 12/14/09



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

RESOLUTION #09-506 - 12/14/09

AUTHORIZE A REDUCTION IN THE PERFORMANCE GUARANTEE FILED BY
DYKEMAN ASSOCIATES, INC. FOR SITE IMPROVEMENTS AT
HERITAGE COMMONS (NEPTUNE BLVD & WEST BANGS AVENUE)

WHEREAS, on September 26, 2005, the Township Committee adopted a resolution which accepted performance bond 16997 in the amount of \$669,373.20 filed by Dykeman Associates, Inc. written by The Service Insurance Company, Inc. guaranteeing site improvements at Heritage Commons located at the intersection of Neptune Blvd. & West Bangs Avenue (Block 254, Lot 1); and,

WHEREAS, on October 13, 2009, the Township Engineer authorized a bond reduction to the amount of \$255,619.26 for the performance bond and \$28,402.14 for the cash guarantee,

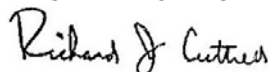
THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that a reduction in the Performance Guarantee filed by Dykeman Associates, Inc. for Heritage Commons (Block 254, Lot 1) be and is hereby authorized to the amount of \$255,619.26 pending the submission of the appropriate Change Rider by the Developer; and,

BE IT FURTHER RESOLVED, that a proportionate amount of the cash portion of the performance guarantee in the amount of \$45,972.66 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 12/14/09



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

RESOLUTION #09-507 - 12/14/09

AWARD CONTRACT FOR ANIMAL CONTROL SERVICES

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

WHEREAS, the current provider has proposed a rate of \$3.10 per capita which is a 3.3% increase over 2009; and,

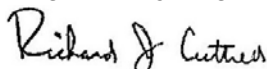
WHEREAS, funds for this purpose will be provided in 2010 in the appropriation entitled Dog Account known as Account No. 12-200-6-7 and the Chief Financial Officer has so certified in writing,

THEREFORE BE IT RESOLVED, that the Mayor and Clerk be and are hereby authorized to execute an agreement with Associated Humane Societies for Animal Control for the year 2010 at a cost of \$7,330.73 per month based on a charge of \$3.10 per capita; and,

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 12/14/09



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

RESOLUTION #09-508 - 12/14/09

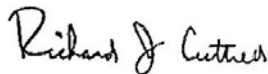
ACCEPT RESIGNATION OF CAPTAIN EDWARD SWANNACK
AS A POLICE OFFICER IN THE POLICE DEPARTMENT

BE IT RESOLVED, by the Township Committee of the Township of Neptune that the letter of resignation submitted by Capt. Edward Swannack resigning as a Police Officer in the Police Department be and is hereby accepted, and is binding and irrevocable as of December 14, 2009, to be effective December 31, 2009; and,

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 12/14/09



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

RESOLUTION #09-509 - 12/14/09

RELEASE ALL SURETY BONDS AND DEVELOPERS ESCROW FOR
IMPROVEMENTS AT I-HOP ON ROUTE 66 (BLOCK 1007, LOT 61)

WHEREAS, IHOP Properties, Inc. filed a performance bond on August 21, 2001 written by Safeco Insurance Company of America in the amount of \$19,600.00, guaranteeing site improvements at the project known as IHOP, located on State Highway 66 (Block 1007, Lot 61); and,

WHEREAS, on December 2, 2009, the Township Engineer certified that all site work has been completed including work in a February, 2002 punch list; and,

WHEREAS, the Township Engineer recommends that the two year maintenance bond be waived since the improvements are not on Township property and were installed over seven years ago,

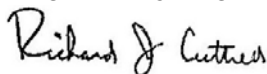
THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the release of the performance bond as stated herein and waives the need to post a maintenance guarantee; and,

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

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 12/14/09



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

RESOLUTION #09-510 - 12/14/09

ACCEPT A MAINTENANCE GUARANTEE AND RELEASE A PERFORMANCE BOND
FILED BY RBA DEVELOPMENT CORP FOR SITE IMPROVEMENTS AT A FOUR HOME
SUBDIVISION ON PALMER AVENUE (BLOCK 3050, LOTS 2.01-2.04)

WHEREAS, on January 27, 2005, RBA Development Corp. filed a performance bond written by First Indemnity of America Insurance Company in the amount of \$145,097.46 guaranteeing site improvements for a four home major subdivision on Palmer Avenue (Block 3050, Lots 2.01-2.04); and,

WHEREAS, the Township Engineer has certified that all site improvements have been completed in a satisfactory manner as of October 19, 2009 and said performance bond can be released; and,

WHEREAS, RBA Development Corp. has filed Maintenance Bond #FP0014569 written by First Indemnity of America Insurance Company guaranteeing said site improvements for a period of two years,

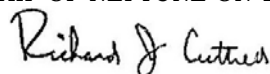
THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Maintenance Guarantee as stated above be and is hereby accepted and the performance bond is authorized to be released; and,

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

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 12/14/09



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

RESOLUTION #09-511 - 12/14/09

RELEASE ALL SURETY BONDS AND DEVELOPERS ESCROW FOR THE
SUBDIVISION AT 332 & 334 GLENMERE AVENUE (BLOCK 408, LOTS 6.01 & 6.02)

WHEREAS, C & S Custom Builders, Inc. LLC filed a performance bond written by American Southern Insurance Companies in the amount of \$6,450.00, guaranteeing the site improvements at the subdivision located at 332 & 334 Glenmere Avenue (Block 408, Lots 6.01 & 6.02); and,

WHEREAS, the Township Engineering Technician has certified that all site work has been completed as of June, 2007 and the performance bond may be released; and,

WHEREAS, the Township Engineer recommends that the two year maintenance bond be waived since the improvements were installed and completed over two years ago,

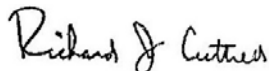
THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the release of the performance bond as stated herein and waives the need to post a maintenance guarantee; and,

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

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 12/14/09



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

RESOLUTION #09-512 - 12/14/09

AUTHORIZE THE CANCELLATION OF A MORTGAGE IN CONNECTION
WITH A HOUSING REHABILITATION PROJECT AT 14 KENNETH TERRACE

WHEREAS, the Township of Neptune holds a mortgage dated September 29, 2000 in connection with a Regional Contribution Agreement Project at 14 Kenneth Terrace; and,

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

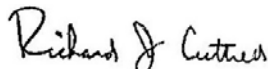
WHEREAS, the Township desires to cancel said mortgage in accordance with the terms of the mortgage note,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Mayor and Clerk be and they are hereby authorized to execute a cancellation of mortgage in connection with the Regional Contribution Agreement Program at 14 Kenneth Terrace; and,

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 12/14/09



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

RESOLUTION #09-513 - 12/14/09

AUTHORIZE CHANGE IN THE AMOUNT OF MATCHING FUNDS FOR GRANTS LINE ITEM
IN THE 2009 MUNICIPAL BUDGET TO APPROPRIATE MATCHING FUNDS
FOR AN EMERGENCY MANAGEMENT EXERCISE SUPPORT GRANT

WHEREAS, N.J.S. 40A:4-85 provides that the Director of the Division of Local Finance may, at the request of, or with the consent of, the governing body of the county or municipality, make changes of the title, text or amount of any appropriation appearing in the budgets as may be necessary to make said item of appropriation available for the purpose or purposes required for the needs of any such county or municipality,

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth, that in accordance with the provisions of N.J.S. 40A:4-85, the Township of Neptune hereby requests the Director of the Division of Local Finance to make the following corrections in the budget of the year 2009;

<u>Appropriations:</u>	<u>From</u>	<u>To</u>
Matching Funds for Grants	\$ 25,000.00	\$ 23,402.46
FY2008 EMPG Exercise Support Program	\$ 0.00	\$ 1,597.54

BE IT FURTHER RESOLVED, that the foregoing correction is, in the opinion of the governing body, warranted and authorized by the statute above referred to, and is necessary for the orderly operation of the municipality for the reasons hereinafter set forth: The appropriation "Matching Funds for Grants" is a non-spending appropriation which must be transferred into a specific line-item for use by the municipality. The municipality has been awarded funding from the New Jersey Department of Law and Public Safety, Division of State Police, for the Fiscal Year 2008 Emergency Management Performance Grant Exercise Support Program in the amount of \$7,987.69 which requires a municipal cash match of \$1,597.54; and,

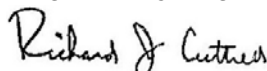
BE IT FURTHER RESOLVED, that the Clerk forward three certified copies of this resolution to Chief Financial Officer and one copy to the Assistant C.F.O., and Auditor.

Vote:

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 12/14/09



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

RESOLUTION #09-514 - 12/14/09

AUTHORIZE AN AMENDMENT TO THE 2009 MUNICIPAL BUDGET TO REALIZE
MONIES FROM A FY 2008 EMPG EXERCISE SUPPORT PROGRAM GRANT

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and,

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and,

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget for the year 2009 in the sum of \$7,987.69 which is now available from a FY2008 Emergency Management Performance Grant Exercise Support Program Grant in the amount of \$7,987.69; and,

BE IT FURTHER RESOLVED that the like sum of \$7,987.69 is hereby appropriated under the caption of FY2008 EMPG Exercise Support Program; and,

BE IF FURTHER RESOLVED, that the above is the result of funds from a NJDL&PS Division of State Police FY2008 Emergency Management Performance Grant Exercise Support Program Grant in the amount of \$7,987.69; and,

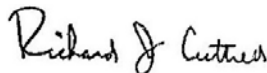
BE IT FURTHER RESOLVED, that the Clerk forward three certified copies of this resolution to Chief Financial Officer and one copy to the Assistant C.F.O., and Auditor.

Vote:

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 12/14/09



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

RESOLUTION #09-515 - 12/14/09

AUTHORIZE EXECUTE OF AN AGREEMENT WITH THE COUNTY OF MONMOUTH
FOR THE LOAN OF AN ANTIQUE WOMEN'S BATHING SUIT
FOR DISPLAY AT LONGSTREET FARM

WHEREAS, the County of Monmouth currently has a circa 1900 women's bathing suit on loan from the Township of Neptune and on display at the Longstreet Farm Visitor Center Exhibit; and,

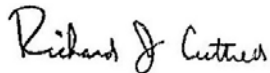
WHEREAS, the County has requested an extension of the loan agreement through December 31, 2011; and,

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the Business Administrator to execute a Loan Agreement with the County of Monmouth for the continued loan of a circa 1900 women's bathing suit from the Township of Neptune for display at the County's Longstreet Farm Visitor Center Exhibit for the period from December 3, 2009 to December 31, 2011; and,

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 12/14/09



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

RESOLUTION #09-516 - 12/14/09

AUTHORIZE TETRA TECH, INC. TO PREPARE AND SUBMIT AN APPLICATION
FOR A FEMA FLOOD MITIGATION ASSISTANCE GRANT

WHEREAS, the Federal Emergency Management Agency provides funding for flood/hazard mitigation projects; and,

WHEREAS, the Neptune Township Office of Emergency Management has recommended that Tetra Tech EM, Inc. prepare and submit an application for the 2009 FEMA Flood Mitigation Assistance grant; and,

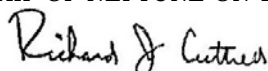
WHEREAS, funds for this purpose will be provided in the appropriation entitled Engineer OE, known as Account No. 165-028, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes Tetra Tech EM, Inc. to prepare and submit a Federal Emergency Management Agency Flood Mitigation Assistance grant application at an amount not to exceed \$1,000.00; 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 12/14/09



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

RESOLUTION #09-517 - 12/14/09

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,

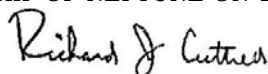
THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth, State of New Jersey, that the Tax Collector be and is hereby authorized to refund the taxes as stated herein; and,

BLOCK/LOT	ASSESSED TO	ADDRESS	YEAR	AMOUNT
8000.01/3	VINCENT	519 WOOLLEY DR	2009	1,740.72
451/5	POPLAWSKI	111 LAKEWOOD RD	2009	1,471.95
209/13	NICHOLS	1405 7 TH AVE	2008	638.16
9001/7	DIAZ	906 GREEN GROVE R	2009	208.90
7/25	FALLON	28 ATLANTIC AV	2009	2,675.73
76/1964	KLOSE	90 STOCKTON AV	2009	1,433.26
324.07/5	LY	110 MONMOUTH AV	2007	919.47
1309/2	HALVORSEN	204 WILLOW DR	2009	1,183.12

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 12/14/09



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

RESOLUTION #09-518 - 12/14/09

AUTHORIZE THE TAX COLLECTOR TO TRANSFER CREDITS

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

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

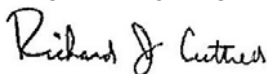
THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth, State of New Jersey, that the Tax Collector be and is hereby authorized to transfer credits listed below and apply same against balances as stated herein; and,

BLOCK/LOT	ASSESSED TO	ADDRESS	AMOUNT	FROM YEAR	TO YEAR
10005/5	WRIGHT	707 TIDE PL	1,188.60	2008	2009

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 12/14/09



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

RESOLUTION #09-519 - 12/14/09

AUTHORIZE THE CANCELLATION OF A CREDIT BALANCE
(615 HIGHWAY 35)

WHEREAS, a property known as Block 245, Lot 33, assessed to Mildner reflects a credit balance; and,

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

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

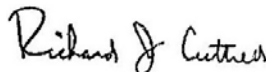
THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth, State of New Jersey, that the Tax Collector be and is hereby authorized to cancel a credit balance as described herein,

BLOCK/LOT	OWNER	ADDRESS	YEAR	AMOUNT
245/33	MILDNER	615 HIGHWAY 35	2007	1,115.22

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 12/14/09



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

RESOLUTION #09-520 – 12/14/09

AUTHORIZE THE REFUND OF SEWER RENT

WHEREAS, the properties listed below reflect overpayments; and,

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

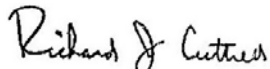
THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth, that the Tax Collector be and hereby is authorized to refund the Sewer Rent as stated herein:

BLOCK/LOT	ASSESSED TO	ADDRESS	YEAR	AMOUNT
3040/12.01	WHITAKER	524 WAYSIDE RD	2009	429.24
3023/8	ELLINGTON	1118 FORDHAM	2009	208.21

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 12/14/09



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

RESOLUTION #09-521 - 12/14/09

AUTHORIZE THE TRANSFER OF A CREDIT BALANCE FROM
INTEREST ON TAXES TO 2009 TAXES (2801 HIGHWAY 33)

WHEREAS, a property known as Block 338, Lot 13, with an address of 2801 Highway 33, assessed to Edna C. Sherman reflects a balance of \$2.86 on 2009 Taxes; and,

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

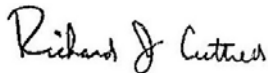
WHEREAS, the Tax Collector has recommended transferring said payment in the amount of \$2.86 from Interest on Taxes to 2009 Taxes,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth, State of New Jersey, that the Tax Collector be and is hereby authorized to transfer the amount of \$2.86 from Interest on Taxes to 2009 Taxes for the property known as Block 338, Lot 13; 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 12/14/09



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

RESOLUTION #09-522 - 12/14/09

AMEND THE SALARY OF MARK BALZARANO AND JOHN FRITZ

WHEREAS, the Township Committee continues to encourage its employees to attend classes and seminars and obtain certifications in their respective field of study; and,

WHEREAS, the Township Committee awards an additional \$1,000 in annual compensation to any employee obtaining a certification in an area related to their specific job classification up to a maximum of two certifications; and,

WHEREAS, Mark Balzarano, Assistant Director of Public Works and John Fritz, Supervisor, have earned the designation of Certified Recycling Professional; and,

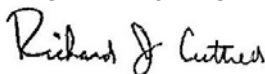
WHEREAS, funds for this purpose will be provided in the 2009 municipal budget under the appropriation entitled DPW S & W, known as Account No. 300-011, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Mark Balzarano and John Fritz shall each receive an additional \$1,000.00 in annual salary effective December 16, 2009 for receiving the Certified Recycling Professional designation; and,

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 12/14/09



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

RESOLUTION #09-523 - 12/14/09

RELEASE ALL SURETY GUARANTEES AND DEVELOPERS ESCROW FOR
IMPROVEMENTS AT GOURMET KITCHEN (1238 CORLIES AVENUE)

WHEREAS, Gourmet Kitchen posted a cash maintenance guarantee written by in the amount of \$24,690.00, guaranteeing the maintenance of site improvements for two years at the project known as Gourmet Kitchen, 1238 Corlies Avenue (Block 172); and,

WHEREAS, the two year maintenance period has expired and the Township Engineer has conducted an inspection; and,

WHEREAS, on December 8, 2009, the Township Engineer certified that all site work has been completed and said maintenance guarantee may be released,

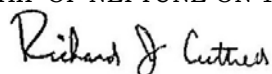
THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the release of the maintenance guarantee as stated herein; and,

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

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 12/14/09



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

RESOLUTION #09-524 - 12/14/09

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:

Administration S&W	7,500.00
Finance S&W	7,500.00
Heating Fuel O.E.	40,000.00
Tax Assessment S&W	6,500.00
Economic Development S&W	2,500.00
Planning Board S&W	1,000.00
Board of Adjustment S&W	1,000.00
Construction S&W	15,000.00
Code Enforcement S&W	10,000.00
Police Department S&W	30,000.00
Dispatch S&W	10,000.00
Recreation S&W	4,000.00

TO:

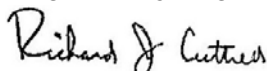
Finance O.E.	2,500.00
Legal O.E.	40,000.00
Mercantile O.E.	1,500.00
Liability Insurance O.E.	5,000.00
Group Insurance O.E.	66,000.00
Telephone Service O.E.	10,000.00
Telecommunications O.E.	10,000.00

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth, State of New Jersey, that 2002 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 12/14/09



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

RESOLUTION #09-525 - 12/14/09

AUTHORIZE THE CANCELLATION OF UNEXPENDED
BUDGET APPROPRIATIONS IN THE MUNICIPAL BUDGET AND MARINA UTILITY

WHEREAS, the following 2009 municipal budget appropriation balances and 2009 marina utility balances remain unexpended:

General budget salary line items	\$300,000.00
Marina Utility S&W	20,000.00

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be credited to current fund surplus and marina utility surplus; and,

THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth, State of New Jersey, that the above listed unexpended balances of the Current Fund (list of specific salary line items attached) and Marina Utility be cancelled and credited to current fund surplus and marina utility surplus, respectively; and,

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

Offered by: Manning

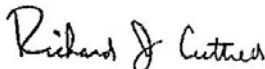
Seconded by: Bishop

Vote:

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY
THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 12/14/09



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

	TOWNSHIP OF NEPTUNE	AMOUNT
		TO
		CANCEL
Account	Description	
01-201-20-120-010	Municipal Clerk S&W	2,100.00
01-201-20-130-010	Financial Administration S&W	3,000.00
01-201-20-140-010	Data Processing S&W	1,900.00
01-201-20-145-010	Revenue Administration S&W	2,000.00
01-201-20-150-010	Tax Assessment Administration S&W	2,880.00
01-201-20-170-010	Economic Development Agencies S&W	1,725.00
01-201-21-185-010	Zoning Board of Adjustment S&W	700.00
01-201-21-186-010	Historic Preservation Comm S&W	2,990.00
01-201-21-188-010	LAND USE ADMIN S&W	700.00
01-201-22-195-010	Uniform Construction Code S&W	30,100.00
01-201-22-200-010	OthCode Enf Functions S&W	345.00
01-201-22-205-010	Mercantile Licensing S&W	60.00
01-201-25-240-010	Police Department S&W	35,000.00
01-201-25-250-010	Police Dispatch 911 S&W	20,650.00
01-201-25-252-010	Office of Emergency Management S&W	1,750.00
01-201-25-275-010	Municipal Prosecutor S&W	825.00

01-201-26-290-010	Streets & Road Maintenance S&W	40,500.00
01-201-26-300-010	Other Public Works Functions S&W	7,100.00
01-201-26-305-010	Solid Waste Collection S&W	113,650.00
01-201-26-310-010	Buildings and Grounds S&W	4,375.00
01-201-27-330-010	Public Health Services S&W	13,150.00
01-201-28-370-010	Recreation Services and Programs S&W	3,900.00
01-201-28-372-010	Senior Citizens Programs S&W	300.00
01-201-30-412-010	Publicity & Tourism S&W	300.00
01-201-43-490-010	Court	10,000.00
	TOTAL	300,000.00
09-201-55-501-010	MARINA	20,000.00

RESOLUTION #09-526 - 12/14/09

AUTHORIZE THE CANCELLATION OF GRANT RECEIVABLES
AND GRANT RESERVES

WHEREAS, certain Grant Receivables and Grant Reserve balances remain open for projects that were completed for less than the anticipated grant amount and/or for which the funding will not be received; and,

WHEREAS, it is necessary to formally cancel said balances,

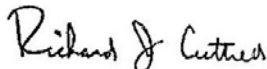
NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth, that the following grant receivables and grant reserves be and hereby authorized to be cancelled:

GRANT NAME	APPROPRIATION CANCELLED	RECEIVABLE CANCELLED	OPERATIONS
HDSRF – Shark River Municipal Marina	\$ 5,543.00	\$ 5,543.00	\$ 0.00
NJDOA – Summer Food Program	\$ 480.60	\$ 2,586.11	\$ (2,105.51)
Click It or Ticket	\$ 4,000.00	\$ 4,000.00	\$ 0.00
Smart Growth Planning Grant – West Lake	\$ 0.00	\$ 47.43	\$ (47.43)
NJDOT – Demolition Agreement	\$ 13,310.50	\$ 14,090.50	\$ (780.00)
COPS – Secure our Schools	\$ 0.00	\$ 20,000.00	\$ (20,000.00)

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Chief Financial Officer, Auditor, Assistant C.F.O. and Administrative Assistant to the 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 12/14/09



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

RESOLUTION #09-527 - 12/14/09

AUTHORIZE SUBMISSION OF A 2010 RECREATIONAL TRAILS PROGRAM
GRANT APPLICATION TO THE NJDEP FOR A WALKING TRAIL AROUND
THE PERIMETER OF THE JUMPING BROOK BALL FIELDS

WHEREAS, the Township desires to submit an application to the New Jersey Department of Environmental Protection Division of Parks and Forestry Office of Natural Lands Management for a Recreational Trails Program Grant for the construction of a walking/hiking trail around the Jumping Brook ball fields; and,

WHEREAS, the Township proposes to utilize in-house personnel and equipment to construct said trail; and,

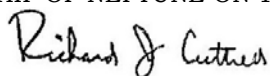
WHEREAS, the Director of Engineering and Planning has prepared the grant application,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Director of Engineering and Planning be and is hereby authorized to submit a 2010 Recreation Trails Program Grant Application to the New Jersey Department of Environmental Protection Division of Parks and Forestry Office of Natural Lands Management for the construction of a walking/hiking trail around the perimeter of the Jumping Brook Ball Fields; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Director of Engineering/Planning, Business Administrator, Director of Public Works and 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 12/14/09



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

RESOLUTION #09-528 - 12/14/09

PLACE LIEN ON 28 MAIN AVENUE (FORMER SAMPLER INN)

WHEREAS, Section 11.3 of the General Code of the Township of Neptune provides a procedure for the demolition of unsafe and dangerous structures; and,

WHEREAS, the Director of Code Enforcement determined that the condition of the property located at 28 Main Avenue constituted a threat as an unsafe and dangerous structure; and,

WHEREAS, the Township Committee conducting a hearing pursuant to 11-3.1 followed by an order that the structure be demolished; and

WHEREAS, the building was not demolished by the property owner within the prescribed timeframe; and,

WHEREAS, the Director of Code Enforcement has had the condition corrected in accordance with Sections 11-3.2 and 11-3.3 of the Code at a total cost of \$91,465.13,

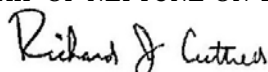
THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Tax Collector be and is hereby authorized to place the following cost as a lien against the following property; and,

<u>BLOCK/LOT</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
20/572-575	28 Main Avenue	\$ 91,465.13

BE IT FURTHER RESOLVED, that a copy of this resolution along with the Code Enforcement Supervisor's report 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 12/14/09



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

RESOLUTION #09-529 - 12/14/09

AUTHORIZE THE EXECUTION OF EMPLOYEMENT AGREEMENTS BETWEEN THE
TOWNSHIP OF NEPTUNE AND MANAGEMENT EMPLOYEES NOT REPRESENTED
BY A TOWNSHIP BARGAINING UNIT

WHEREAS, the Business Administrator, Chief Financial Officer, Deputy Chief of Police, Tax Assessor and Municipal Clerk are all confidential management positions not represented by any Township bargaining unit; and,

WHEREAS, the Township has negotiated with the individuals currently holding these titles and has prepared individual employment agreements,

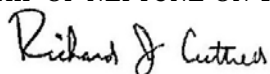
THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Mayor and Clerk be and are hereby authorized to execute Employment Agreements between the Township of Neptune, County of Monmouth and the Business Administrator, Chief Financial Officer, Tax Assessor, Deputy Chief of Police, and Municipal Clerk defining wages, benefits and other personnel matters for the period beginning January 1, 2009 and ending December 31, 2012; and,

BE IT FURTHER RESOLVED, that a copy of each agreement is available for public inspection in the office of the Municipal Clerk; and,

BE IT FURTHER RESOLVED, that a copy of this resolution along with an executed copy of the appropriate agreement be forwarded to each employee 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 12/14/09



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

RESOLUTION #09-530 - 12/14/09

AUTHORIZE THE EXECUTION OF AN AGREEMENT BETWEEN THE
TOWNSHIP OF NEPTUNE AND THE NEPTUNE TOWNSHIP
DEPARTMENT/DIVISION HEAD ASSOCIATION

WHEREAS, the Township has negotiated the terms of a contract with the Neptune Township Department/Division Head Association for the period January 1, 2009 through December 31, 2012; and,

WHEREAS, an agreement has been reached with said Association,

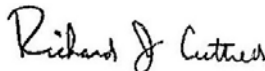
THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Mayor and Clerk be and are hereby authorized to execute an agreement between the Township of Neptune, County of Monmouth and the Neptune Township Department/Division Head Association defining wages, benefits and other personnel matters for the period beginning January 1, 2009 and ending December 31, 2012; and,

BE IT FURTHER RESOLVED, that a copy of said agreement is available for public inspection in the office of the Municipal Clerk; and,

BE IT FURTHER RESOLVED, that a copy of this resolution along with an executed copy of said agreement be forwarded to the Association, Chief Financial Officer, Business Administrator 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 12/14/09



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

RESOLUTION #09-531 - 12/14/09

AUTHORIZE ADDITIONAL APPROPRIATION IN REGARDS TO THE LAWSUIT AGAINST
THE STATE OF NEW JERSEY SEEKING THE DREDGING OF THE SHARK RIVER

WHEREAS, on October 14, 2009, the Township Committee adopted Resolution #09-455 which authorized litigation against the State of New Jersey and all other public entities where necessary, to seek and to require the State of New Jersey to do all that is necessary to dredge the Shark River to provide for healthy maritime use of the Shark River by the citizens of Neptune Township and neighboring towns of the Shark River and all those citizens that make use of the Shark River; and,

WHEREAS, said Resolution also authorized an appropriation of an amount not to exceed \$10,000.00 to the law firm of Giordano, Halleran and Ciesla and its environmental legal staff, headed by Michael Gross, Esq., to represent the Township in this matter; and,

WHEREAS, this amount has been nearly expended and it is estimated that an additional \$5,000.00 is needed to continue the litigation; and,

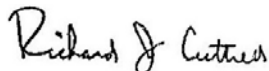
WHEREAS, funds will be provided in the appropriation entitled Legal O.E, known as Account No. 155-027, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby amends Resolution #09-455, which authorized the law firm of Giordano, Halleran and Ciesla and its environmental legal staff, headed by Michael Gross, Esq. in the matter of legal action against the State of New Jersey to do all that is necessary to dredge the Shark River, to authorize an additional appropriation to said law firm of an amount not to exceed \$5,000.00; 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 12/14/09



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

RESOLUTION #09-532 - 12/14/09

AUTHORIZE TOWNSHIP ATTORNEY TO DEFEND TOWNSHIP IN NOTICE OF APPEAL OF THE DENIAL OF THE INJUNCTION PREVENTING THE DEMOLITION OF THE SAMPLER INN BROUGHT AGAINST TOWNSHIP BY E.K. SAMPLER, LLC AND ELLIOTT KOPLITZ

WHEREAS, on July 13, 2009 the Township Committee adopted Resolution #09-359 which authorized the Municipal Attorney, Gene J. Anthony, Esq., to defend the Township with regards to the aforesaid lawsuit brought by E.F. Sampler, LLC and Elliott Koplitz in the Superior Court of New Jersey Law Division Monmouth County Docket No. MON-L3139-09 and to do all that is necessary to prosecute and seek enforcement of resolution 09-271 seeking demolition of the "Sampler" located at 28 Main Avenue, Ocean Grove, New Jersey; and,

WHEREAS, the Monmouth County Superior Court denied the litigation brought by E.F. Sampler, LLC and Elliott Koplitz to obtain an injunction preventing the demolition of the Sampler Inn; and,

WHEREAS, E.K. Sampler Inn has filed a Notice of Appeal of the Superior Court's decision that denied the injunction; and,

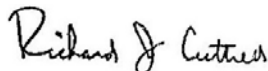
WHEREAS, funds for this purpose are in the 2009 Municipal Budget in the appropriation entitled Legal O.E. known as Account No. 155-027 and the Chief Financial Officer has certified in writing,

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune that the governing body hereby authorizes the Municipal Attorney, Gene J. Anthony, Esq., with law offices located at 48 South Street, Eatontown, New Jersey to defend the Township with regards to the aforesaid Notice of Appeal brought by E.F. Sampler, LLC and Elliott Koplitz in the Appellate Division; and,

BE IT FURTHER RESOLVED, that the Township Committee authorizes legal fees not to exceed Five Thousand Dollars (\$5,000.00) without additional approval for the purposes of this litigation.

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 12/14/09



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

RESOLUTION #09-533 – 12/14/09

AUTHORIZE THE PAYMENT OF BILLS

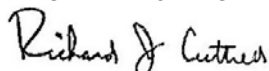
BE IT RESOLVED, That the following bills be paid if properly certified:

CURRENT FUND	848,432.85
FEDERAL & STATE GRANT FUND	965.24
TRUST OTHER	205,928.30
GENERAL CAPITAL FUND	533,053.25
SEWER OPERATING FUND	55,690.37
SEWER CAPITAL FUND	270,571.50
MARINA OPERATING FUND	40,727.93
DOG TRUST	18,056.50
BILL LIST TOTAL	\$1,973,425.94

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 12/14/09



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