

TOWNSHIP COMMITTEE WORKSHOP MEETING – NOVEMBER 16, 2020 – 6:00 P.M.

In person attendance at this meeting is permitted. In addition, video and audio access to the meeting is via townhallstreams.com/towns/neptune_nj.

Mayor Lane calls the workshop meeting to order at 6:00 p.m. and asks the Clerk to call the roll:

ROLL CALL

PRESENT/ABSENT

Dr. Michael Brantley
Kevin B. McMillan
Carol Rizzo
Nicholas Williams
Robert Lane

Also present: Vito D. Gadaleta, Business Administrator; Gene Anthony, Township Attorney; and Richard J. Cuttrel, Municipal Clerk.

Mayor Lane 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 October 29, 2020, which indicated the ability to attend the meeting in person and included instructions on accessing and participating in the meeting virtually through townhallstreams.com. The Notice was filed with the Municipal Clerk and posted on the Township web site (www.neptunetownship.org), along with the meeting agenda, ordinances and resolutions.

ITEMS FOR DISCUSSION IN OPEN SESSION

1. Discussion – Shared Services Agreement with Monmouth County for Community Rating System Program software.

2. Discussion – Executive order granting municipalities the ability to impose curfew on non-essential businesses during the public health emergency.

3. Review Committee calendars.

Res. # 20-348 – Authorize an Executive Session as authorized by the Open Public Meetings Act.

Offered by: _____ Seconded by: _____

Vote: Brantley, _____; McMillan, _____; Rizzo, _____; Williams, _____; Lane, _____.

RESOLUTION #20-348 – 11/16/20

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:

Litigation/Personnel – Labor Attorney present to discuss Davis v. Neptune
Potential Litigation – Encroachment at 148 Drummond Avenue

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.

TOWNSHIP COMMITTEE MEETING – NOVEMBER 16, 2020 – 7:00 P.M.

In person attendance at this meeting is permitted. In addition, video and audio access to the meeting is via townhallstreams.com/towns/neptune_nj. Questions and comments will also be accepted via townhallstreams.com/towns/neptune_nj.

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

ROLL CALL

PRESENT/ABSENT

Dr. Michael Brantley
Kevin B. McMillan
Carol Rizzo
Nicholas Williams
Robert Lane, Jr.

Also present at the dais: Gene Anthony, Township Attorney; Vito D. Gadaleta, Business Administrator; 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 right. In the event of a fire, you will be notified by fire alarm and/or public address system, then proceed to the nearest smoke-free exit."

Mayor Lane 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 October 29, 2020, which indicated the ability to attend the meeting in person and included instructions on accessing and participating in the meeting virtually through townhallstreams.com. The Notice was filed with the Municipal Clerk and posted on the Township web site (www.neptunetownship.org), along with the meeting agenda, ordinances and resolutions.

APPROVAL OF MINUTES – Motion offered by _____, seconded by _____, to approve the minutes of the meeting held on October 26th.

COMMENTS FROM THE DAIS - Comments from the Dais regarding business on this agenda or any reports on recent events in their respective departments.

PUBLIC COMMENTS ON RESOLUTIONS - Public comments regarding resolutions presented on this agenda only. The public will be permitted one visit to the microphone with a limit of five minutes. Public comments will also be accepted remotely via townhallstreams.com/towns/neptune_nj.

ORDINANCES - For each ordinance with a public hearing, the public is permitted one visit to the microphone with a limit of five minutes. Public comments will also be accepted remotely via townhallstreams.com/towns/neptune_nj.

ORDINANCE NO. 20-30 – An ordinance to amend Volume I, Chapter IX of the Code of the Township of Neptune by adding Section 9-18.7 entitled "Direct Deposit of Employee Compensation" - First Reading

Explanatory Statement: This ordinance requires full-time Township employees to have direct deposit of their compensation unless exempted by resolution of the Township Committee.

Offered by: _____ Seconded by: _____

Vote: Brantley, _____; McMillan, _____; Rizzo, _____; Williams, _____; Lane, _____.

ORDINANCE NO. 20-31 – An ordinance to amend Volume I, Chapter VII of the Code of the Township of Neptune by removing a handicapped parking zone on Abbott Avenue and a resident only handicapped parking zone on Webb Avenue - First Reading

Explanatory Statement: This authorizes the removal of a handicapped parking zone in front of 134 Abbott Avenue and the removal of a resident only handicapped parking zone in front of 68 Webb Avenue.

Offered by: _____ Seconded by: _____
Vote: Brantley, _____; McMillan, _____; Rizzo, _____; Williams, _____; Lane, _____.

The Public Hearings on Ordinances 20-30 and 20-31 will be held at the next Township Committee meeting on Monday, December 7th.

CONSENT AGENDA

Res. #20-349 – Confirm the receipt of the Annual Report of Audit for the Township of Neptune for the year 2019.

Res. #20-350 – Accept Corrective Action Plan in connection with the 2019 audit recommendations.

Res. #20-351 – Authorize Change Order #3 (final) in connection with the 11th Avenue Sewer Rehabilitation Project.

Res. #20-352 – Invite Committeeperson-Elect Keith Cafferty to become involved in 2020 Township business.

Res. #20-353 – Employ temporary seasonal personnel in the Department of Public Works.

Res. #20-354 – Employ part-time seasonal/on-call Drivers in the Department of Public Works for snow plowing.

Res. #20-355 – Authorize the execution of a Shared Service Agreement with County of Monmouth to provide Community Rating System Project Management Software.

Res. #20-356 – Authorize release of cash performance bond filed by New York Concourse, LLC for site improvements at the Headliner (1401 Highway 35).

Res. #20-357 – Authorize the purchase of four (4) Panasonic Toughbook tablets with accessories and extended warranty through the State Cooperative Purchasing Program.

Res. #20-358 – Renew contract for animal control services.

Res. #20-359 – Authorize the Chief Financial Officer and other Township officials to undertake certain actions in connection with the extension of the maturity date of a not to exceed \$816,413 General Improvement Bond Anticipation Note and a not exceed \$67,450 Marina Utility Bond Anticipation Note.

CONSENT AGENDA Offered by: _____ Seconded by: _____
Vote: Brantley, _____; McMillan, _____; Rizzo, _____; Williams, _____; Lane, _____.

Res. #20-360 – Authorize and direct the Township of Neptune Planning Board to undertake a Preliminary Investigation to determine whether certain areas along Route 66 identified as Block 3903, Lots 12 and 13 on the tax map of the Township of Neptune, having been merged into a single lot known as Lot 12, qualify as an Area in Need of Redevelopment (non-condemnation) pursuant to the Local Redevelopment and Housing Law.

Offered by: _____ Seconded by: _____
Vote: Brantley, _____; McMillan, _____; Rizzo, _____; Williams, _____; Lane, _____.

Res. #20-361 – Authorize and direct the Township of Neptune Planning Board to undertake a Preliminary Investigation to determine whether certain areas along Routes 33 and 35, known informally as the Township Crossroads, and identified as Block 1106, Lots 1-7 and Lots 8-17 and Block 1107, Lots 1-12 on the tax map of the Township of Neptune, qualify as an Area in Need of Redevelopment (non-condemnation) pursuant to the Local Redevelopment and Housing Law.

Offered by: _____ Seconded by: _____
Vote: Brantley, _____; McMillan, _____; Rizzo, _____; Williams, _____; Lane, _____.

Res. #20-362 – Provide for the combination of certain issues of not exceeding \$12,754,393 General Obligation Bonds, Series 2020, consisting of \$8,156,943 General Improvement Bonds, Series 2020, \$3,435,000 Sewer Utility Bonds, Series 2020 and \$1,162,450 Marina Utility Bonds, Series 2020, of the Township of Neptune, in the County of Monmouth, State of New Jersey, determining the form and other details of such bonds, and providing for the sale of such bonds to the Monmouth County Improvement Authority pursuant to the authority's 2020 Pooled Governmental Loan Program.

Offered by: _____ Seconded by: _____
Vote: Brantley, _____; McMillan, _____; Rizzo, _____; Williams, _____; Lane, _____.

Res. #20-363 – Authorize the payment of bills.

Offered by: _____ Seconded by: _____
Vote: Brantley, _____; McMillan, _____; Rizzo, _____; Williams, _____; Lane, _____.

Res. #20-364 – Authorize certain cases to be continued by James K. Grace, Esq. of the law firm of Grace Law Group, LLC.

Offered by: _____ Seconded by: _____
Vote: Brantley, _____; McMillan, _____; Rizzo, _____; Williams, _____; Lane, _____.

Res. #20-365 – Authorize certain cases to be continued by Michael Burns, Esq. of the law firm of Marmero Law, LLC.

Offered by: _____ Seconded by: _____
Vote: Brantley, _____; McMillan, _____; Rizzo, _____; Williams, _____; Lane, _____.

Res. #20-366 – Approve the Settlement between Officer Kyheem Davis and the Township of Neptune, et al.

Offered by: _____ Seconded by: _____
Vote: Brantley, _____; McMillan, _____; Rizzo, _____; Williams, _____; Lane, _____.

Res. #20-367 – Authorize the filing of an involuntary disability pension application on behalf of Officer Kyheem Davis by the Township of Neptune.

Offered by: _____ Seconded by: _____
Vote: Brantley, _____; McMillan, _____; Rizzo, _____; Williams, _____; Lane, _____.

PRIVILEGE OF THE FLOOR/PUBLIC COMMENTS

Members of the public may address any concern relating to the Township. The public will be permitted one visit to the microphone with a limit of five minutes. Public Comments will also be accepted remotely via townhallstreams.com/towns/neptune_nj.

ADJOURNMENT

ORDINANCE NO. 20-30

AN ORDINANCE TO AMEND VOLUME I, CHAPTER IX OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING SECTION 9-18.7 ENTITLED "DIRECT DEPOSIT OF EMPLOYEE COMPENSATION"

WHEREAS, P.L. 2013 c.28 authorizes local governments to mandate direct deposit for certain governmental employees and permits governing bodies to grant exemptions on such terms and conditions as they deem necessary effective after July 1, 2014,

THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Neptune that the Code of the Township of Neptune be and is hereby amended to add Section 9-18.7 as follows:

SECTION 1

9-18.7 – Direct Deposit of Employee Compensation

a. All full time employees and elected public officials who receive compensation from the Township of Neptune are mandated to have direct deposit of their compensation as of January 1, 2021 in accordance with Chapter 28 P.L. 2013, as defined under C.52:14-15f(b).

b. Seasonal and temporary employees are exempt from the direct deposit mandate.

c. Township employees may request, in writing, an exemption from the direct deposit mandate to the Human Resources Director. Such requests shall be presented to the Township Committee within thirty (30) days. The Township Committee may grant such an exemption by resolution and only for good cause.

SECTION 2

This Ordinance shall become effective immediately upon its final passage and publication as required by law.

SECTION 3

All Ordinances or parts of Ordinances which are inconsistent herewith are repealed, but only to the extent of such inconsistency.

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

Richard J. Cuttrell,
Municipal Clerk

Robert Lane, Jr.
Mayor

ORDINANCE NO. 20-31

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY REMOVING CERTAIN HANDICAPPED PARKING ZONES ON ABBOTT AVENUE AND WEBB AVENUE

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

SECTION 1

Volume I, Chapter VII, Section 7-21.1 – Handicapped Parking On-Street, is hereby amended by *removing* the following:

<u>Name of Street</u>	<u>No. of Spaces</u>	<u>Location</u>
Abbott Avenue	1	South side of Abbott Avenue beginning 90 feet east of the southeast intersection of Abbott Avenue and Benson Avenue

SECTION 2

Volume I, Chapter VII, Section 7-21.7 – Resident Handicapped Parking on Street, is hereby amended by *removing* the following:

<u>Name of Street</u>	<u>No. of Spaces</u>	<u>Location</u>
Webb Avenue	1	South side of Webb Avenue beginning 154 feet west of the southwest intersection of Webb Avenue and Pilgrim Pathway

SECTION 3

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

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

Richard J. Cuttrell,
Municipal Clerk

Robert Lane, Jr.
Mayor

RESOLUTION #20-349 - 11/16/20

CONFIRM THE RECEIPT OF THE ANNUAL REPORT OF AUDIT
FOR THE TOWNSHIP OF NEPTUNE FOR THE YEAR 2019

WHEREAS, N.J.S.A 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and,

WHEREAS, the Annual Report of Audit for the year 2019 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and,

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

Auditor's Opinions
Schedule of Findings and Questioned Costs
Schedule of Findings and Recommendations
General Comments

and,

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

Auditor's Opinions
Schedule of Findings and Questioned Costs
Schedule of Findings and Recommendations
General Comments

as evidenced by the group affidavit form of the governing body; and,

WHEREAS, such resolution of certification shall be adopted by the Governing body no later than forty-five (45) days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and,

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and,

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 to wit:

R.S.52:27BB-52 - " A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Neptune, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

RESOLUTION #20-350 - 11/16/20

ACCEPT A CORRECTIVE ACTION PLAN IN CONNECTION
WITH THE 2019 AUDIT RECOMMENDATIONS

WHEREAS, the Township Committee previously accepted the 2019 Township of Neptune audit by resolution; and,

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

THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Corrective Action Plan of the 2019 Township of Neptune Audit be and is hereby accepted and is authorized for submission to the Division of Local Government Services; and,

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

*Township of Neptune
 Corrective Action Plan - In Response to 2019 Audit
 Michael J. Bascom, CMFO, CTC*

Comment / Recommendation	Explanation	Corrective Action	Responsible Employee	Date of C.A.
<p>Comment 2019-001: There is a material weakness in internal controls over the preparation of financial statements that are free from material misstatement.</p>	<p>The general ledger was incomplete at the time of the audit.</p>	<p>The Township has instituted job assignment changes that will assure compliance with Finance Department policies and GASB requirements. Job responsibilities have been reassigned to reinforce GASB compliant internal controls that will lead to an improved general ledger and subsidiary journal reliability. In addition, a new monthly posting policy has been developed to assure that all departments are providing all necessary records on a timely basis that will support timely and accurate posting.</p>	<p>Michael J. Bascom, CFO</p>	<p>12/31/2020</p>
<p>Construction Dept: Comment 2019-002: There was a clerical error that caused a permit to be undercharged for the \$3,391 Building Sub-code and \$244 for the DCA fee.</p>	<p>The employee checked off the wrong box in the computer module. This application is for an addition and rehabilitation work. The cubic footage for the addition and the estimated cost of work were entered. The box for an addition was checked and the box for a new building was checked. The box for rehabilitation should have been checked instead of the box for a new building. This error prompted the program to double-charge for cubic footage and not charge for the rehabilitation work. The cost of the rehab work is \$95,000.00. The permit fee for this is \$3,720. The fee of \$658 was charged for the cubic footage times two (the box for addition and a new building were checked). Divide \$658 by 2 = 329. \$3,720 - \$329 = \$3,391</p>	<ol style="list-style-type: none"> 1. Discuss the error with the employee. 2. Contact the applicant and collect the additional fees due. 3. Notify the program provider. The correct cubic footage and cost of rehab work were entered, but the wrong box was checked. A simple error of not checking the correct box should not result in miscalculating fees when the other information is there. 	<p>Bill Doolittle, Construction Official</p>	<p>12/31/2020</p>

*Township of Neptune
 Corrective Action Plan - In Response to 2019 Audit
 Michael J. Bascom, CMFO, CTC*

<p>Municipal Court: Comment 2019-03: The bail account reconciliation contains stale reconciling items. Interest is not being turn over to the Township on a regular basis.</p>	<p>Not all funds due to the general fund of the municipality were transferred from the court accounts to the township accounts by year end.</p>	<p>This work assignment has been assigned to a different individual in the Court Office and will be monitored by the Deputy Court Administrator.</p>	<p>Ursula Postell, Court Administrator</p>	<p>12/31/2020</p>
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RESOLUTION #20-351 – 11/16/20

AUTHORIZE CHANGE ORDER #3 (FINAL) IN CONNECTION WITH THE
11TH AVENUE SEWER REHABILITATION PROJECT

WHEREAS, on March 25, 2019, a contract was awarded to Lucas Construction Group in the amount of \$1,829,800.00 in connection with the 11th Avenue sewer rehabilitation project; and,

WHEREAS, on March 9, 2020, the Township Committee adopted Resolution #20-142 which authorized Change Order #1 for a net increase of \$206,151.26 revising the total contract amount to \$2,035,951.26; and,

WHEREAS, on April 27, 2020, the Township Committee adopted Resolution #20-166 which authorized Change Order #2 for a net increase of \$139,550.00 revising the total contract amount to \$2,175,501.26; and,

WHEREAS, changes to the contract have been experienced as a result of final as-built quantities; and,

WHEREAS, these changes have been approved by the Township Engineer; and,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes Change Order #3 in the contract with Lucas Construction Group in connection with the 11th Avenue sewer rehabilitation project resulting in a net decrease of \$197.46 revising the total contract amount to \$2,175,303.80; and,

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

RESOLUTION #20-352 - 11/16/20

INVITE COMMITTEEPERSON-ELECT KEITH CAFFERTY
TO BECOME INVOLVED IN 2020 TOWNSHIP BUSINESS

WHEREAS, at the election held on November 3, 2020, Keith Cafferty was elected as a member of the Township Committee to begin a three year term on January 1, 2021; and,

WHEREAS, it is desirable that this Committeeperson-Elect be aware of on going Township business;

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes Committeeperson-Elect Keith Cafferty to sit in on any and all meetings scheduled for the Township Committee of the Township of Neptune for the balance of 2020.

RESOLUTION #20-353 – 11/16/20

EMPLOY TEMPORARY SEASONAL PERSONNEL
IN THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township has a need to employ seasonal workers in the Department of Public Works; and,

WHEREAS, the Director of Public Works and Human Resources Director have forwarded their recommendation to extend the length of time that current seasonal employees have been employed in this capacity until November 30, 2020; and,

WHEREAS, funds for this purpose are available in the 2020 Municipal Budget in the appropriation entitled Solid Waste Collection S&W, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Jordan McLaughlin, Ralph Parkman, and Elijah Dennis be and are hereby employed in the Department of Public Works as temporary seasonal employees to perform various tasks within the Department, from September 1, 2020 to November 30, 2020, not to exceed forty (40) hours per week, at a salary of \$15.00 per hour with no health benefits; and,

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

RESOLUTION #20-354 - 11/16/20

EMPLOY PART-TIME SEASONAL/ON-CALL DRIVERS
IN THE DEPARTMENT OF PUBLIC WORKS FOR SNOW PLOWING

WHEREAS, the Township desires to create a pool of individuals with commercial drivers license who would be called upon during major snowfalls to operate snow plows as a supplement to the full-time Public Works staff; and,

WHEREAS, the Director of Public Works has forwarded his recommendations to employ workers for this purpose; and,

WHEREAS, funds will be provided in the 2020 municipal budget in the appropriation entitled Streets & Roads S&W, 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 following individuals be and are hereby employed in the Department of Public Works as part-time employees on an on-call basis only for snow plowing during major snow/ice events during the 2020-2021 winter season at an hourly rate of \$25.00; and,

Greg E. LaFrance
Samar Reid
Frank Martuscelli, Sr.
Kevin Marter

Raymond Koeppel
Sidney Chasey
Mark Maxwell
Dennis Jemaly

William Burge
Caesar Cowart
John Matthews

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

RESOLUTION #20-355 - 11/16/20

AUTHORIZE THE EXECUTION OF A SHARED SERVICE AGREEMENT WITH THE
COUNTY OF MONMOUTH TO PROVIDE COMMUNITY RATING SYSTEM PROJECT
MANAGEMENT SOFTWARE

WHEREAS, the Township of Neptune has determined that its best interests would be served by joining the County of Monmouth in an agreement whereby the County would provide the Township with Community Rating System (CRS) Project Management Software; and,

WHEREAS, the Community Rating System (CRS) Project Management Software, including its related software products, services and websites (collectively referred to as "CRS Software") provides for a municipal platform, elevation certificate storage and file management, and a CRS resident platform; and

WHEREAS, CRS Software is owned by its developer, namely Forerunner, and the County has obtained a limited license from Forerunner for use of CRS Software; and

WHEREAS, under the terms of its license, Monmouth may operate a CRS Software web-based system for itself and may also sublicense the use of the system for use by other contracting units in Monmouth County; and,

WHEREAS, the cost for a three year sublicense to the Township is \$13,500.00 of which the County will contribute \$7,353.00 through the LEAP Challenge Grant resulting in a cost to the Township of \$6,147.00; and,

WHEREAS, this Township's cost share may be further reduced, or eliminated, if this project is eligible and approved for CARES Act funding; and,

WHEREAS, funds for this purpose, as required, are available in the 2020 municipal budget in the appropriation entitled Administration O.E. and the Chief Financial Officer has so certified in writing; and,

WHEREAS, the Township of Neptune and the County of Monmouth desire to enter into a Shared Service Agreement pursuant to N.J.S.A. 40:8A-1 et seq. for the Township and County to cooperatively participate in this project; and,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the execution of a Shared Service Agreement with the County of Monmouth, a copy of which is on file in the Office of the Municipal Clerk, whereby the County will provide the Township with Community Rating System (CRS) Project Management Software through December 31, 2023 at a total cost to the Township of not to exceed \$6,147.00, which may be reduced or eliminated dependent upon CARES Act funding; and,

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

RESOLUTION #20-356 - 11/16/20

AUTHORIZE RELEASE OF CASH PERFORMANCE BOND FILED BY NEW YORK CONCOURSE, LLC FOR SITE IMPROVEMENTS AT HEADLINER (1401 HIGHWAY 35)

WHEREAS, on March 27, 2017, New York Concourse, LLC submitted a cash performance bond in the amount of \$38,184.00 guaranteeing site improvements at the Headliner, 1401 Highway 35 (Block 5606, Lots 2-14); and,

WHEREAS, on December 20, 2018, the Township Committee adopted Resolution #18-424 which authorized a reduction in the bond amount to \$19,092.00; and,

WHEREAS, the Township Engineer has certified that all site improvements have been completed in a satisfactory manner as of September 18, 2020 and said performance bond can be released contingent upon the payment of the required affordable housing contribution; and,

WHEREAS, the Developer has requested that the affordable housing contribution be paid from his cash performance bond escrow account; and,

WHEREAS, the Township Engineer also recommended a waiver of the posting of a maintenance guarantee because the project is minor and the improvements are over 3 years old

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

- the cash performance guarantee in the amount of \$19,092.00, plus any accrued interest, posted by New York Concourse, LLC for site improvements at the Headliner, 1401 Highway 35, along with the remaining balance in the inspection fee escrow, be and is hereby authorized to be released.
- a maintenance guarantee is not required for the reasons as stated herein.
- the amount of \$4,312.50 shall be deducted from the cash performance guarantee escrow as payment for the required affordable housing contribution and deposited into the Township's Affordable Housing Trust Fund.

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

RESOLUTION #20-357 - 11/16/20

AUTHORIZE THE PURCHASE OF FOUR (4) PANASONIC TOUGHBOOK TABLETS WITH ACCESSORIES AND EXTENDED WARRANTY THROUGH THE STATE COOPERATIVE PURCHASING PROGRAM

WHEREAS, the Office of Emergency Management Director has recommended the purchase of four (4) Panasonic Toughbook Tablets with accessories and five year extended warranty through authorized vendors 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, Telrepc, Inc. has been awarded New Jersey State Contract No. 89980 for the Toughbook Tablets and Contract #MNWNC-124 for the accessories and five year extended warranty; 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 total cost of the tablets shall not exceed \$17,300.00 and the cost of the accessories and five year extended warranty shall not exceed \$6,380.00; and,

WHEREAS, funds for this purpose are available from Ordinance No. 19-21 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 four (4) Panasonic Toughbook Tablets with accessories and five year extended warranty through New Jersey Cooperative Purchasing Program Contracts No. 89980 and MNWNC-124 for the Office of Emergency Management be and is hereby authorized at an amount not to exceed \$17,300.00 for the tables and \$6,380.00 for the accessories and warranty (total cost of \$23,680.00); and,

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

RESOLUTION #20-358 – 11/16/20

RENEW CONTRACT FOR ANIMAL CONTROL SERVICES

WHEREAS, the Business Administrator has negotiated with the organization currently supplying animal control services to the Township and he has received from the Chief of Police a satisfactory report of the organization's work over the past calendar year; and,

WHEREAS, pursuant to NJSA 40:48-5.1 a municipality may contract with an approved organization providing animal control services for a period not exceeding five (5) years; and,

WHEREAS, on December 19, 2019, the Township Committee adopted Resolution #19-422 which authorized the execution of an agreement with Monmouth County SPCA for animal control services for the year 2020, with the authorization to renew said contract annually through 2024; and,

WHEREAS, Monmouth County SPCA has proposed a rate of \$7,125.00 per month which is the same rate as provided in the 2020 contract; and,

WHEREAS, funds for this purpose will be provided in the 2021 Municipal Budget, when adopted, in the appropriation entitled Dog Account, and the Chief Financial Officer has so certified in writing,

THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Mayor and Clerk be and are hereby authorized to execute an agreement with Monmouth County SPCA for animal control services for the year 2021 at a cost of \$7,125.00 per month; and,

BE IT FURTHER RESOLVED, this agreement may be renewed annually through 2024; and,

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

RESOLUTION #20-359 - 11/16/20

AUTHORIZE THE CHIEF FINANCIAL OFFICER AND OTHER TOWNSHIP OFFICIALS TO UNDERTAKE CERTAIN ACTIONS IN CONNECTION WITH THE EXTENSION OF THE MATURITY DATE OF A NOT TO EXCEED \$816,413 GENERAL IMPROVEMENT BOND ANTICIPATION NOTE AND A NOT TO EXCEED \$67,450 MARINA UTILITY BOND ANTICIPATION NOTE

WHEREAS, on December 19, 2019, the Township of Neptune, in the County of Monmouth, State of New Jersey (the "Township") issued (i) a not to exceed \$816,413 General Improvement Bond Anticipation Note, numbered BAN 2019-5 (the "General Improvement Note") to provide for the current refunding of a prior general improvement bond anticipation note of the Township issued in the aggregate principal amount of \$816,413 on December 21, 2018 and maturing on December 20, 2019 (the "Prior General Improvement Note") (which Prior General Improvement Note was originally issued on December 21, 2018 to finance, on a temporary basis, general capital improvements in and by the Township), and (ii) a not to exceed \$67,450 Marina Utility Bond Anticipation Note, numbered BAN 2019-6 (the "Marina Note" and together with the General Improvement Note, the "2019 Notes") to provide for the current refunding of a prior marina utility bond anticipation note of the Township issued in the aggregate principal amount of \$67,450 on December 21, 2018 and maturing on December 20, 2019 (the "Prior Marina Note") (which Prior Marina Note was originally issued on December 21, 2018 to finance, on a temporary basis, marina capital improvements in and by the Township); and

WHEREAS, the Township issued the 2019 Notes to the Sewer Operating Fund of the Township; and

WHEREAS, such 2019 Notes bear interest at a rate of zero and zero hundredths percentum (0.00%) per annum and currently mature on December 18, 2020; and

WHEREAS, the Township has determined that there exists a need within the Township to finance the costs of various general capital improvements (the "General Improvements Project"), sewer capital improvements (the "Sewer Improvements Project") and marina capital improvements (the "Marina Improvements Project" and together with the General Improvements Project and the Sewer Improvements Project, the "Project") throughout the Township; and

WHEREAS, the Township has determined to finance the Project with the proceeds of a loan (the "Loan") to be made to the Township by the Monmouth County Improvement Authority (the "MCIA") in connection with an MCIA 2020 Pooled Governmental Loan Program (the "2020 MCIA Bond Program") currently scheduled to close on or about December 23, 2020 (the "Anticipated MCIA Closing Date"); and

WHEREAS, the General Improvement Note and the Marina Note both currently mature on December 18, 2020, which is prior to the December 23, 2020 Anticipated MCIA Closing Date for the 2020 MCIA Bond Program; and

WHEREAS, the Township desires to extend the maturity date of both 2019 Notes to January 13, 2021 (the "Extended Maturity Date") to accommodate the Anticipated MCIA Closing Date in order to participate in the 2020 MCIA Bond Program; and

WHEREAS, the Township desires that all other terms of the General Improvement Note and the Marina Note held by the Sewer Operating Fund of the Township remain the same, including the interest rate of zero and zero hundredths percentum (0.00%) per annum; and

WHEREAS, the Township seeks to authorize the extension of the maturity date of the 2019 Notes currently held by the Sewer Operating Fund of the Township to the Extended Maturity Date.

BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY as follows:

SECTION 1. Pursuant to and in accordance with Bond Ordinance Number 16-27 and Bond Ordinance Number 17-36 duly adopted by the Township (collectively, the "General Improvement Bond Ordinances"), on December 19, 2019, a General Improvement Bond Anticipation Note of the Township in an aggregate principal amount not to exceed \$816,413, numbered BAN 2019-5 (the "General Improvement Note") was issued for the purpose of currently refunding a prior general improvement bond anticipation note of the Township issued in the aggregate principal amount of \$816,413 on December 21, 2018 and maturing on December 20, 2019 (the "Prior General Improvement Note") (which Prior General Improvement Note was originally issued on December 21, 2018 to finance, on a temporary basis, general capital improvements in and by the Township).

SECTION 2. Pursuant to and in accordance with Bond Ordinance Number 16-29 duly adopted by the Township (the "Marina Bond Ordinance"), on December 19, 2019, a Marina Utility Bond Anticipation Note of the Township in an aggregate principal amount not to exceed \$67,450, numbered BAN 2019-6 (the "Marina Note" and together with the General Improvement Note, the "2019 Notes") was issued for the purpose of currently refunding a prior marina utility bond anticipation note of the Township issued in the aggregate principal amount of \$67,450 on December 21, 2018 and maturing on December 20, 2019 (the "Prior Marina Note") (which Prior Marina Note was originally issued on December 21, 2018 to finance, on a temporary basis, marina capital improvements in and by the Township).

SECTION 3. The 2019 Notes were issued to the Sewer Operating Fund of the Township.

SECTION 4. The 2019 Notes are dated December 19, 2019 and currently mature on December 18, 2020, and bear interest from their date, which interest is at a rate of zero and zero hundredths percentum (0.00%) per annum.

SECTION 5. The 2019 Notes are subject to prepayment by the Township at any time prior to their stated date of maturity, including the Extended Maturity Date (as hereinafter defined).

SECTION 6. The maturity date of the 2019 Notes is hereby extended from December 18, 2020 to January 13, 2021 (the "Extended Maturity Date"), to accommodate the Township's participation in the 2020 MCIA Bond Program (as hereinafter defined) and to enable

the Township to receive the proceeds of a loan (the "Loan") to be made to the Township by the Monmouth County Improvement Authority (the "MCIA") in connection with an MCIA 2020 Pooled Governmental Loan Program (the "2020 MCIA Bond Program") currently scheduled to close on or about December 23, 2020 (the "Anticipated MCIA Closing Date").

SECTION 7. All other terms of the General Improvement Note and the Marina Note held by the Sewer Operating Fund of the Township shall remain the same, including the interest rate of zero and zero hundredths percentum (0.00%) per annum on the 2019 Notes.

SECTION 8. The Mayor, the Chief Financial Officer and the Clerk of the Township, along with any other authorized officer of the Township, are hereby authorized to execute any certificates or documents necessary or desirable, and to take any and all actions necessary or desirable, in connection with the extension of the maturity date of the 2019 Notes from December 18, 2020 to the Extended Maturity Date of January 13, 2021.

SECTION 9. This resolution shall take effect immediately.

Upon motion of _____, seconded by _____, the foregoing resolution was adopted by affirmative vote of the majority of the Township Committee at a regular meeting of the Township Committee duly called and held on the 16th day of November, 2020 by the following vote:

AYES:

NAYS:

ABSENTEES:

CERTIFICATION

I, RICHARD J. CUTTRELL, Clerk of the Township of Neptune, in the County of Monmouth, State of New Jersey (the "Township"), DO HEREBY CERTIFY that the annexed resolution is a true, complete and correct copy of a resolution duly adopted by the Township Committee at its meeting duly called and held on November 16, 2020, in full compliance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., at which meeting a quorum was present and acting throughout and which resolution has been compared by me with the original thereof as officially recorded in the Minute Book of said Township Committee and that said resolution has not been amended, modified or repealed and is in full force and effect as of the date hereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Township this 16th day of November, 2020.

(SEAL)

RICHARD J. CUTTRELL,
Clerk of the Township of Neptune

RESOLUTION #20-360 - 11/16/20

AUTHORIZE AND DIRECT THE TOWNSHIP OF NEPTUNE PLANNING BOARD TO UNDERTAKE A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER CERTAIN AREAS ALONG ROUTE 66 IDENTIFIED AS BLOCK 3903, LOTS 12 AND 13 ON THE TAX MAP OF THE TOWNSHIP OF NEPTUNE, HAVING BEEN MERGED INTO A SINGLE LOT KNOWN AS LOT 12, QUALIFY AS AN AREA IN NEED OF REDEVELOPMENT (NON-CONDEMNATION) PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW

WHEREAS, Article VIII, Section III of the Constitution of the State of New Jersey establishes that the clearance, replanning, development or redevelopment of certain areas within the State shall constitute a public purpose and public use; and

WHEREAS, the Legislature of the State of New Jersey (the "Legislature") has adopted a comprehensive set of redevelopment laws, the centerpiece of which is the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, *et seq.* (the "Act"), allowing for, *inter alia*, the substantial improvement to underutilized, unused, fragmented deteriorated or general blighted properties through the careful design, writing and implementation of redevelopment plans; and

WHEREAS, the Act provides a mechanism to assist local governments in their efforts to promote such programs of redevelopment; and

WHEREAS, the Act sets forth the procedures for a municipality to declare an area in need of redevelopment and to develop and effectuate a redevelopment plan; and

WHEREAS, the Act specifically provides that no area of a municipality shall be deemed a redevelopment area unless the governing body of the municipality shall, by Resolution, authorize the planning board to undertake a preliminary investigation to determine whether a proposed area qualifies as an area in need of redevelopment by meeting the criteria set forth in N.J.S.A. 40A:12A-5; and

WHEREAS, pursuant to N.J.S.A. 40A:-12A-6, "[t]he resolution authorizing the planning board to undertake a preliminary investigation shall state whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain (hereinafter referred to as a "Non-Condensation Redevelopment Area") or whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area, including the power of eminent domain (hereinafter referred to as a "Condensation Redevelopment Area")"; and

WHEREAS, the Township Committee of the Township of Neptune finds it to be in the best interest of the Township and its residents to authorize and direct the Planning Board of the Township of Neptune (the "Planning Board"), pursuant to N.J.S.A. 40A:12A-4 and N.J.S.A. 40A:12A-6, to undertake such a preliminary investigation of the real property listed below which lies along Route 66 which are identified as Block 3903, 12 and 13 on the Tax Map of the Township of Neptune, having been merged into a single lot known as Lot 12 (collectively, the "Study Area"), with the primary objective being to improve the quality of life of the Township's

residents and to improve the economic foundation of the Township so that long term tax stability is achieved for all of the Township residents.

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

1. Pursuant to N.J.S.A. 40A:12-1, et seq., the Planning Board is hereby authorized and directed to undertake an investigation to determine whether the real property set forth below in the Property List, and as it is designated on the Tax Map of the Township of Neptune (collectively referred to herein as the Study Area), or any portion thereof, qualifies as a non-condemnation redevelopment area in accordance with the criteria set forth at N.J.S.A. 40A:12A-5.
2. The Planning Board shall conduct a public hearing regarding the Property and said public hearing shall be conducted after public notice has been given in accordance with N.J.S.A. 40A:12A-6 and after completing the public hearing and deliberation, the Planning Board shall submit a recommendation to the Township Committee whether or not the Study Area, or any portion thereof, should be determined and designated to be a non-condemnation redevelopment area.
3. In the event that the Property or any portion thereof shall be determined and designated to be an area in need of redevelopment, the Township of Neptune shall be authorized to use all powers, except for the power of eminent domain, provided by the Legislature of the State of New Jersey for use in such a redevelopment area in order to accomplish the goals of redevelopment.
4. The Business Administrator and Staff of the Township of Neptune are hereby authorized and directed to take all actions as shall be deemed necessary or desirable to implement this Resolution.
5. This Resolution shall be effective immediately upon adoption, according to law.

Property List (referred to herein as the Study Area):

Block 3903, Lots 12 and 13, having been merged into a single lot known as Lot 12.

I hereby certify that the foregoing Resolution was adopted by the Township Committee of the Township of Neptune at a Regular Meeting held on November 16, 2020.

Richard J. Cuttrell, Municipal Clerk

RESOLUTION #20-361 - 11/16/20

AUTHORIZE AND DIRECT THE TOWNSHIP OF NEPTUNE PLANNING BOARD TO UNDERTAKE A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER CERTAIN AREAS ALONG ROUTES 33 AND 35, KNOWN INFORMALLY AS THE TOWNSHIP CROSSROADS AND IDENTIFIED AS BLOCK 1106, LOTS 1-7 AND LOTS 8-17 AND BLOCK 1107, LOTS 1-12 ON THE TAX MAP OF THE TOWNSHIP OF NEPTUNE, QUALIFY AS AN AREA IN NEED OF REDEVELOPMENT (NON-CONDEMNATION) PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW

WHEREAS, Article VIII, Section III of the Constitution of the State of New Jersey establishes that the clearance, replanning, development or redevelopment of certain areas within the State shall constitute a public purpose and public use; and

WHEREAS, the Legislature of the State of New Jersey (the "Legislature") has adopted a comprehensive set of redevelopment laws, the centerpiece of which is the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, *et seq.* (the "Act"), allowing for, *inter alia*, the substantial improvement to underutilized, unused, fragmented deteriorated or general blighted properties through the careful design, writing and implementation of redevelopment plans; and

WHEREAS, the Act provides a mechanism to assist local governments in their efforts to promote such programs of redevelopment; and

WHEREAS, the Act sets forth the procedures for a municipality to declare an area in need of redevelopment and to develop and effectuate a redevelopment plan; and

WHEREAS, the Act specifically provides that no area of a municipality shall be deemed a redevelopment area unless the governing body of the municipality shall, by Resolution, authorize the planning board to undertake a preliminary investigation to determine whether a proposed area qualifies as an area in need of redevelopment by meeting the criteria set forth in N.J.S.A. 40A:12A-5; and

WHEREAS, pursuant to N.J.S.A. 40A:-12A-6, "[t]he resolution authorizing the planning board to undertake a preliminary investigation shall state whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain (hereinafter referred to as a "Non-Condemnation Redevelopment Area") or whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area, including the power of eminent domain (hereinafter referred to as a "Condemnation Redevelopment Area")"; and

WHEREAS, the Township Committee of the Township of Neptune finds it to be in the best interest of the Township and its residents to authorize and direct the Planning Board of the Township of Neptune (the "Planning Board"), pursuant to N.J.S.A. 40A:12A-4 and N.J.S.A. 40A:12A-6, to undertake such a preliminary investigation of the real properties listed below which lie along Routes 33 and 35, in an area known informally as the Township Crossroads, which are identified as Block 1106, Lots 1-7 and Lots 8-17 and Block 1107, Lots 1-12 on the Tax Map of the Township of Neptune (collectively, the "Study Area"), with the primary objective

being to improve the quality of life of the Township's residents and to improve the economic foundation of the Township so that long term tax stability is achieved for all of the Township residents; and

WHEREAS, it appears that the parcels within the Study Area, by reason of faulty arrangement of design, deleterious land use, obsolescence, obsolete layout, and/or other factors, have remained stagnant, unproductive, underutilized and undervalued and as a result, may be detrimental to the health, safety, or welfare of the Township's residents and are specifically recommended to be studied by the Planning Board as set forth herein.

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

1. Pursuant to N.J.S.A. 40A:12-1, et seq., the Planning Board is hereby authorized and directed to undertake an investigation to determine whether the real property set forth below in the Property List, and as it is designated on the Tax Map of the Township of Neptune (collectively referred to herein as the Study Area), or any portion thereof, qualifies as an area in need of redevelopment in accordance with the criteria set forth at N.J.S.A. 40:12A-5.
2. The Planning Board shall conduct a public hearing regarding the Property and said public hearing shall be conducted after public notice has been given in accordance with N.J.S.A. 40:12A-6 and after completing the public hearing and deliberation, the Planning Board shall submit a recommendation to the Township Committee whether or not the Study Area, or any portion thereof, should be determined and designated to be an area in need of redevelopment.
3. In the event that the Property or any portion thereof shall be determined and designated to be an area in need of redevelopment, the Township of Neptune shall be authorized to use all powers, except for the power of eminent domain, provided by the Legislature of the State of New Jersey for use in such a redevelopment area in order to accomplish the goals of redevelopment.
4. The Business Administrator and Staff of the Township of Neptune are hereby authorized and directed to take all actions as shall be deemed necessary or desirable to implement this Resolution.
5. This Resolution shall be effective immediately upon adoption, according to law.

Property List (collectively referred to herein as the Study Area):

Block 1106, Lots 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17; and
Block 1107, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12.

I hereby certify that the foregoing Resolution was adopted by the Township Committee of the Township of Neptune at a Regular Meeting held on November 16, 2020.

Richard J. Cuttrel, Municipal Clerk

RESOLUTION #20-362 – 11/16/20

PROVIDE FOR THE COMBINATION OF CERTAIN ISSUES OF NOT EXCEEDING \$12,754,393 GENERAL OBLIGATION BONDS, SERIES 2020, CONSISTING OF \$8,156,943 GENERAL IMPROVEMENT BONDS, SERIES 2020, \$3,435,000 SEWER UTILITY BONDS, SERIES 2020 AND \$1,162,450 MARINA UTILITY BONDS, SERIES 2020, OF THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, DETERMINING THE FORM AND OTHER DETAILS OF SUCH BONDS, AND PROVIDING FOR THE SALE OF SUCH BONDS TO THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY PURSUANT TO THE AUTHORITY'S 2020 POOLED GOVERNMENTAL LOAN PROGRAM

WHEREAS, the Township of Neptune (the "Township"), in the County of Monmouth, State of New Jersey, has determined that there exists a need within the Township to finance the costs of various general capital improvements (the "General Improvements Project"), sewer capital improvements (the "Sewer Improvements Project") and marina capital improvements (the "Marina Improvements Project" and together with the General Improvements Project and the Sewer Improvements Project, the "Project") throughout the Township; and

WHEREAS, the Township Committee has duly adopted various bond ordinances (the "Ordinances") to appropriate moneys and authorize the issuance of bonds or bond anticipation notes to undertake the Project; and

WHEREAS, the Township has determined to finance the Project with the proceeds of a loan (the "Loan") to be made to the Township by the Monmouth County Improvement Authority (the "MCIA") in connection with an MCIA 2020 Pooled Governmental Loan Program currently scheduled to close on or about December 23, 2020 (the "2020 MCIA Bond Program"); and

WHEREAS, in order for the Township to receive the Loan from the MCIA, it is necessary to combine the bonds authorized under said Ordinances, by fund, into one issue of bonds per fund, namely (i) a general improvement bond series in the principal amount of \$8,156,943, (ii) a sewer utility bond series in the principal amount of \$3,435,000, and (iii) a marina utility bond series in the principal amount of \$1,162,450, aggregating said amount, and to memorialize the applicable obligations of the general improvement fund, the sewer utility fund and the marina utility fund of the Township), pursuant to the provisions of the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law"); and

WHEREAS, to evidence the Loan, the Township will authorize, execute, attest and deliver to the MCIA the Township's \$12,754,393 General Obligation Bonds, Series 2020, consisting of \$8,156,943 General Improvement Bonds, Series 2020 (the "General Improvement Bonds"), \$3,435,000 Sewer Utility Bonds, Series 2020 (the "Sewer Utility Bonds") and \$1,162,450 Marina Utility Bonds, Series 2020 (the "Marina Utility Bonds" and together with the General Improvement Bonds and the Sewer Utility Bonds, the "Bonds") in accordance with the provisions hereof and pursuant to the terms of the Local Bond Law and other applicable law; and

WHEREAS, section 27(a)(2) of the Local Bond Law allows for the sale of the Bonds to the MCIA without any public offering, all under the terms and conditions set forth herein and in a Bond Purchase Agreement by and between the Township and the MCIA to be dated as of the date of the sale of such Bonds.

NOW THEREFORE, BE IT RESOLVED BY A TWO-THIRDS VOTE OF THE FULL MEMBERSHIP OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, as follows:

SECTION 1. Pursuant to the provisions of N.J.S.A. 40A:2-26(f), the bonds of the Township, authorized pursuant to the general improvement bond ordinances (the "General Improvement Ordinances") of the Township heretofore adopted and described in Section 2 hereof, shall be combined into a single issue of General Improvement Bonds, Series 2020, in the aggregate principal amount of not exceeding \$8,156,943, aggregating said amount and to memorialize the obligations of the general improvement fund of the Township.

SECTION 2. The principal amount of bonds authorized by each General Improvement Ordinance to be combined into a single issue as above provided, the General Improvement Ordinances authorizing the General Improvement Bonds described by reference to the ordinance number, description and date of final adoption, amount of issue and average period of usefulness determined in each of the General Improvement Ordinances, are respectively as follows:

<u>Ordinance Number</u>	<u>Description and Date of Final Adoption</u>	<u>Amount of Issue</u>	<u>Useful Life</u>
16-27	Various 2016 capital improvements, finally adopted August 22, 2016	\$2,319,943	15.84 years
17-36	Acquisition of green acres property located on South Riverside Drive, finally adopted August 28, 2017	\$192,000	40.00 years
18-05	Construction of skate park at Sunshine Village Fields, finally adopted March 12, 2018	\$185,000	15.00 years
18-18	Acquisition of office equipment and furniture for various departments in the Township, finally adopted June 11, 2018	\$190,000	5.00 years
18-19, as amended and restated by 19-10	Various 2018 road improvements, finally adopted June 11, 2018 (18-19), and April 22, 2019 (19-10)	\$1,562,500	20.00 years
18-20	Acquisition of garbage truck and field communications vehicle, finally adopted June 11, 2018	\$427,500	5.00 years

<u>Ordinance Number</u>	<u>Description and Date of Final Adoption</u>	<u>Amount of Issue</u>	<u>Useful Life</u>
19-30	Phase II (General) of the public works facility improvement program, finally adopted September 23, 2019	\$950,000	20.00 years
19-39	Improvements to the Township Police Department within the Municipal Complex, finally adopted December 19, 2019	\$237,500	15.00 years
20-12	Acquisition of real property in West Lake Avenue Redevelopment Zone and demolition of improvements thereon, finally adopted May 18, 2020	\$665,000	40.00 years
20-19	Various 2020 roadway and drainage improvements, finally adopted August 10, 2020	\$1,000,000	15.00 years
20-20	Acquisition of vehicles, equipment, office equipment and furniture, finally adopted August 10, 2020	\$427,500	5.00 years
TOTALS		\$8,156,943	

SECTION 3. The following matters are hereby determined with respect to the combined issue of General Improvement Bonds:

(a) The average period of usefulness, computed on the basis of the respective amounts of General Improvement Bonds presently authorized to be issued pursuant to each of the General Improvement Ordinances and the respective periods or average periods of usefulness therein determined, is not more than 18.12 years.

(b) The General Improvement Bonds of the combined issue shall be designated "General Improvement Bonds, Series 2020", and shall mature within the average period of usefulness hereinabove determined.

(c) The General Improvement Bonds of the combined issue shall be sold and issued in accordance with the provisions of the Local Bond Law that are applicable to the sale and issuance of bonds to a public entity under section 27(a)(2) of the Local Bond Law.

SECTION 4. The following additional matters are hereby determined, declared, recited and stated:

(a) None of the General Improvement Bonds described in Section 2 hereof have been sold or issued heretofore, and the several General Improvement Ordinances described in Section 2 have not been rescinded heretofore and now remain in full force and effect as authorizations for the respective amounts of bonds set opposite the descriptions of the General Improvement Ordinances set forth in Section 2 hereof.

(b) The several purposes or improvements authorized by the respective General Improvement Ordinances described in Section 2 hereof are purposes for which bonds may be issued lawfully pursuant to the Local Bond Law and some of such improvements or purposes, if applicable and permitted by law, a deduction may be taken in any annual or supplemental debt statement.

SECTION 5. Pursuant to the provisions of N.J.S.A. 40A:2-26(f), the bonds of the Township, authorized pursuant to the sewer utility bond ordinances (the "Sewer Utility Ordinances") of the Township heretofore adopted and described in Section 6 hereof, shall be combined into a single issue of Sewer Utility Bonds, Series 2020, in the aggregate principal amount of not exceeding \$3,435,000, aggregating said amount and to memorialize the obligations of the sewer utility fund of the Township.

SECTION 6. The principal amount of bonds authorized by each Sewer Utility Ordinance to be combined into a single issue as above provided, the Sewer Utility Ordinances authorizing the Sewer Utility Bonds described by reference to the ordinance number, description and date of final adoption, amount of issue and average period of usefulness determined in each of the Sewer Utility Ordinances, are respectively as follows:

<u>Ordinance Number</u>	<u>Description and Date of Final Adoption</u>	<u>Amount of Issue</u>	<u>Useful Life</u>
18-07	Various Sewer Utility improvements to Heck Avenue and the Tremont Pump Station, finally adopted March 12, 2018	\$1,200,000	40.00 years
19-31	Phase II (Sewer Utility) of the public works facility improvement program, finally adopted September 23, 2019	\$475,000	20.00 years
19-32	Replacement of various sewer force mains and lines, Phase V of the Gables Area sewer line replacement project and the replacement of the sanitary sewer system infrastructure, finally adopted September 23, 2019	\$760,000	40.00 years
20-21	Phase VI of the Gables Area sanitary sewer rehabilitation project, replacement of sewer force mains and lines, pump station improvements and sanitary sewer system infrastructure improvements, finally adopted August 10, 2020	\$1,000,000	40.00 years
TOTALS		\$3,435,000	

SECTION 7. The following matters are hereby determined with respect to the combined issue of Sewer Utility Bonds:

(a) The average period of usefulness, computed on the basis of the respective amounts of Sewer Utility Bonds presently authorized to be issued pursuant to each of the Sewer

Utility Ordinances and the respective periods or average periods of usefulness therein determined, is not more than 37.23 years.

(b) The Sewer Utility Bonds of the combined issue shall be designated "Sewer Utility Bonds, Series 2020", and shall mature within the average period of usefulness hereinabove determined.

(c) The Sewer Utility Bonds of the combined issue shall be sold and issued in accordance with the provisions of the Local Bond Law that are applicable to the sale and issuance of bonds to a public entity under section 27(a)(2) of the Local Bond Law.

SECTION 8. The following additional matters are hereby determined, declared, recited and stated:

(a) None of the Sewer Utility Bonds described in Section 6 hereof have been sold or issued heretofore, and the several Sewer Utility Ordinances described in Section 6 have not been rescinded heretofore and now remain in full force and effect as authorizations for the respective amounts of bonds set opposite the descriptions of the Sewer Utility Ordinances set forth in Section 6 hereof.

(b) The several purposes or improvements authorized by the respective Sewer Utility Ordinances described in Section 6 hereof are purposes for which bonds may be issued lawfully pursuant to the Local Bond Law and some of such improvements or purposes, if applicable and permitted by law, a deduction may be taken in any annual or supplemental debt statement.

SECTION 9. Pursuant to the provisions of N.J.S.A. 40A:2-26(f), the bonds of the Township, authorized pursuant to the marina utility bond ordinances (the "Marina Utility Ordinances") of the Township heretofore adopted and described in Section 10 hereof, shall be combined into a single issue of Marina Utility Bonds, Series 2020, in the aggregate principal amount of not exceeding \$1,162,450, aggregating said amount and to memorialize the obligations of the marina utility fund of the Township.

SECTION 10. The principal amount of bonds authorized by each Marina Utility Ordinance to be combined into a single issue as above provided, the Marina Utility Ordinances authorizing the Marina Utility Bonds described by reference to the ordinance number, description and date of final adoption, amount of issue and average period of usefulness determined in each of the Marina Utility Ordinances, are respectively as follows:

<u>Ordinance Number</u>	<u>Description and Date of Final Adoption</u>	<u>Amount of Issue</u>	<u>Useful Life</u>
06-33, as amended by 07-19	Acquisition of property for the Marina Utility and various improvements, finally adopted August 14, 2006 (06-33) and March 26, 2007 (07-19)	\$190,000	35.73 years
11-03	Various improvements to the Shark River Marina, finally adopted January 24, 2011	\$245,000	35.00 years

<u>Ordinance Number</u>	<u>Description and Date of Final Adoption</u>	<u>Amount of Issue</u>	<u>Useful Life</u>
12-18	Various marina utility improvements, finally adopted June 11, 2012	\$65,000	15.00 years
15-04	Reconstruction of the Municipal Marina Building, finally adopted February 23, 2015	\$370,000	20.00 years
15-51	Shark River dredging, finally adopted November 9, 2015	\$130,000	15.00 years
16-29	Planning for the Shark River Municipal Marina site remediation project, finally adopted August 22, 2016	\$67,450	5.00 years
20-22	Improvements to docks and ramps, and preliminary costs related to dredging the Marina Basin, finally adopted August 10, 2020	\$95,000	5.00 years
TOTALS		\$1,162,450	

SECTION 11. The following matters are hereby determined with respect to the combined issue of Marina Utility Bonds:

(a) The average period of usefulness, computed on the basis of the respective amounts of Marina Utility Bonds presently authorized to be issued pursuant to each of the Marina Utility Ordinances and the respective periods or average periods of usefulness therein determined, is not more than 22.79 years.

(b) The Marina Utility Bonds of the combined issue shall be designated "Marina Utility Bonds, Series 2020", and shall mature within the average period of usefulness hereinabove determined.

(c) The Marina Utility Bonds of the combined issue shall be sold and issued in accordance with the provisions of the Local Bond Law that are applicable to the sale and issuance of bonds to a public entity under section 27(a)(2) of the Local Bond Law.

SECTION 12. The following additional matters are hereby determined, declared, recited and stated:

(a) None of the Marina Utility Bonds described in Section 10 hereof have been sold or issued heretofore, and the several Marina Utility Ordinances described in Section 10 have not been rescinded heretofore and now remain in full force and effect as authorizations for the respective amounts of bonds set opposite the descriptions of the Marina Utility Ordinances set forth in Section 10 hereof.

(b) The several purposes or improvements authorized by the respective Marina Utility Ordinances described in Section 10 hereof are purposes for which bonds may be issued

lawfully pursuant to the Local Bond Law and some of such improvements or purposes, if applicable and permitted by law, a deduction may be taken in any annual or supplemental debt statement.

SECTION 13. The General Improvement Bonds, the Sewer Utility Bonds and the Marina Utility Bonds are sometimes collectively referred to herein as the "Bonds". The General Improvement Ordinances, the Sewer Utility Ordinances and the Marina Utility Ordinances are sometimes collectively referred to herein as the "Ordinances".

SECTION 14. In accordance with the provisions of N.J.S.A. 40A:2-27(a)(2) and pursuant to the Ordinances, the Township hereby authorizes the sale and award of, and hereby sells and awards, the Township's \$12,754,393 General Obligation Bonds, Series 2020, consisting of \$8,156,943 General Improvement Bonds, Series 2020 (the "General Improvement Bonds"), \$3,435,000 Sewer Utility Bonds, Series 2020 (the "Sewer Utility Bonds") and \$1,162,450 Marina Utility Bonds, Series 2020 (the "Marina Utility Bonds" and together with the General Improvement Bonds and the Sewer Utility Bonds, the "Bonds") to the MCIA in accordance with the provisions hereof and in accordance with the terms of a Bond Purchase Agreement to be executed by and between the Township and the MCIA (the "Bond Purchase Agreement"). The Mayor of the Township (the "Mayor") and Chief Financial Officer of the Township (the "Chief Financial Officer") are each hereby authorized and directed on behalf of the Township, in consultation with Bond Counsel (as hereinafter defined), to negotiate the terms of such Bond Purchase Agreement, to be dated the date of sale of the Bonds, to approve the terms of aforesaid Bond Purchase Agreement and to execute and deliver said Bond Purchase Agreement to the MCIA. The Bonds have been referred to and described in the Ordinances being finally adopted at duly called and held meetings of the Township Committee and published as required by law, and which Ordinances were combined for purposes of sale pursuant to this resolution, all pursuant to terms of the Local Bond Law and other applicable law.

SECTION 15. In accordance with the provisions of N.J.S.A. 40A:2-27(a)(2), the Chief Financial Officer is hereby authorized and directed to determine, in accordance with the Local Bond Law and pursuant to the terms and conditions established by the MCIA and the terms and conditions hereof and as set forth in the Bond Purchase Agreement, the following items with respect to the Bonds, except those terms and conditions which are set forth in the Bond Purchase Agreement:

- (a) The aggregate principal amount of the Bonds to be issued, provided that the total amount of Bonds issued shall not exceed the aggregate principal amount of \$12,754,393, issued in three series aggregating said amount;
- (b) The maturity and principal installments of the Bonds, which maturity shall not exceed 18.12 years for the General Improvement Bonds, 37.23 years for the Sewer Utility Bonds, and 22.79 years for the Marina Utility Bonds, respectively;
- (c) The date of the Bonds of each series;
- (d) The interest rates of the Bonds of each series;
- (e) The purchase price of the Bonds of each series; and

- (f) The terms and conditions under which the Bonds of each series shall be subject to redemption prior to their stated maturities.

SECTION 16. Any determination made by the Chief Financial Officer pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of the Bonds by the parties authorized under Section 17(c) hereof.

SECTION 17. The Township Committee hereby determines that certain terms of the Bonds shall be as follows:

- (a) The Bonds of each series shall be issued in a single denomination and shall be numbered (i) GI-1 for the General Improvement Bonds, (ii) SU-1 for the Sewer Utility Bonds, and (iii) MU-1 for the Marina Utility Bonds (or such other designation as determined by Bond Counsel);
- (b) The Bonds of each series shall be issued in fully registered form and shall be payable to the registered owners thereof as to both principal and interest in lawful money of the United States of America; and
- (c) The Bonds of each series shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under official seal or facsimile thereof affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Clerk of the Township (the "Township Clerk").

SECTION 18. The Bonds of each series shall be in the form set forth in Exhibit A attached hereto with such additions, deletions and omissions as may be necessary for the Township to comply with the requirements of the 2020 MCIA Bond Program, upon the advice of Bond Counsel.

SECTION 19. The law firm of Wilentz, Goldman & Spitzer, P.A., Woodbridge, New Jersey, Bond Counsel to the Township ("Bond Counsel"), the Township Engineer, the Township Attorney and the Township Auditor are each hereby authorized and directed to perform all actions necessary to consummate the issuance of the Bonds and the respective Project for which each series of the Bonds are issued, including but not limited to, drafting and arranging for the printing and execution of the Bonds and all applicable documentation necessary to memorialize and consummate the issuance of the Bonds and the undertaking of the Project, preparing all necessary financial information, all engineering and design work, preparation of plans and specifications and conducting all necessary studies, searches and analysis in connection with the issuance of the Bonds and the undertaking of the Project. The Mayor, the Chief Financial Officer, the Township Clerk, the Township Attorney and any other Township representative (including Bond Counsel or the Township Auditor) are each hereby authorized and directed to execute and deliver any certificates necessary or desirable in connection with the financial and other information related thereto.

SECTION 20. The Mayor, the Chief Financial Officer, the Township Clerk and any other Township representative, are each hereby authorized and directed to (i) execute any certificates or documents necessary or desirable in connection with the sale of the Bonds, including the Bond Purchase Agreement, or the undertaking of the Project, and each are hereby further authorized and directed to deliver same to the County of Monmouth, New Jersey (the "County") and/or the MCIA, as applicable, upon delivery of the Bonds and the applicable receipts of payment

therefor, or in accordance with the 2020 MCIA Bond Program and (ii) perform such other actions as they deem necessary, desirable or convenient, in consultation with Bond Counsel, in relation to the execution and delivery of the Bonds and any certificates or documents necessary or desirable in connection therewith.

SECTION 21. The Mayor and Chief Financial Officer are each hereby authorized and directed, without further authorization, to enter into and execute a continuing disclosure agreement or such other agreement as may be required by the MCIA for purposes of complying with Rule 15c2-12 of the Securities and Exchange Commission, as amended and interpreted from time to time, in a form satisfactory to Bond Counsel.

SECTION 22. The Township hereby covenants that it will comply with any conditions subsequent imposed by the Internal Revenue Code of 1986, as amended, in order to preserve the exemption from taxation of interest on the Bonds, including the requirement to rebate all net investment earnings on gross proceeds above the yield on the Bonds, if necessary.

SECTION 23. Upon the adoption hereof, the Township Clerk shall forward certified copies of this resolution: (a) via electronic email, to (i) John D. Draikiwicz, Esq. of Gibbons, P.C., Newark, New Jersey, the MCIA Bond Counsel, at JDraikiwicz@gibbonslaw.com, and (ii) Lisa A. Gorab, Esq., of Wilentz, Goldman & Spitzer, P.A., Woodbridge, New Jersey, Bond Counsel to the Township, at lgorab@wilentz.com; and (b) via certified first class mail, to (i) John D. Draikiwicz, Esq., Gibbons P.C., One Gateway Center, Newark, New Jersey 07102, and (ii) Lisa A. Gorab, Esq., Wilentz, Goldman & Spitzer, P.A., 90 Woodbridge Center Drive, Woodbridge, New Jersey 07095.

SECTION 24. This resolution shall take effect immediately.

EXHIBIT A

UNITED STATES OF AMERICA

**TOWNSHIP OF NEPTUNE
IN THE COUNTY OF MONMOUTH
STATE OF NEW JERSEY**

**[GENERAL IMPROVEMENT] [SEWER UTILITY] [MARINA UTILITY] BOND,
SERIES 2020**

NUMBER [GI-1] / [SU-1] / [MU-1]

DATE OF ORIGINAL ISSUE: December 23, 2020

REGISTERED OWNER: Monmouth County Improvement Authority

**PRINCIPAL SUM: _____ Dollars
(\$_____)**

THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, a body politic and corporate of the State of New Jersey (the "Township"), hereby acknowledges itself indebted and for value received promises to pay to the order of the Monmouth County Improvement Authority (the "Authority"), c/o _____, _____, _____ (the "Trustee"), Account Number _____, the Principal Sum specified above payable in the amounts and on the dates specified and set forth on Schedule A attached hereto and by this reference made a part hereof, and to pay interest on such sum from the Date of Original Issue of this Bond until payment in full at the interest rates per annum and in the amounts and dates specified and set forth on Schedule A attached hereto and by this reference made a part hereof. Interest is payable to the Authority at the corporate trust office of the Trustee on the May 15 and November 15 prior to each June 1 and December 1, commencing June 1, 2021, in an amount equal to the interest accruing to each such June 1 and December 1. This Bond as to principal will be payable on the fifteenth day of the month immediately preceding the due date therefor at the corporate trust office of the Trustee. Upon the occurrence of an event of default by the Authority under the bond resolution adopted by the Authority on November 5, 2020 (as the same may be supplemented and amended, the "Resolution") which event of default is directly

attributable to a default hereunder or to a default by the Township under its Bond Purchase Agreement with the Authority relating to the Authority's purchase of this Bond, or in the event of default in any payments of principal of or interest on this Bond, the Trustee may by notice to the Chief Financial Officer of the Township at the Township Municipal Complex, 25 Neptune Boulevard, Neptune, New Jersey 07753, accelerate the principal amount of this Bond all as provided in the Resolution. Amounts not paid when due hereunder shall bear interest at the Late Payment Rate (as hereinafter defined) until paid. This Bond shall be prepayable as set forth in Section 1303 of the Resolution.

Both principal of and interest on this Bond is payable in lawful money of the United States of America and in immediately available funds.

As used herein, "Business Day" shall mean any day that is not a Saturday, a Sunday or a legal holiday in the State of New Jersey or the State of New York or a day on which the Trustee is legally authorized to close. "Late Payment Rate" shall mean a rate per annum equal to the lower of (i) the greater of (a) three percent above the interest rate that JPMorgan Chase publicly announces from time to time as its prime lending rate, such interest rate to change on the effective date of each announced change in such rate, and (b) the rate then payable on this bond, and (ii) the maximum interest rate allowed by law.

This Bond is one of an authorized issue of bonds and is issued pursuant to the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law"), and is one of the [General Improvement] [Sewer Utility] [Marina Utility] Bonds referred to in and issued pursuant to a resolution duly adopted by the Township Committee on November 16, 2020 entitled, "RESOLUTION PROVIDING FOR THE COMBINATION OF CERTAIN ISSUES OF NOT EXCEEDING \$12,754,393 GENERAL OBLIGATION BONDS, SERIES 2020, CONSISTING OF \$8,156,943 GENERAL IMPROVEMENT BONDS, SERIES 2020, \$3,435,000 SEWER UTILITY BONDS, SERIES 2020 AND \$1,162,450 MARINA UTILITY BONDS, SERIES 2020, OF THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF

NEW JERSEY, DETERMINING THE FORM AND OTHER DETAILS OF SUCH BONDS, AND PROVIDING FOR THE SALE OF SUCH BONDS TO THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY PURSUANT TO THE AUTHORITY'S 2020 POOLED GOVERNMENTAL LOAN PROGRAM" and the various bond ordinances referred to therein, all finally adopted and published as required by law.

The full faith and credit of the Township are hereby irrevocably pledged for the punctual payment of the principal of and the interest on, and all other amounts due under, this Bond according to its terms.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or the statutes of the State of New Jersey to exist, to have happened or to have been performed precedent to or in the issuance of this Bond exist, have happened and have been performed and that this Bond, together with all other indebtedness of the Township, is within every debt and other limit prescribed by such Constitution or statutes.

The Township agrees to pay (i) all costs and expenses, including legal fees, in connection with the administration and enforcement of this Bond, and (ii) its share of the amounts payable pursuant to Section 9(vi)(C) of the Bond Purchase Agreement by and between the Township and the Authority.

IN WITNESS WHEREOF, the Township of Neptune, in the County of Monmouth, State of New Jersey has caused this Bond to be executed in its name by the manual or facsimile signatures of its Mayor and its Chief Financial Officer, its corporate seal to be hereunto imprinted or affixed, this Bond and the seal to be attested to by the manual signature of the its Clerk, and this Bond to be dated the Date of Original Issue as specified above.

**TOWNSHIP OF NEPTUNE,
IN THE COUNTY OF MONMOUTH,
STATE OF NEW JERSEY**

ATTEST:

(SEAL)

[Form of Bond – Do Not Sign]

**ROBERT LANE,
Mayor**

[Form of Bond – Do Not Sign]

**RICHARD J. CUTTRELL,
Township Clerk**

[Form of Bond – Do Not Sign]

**MICHAEL J, BASCOM,
Chief Financial Officer**

ASSIGNMENT

FOR VALUE RECEIVED _____ hereby sells, assigns and transfers unto _____ (Please Print or Type Name and Address of Assignee) the within Bond and irrevocably appoints _____ as Attorney to transfer this Bond on the registration books of the _____ with full power of substitution and revocation.

NOTICE

The signature of this assignment must correspond with the name as it appears on the face of the within Bond in every particular.

Dated:

Signature of Guarantee:

SCHEDULE A

TOWNSHIP OF NEPTUNE
IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY

[GENERAL IMPROVEMENT] [SEWER UTILITY] [MARINA UTILITY] BOND,
SERIES 2020

Schedule of Principal and Interest Payments

<u>Maturity Date</u>	<u>Principal Amount</u>	<u>Interest</u>	Principal and <u>Interest</u>
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CERTIFICATION

I, RICHARD J. CUTTRELL, Clerk of the Township of Neptune, in the County of Monmouth, State of New Jersey (the "Township"), DO HEREBY CERTIFY that attached hereto is a copy of a resolution entitled "RESOLUTION PROVIDING FOR THE COMBINATION OF CERTAIN ISSUES OF NOT EXCEEDING \$12,754,393 GENERAL OBLIGATION BONDS, SERIES 2020, CONSISTING OF \$8,156,943 GENERAL IMPROVEMENT BONDS, SERIES 2020, \$3,435,000 SEWER UTILITY BONDS, SERIES 2020 AND \$1,162,450 MARINA UTILITY BONDS, SERIES 2020, OF THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, DETERMINING THE FORM AND OTHER DETAILS OF SUCH BONDS, AND PROVIDING FOR THE SALE OF SUCH BONDS TO THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY PURSUANT TO THE AUTHORITY'S 2020 POOLED GOVERNMENTAL LOAN PROGRAM" (the "Resolution"), which Resolution was duly adopted by the Township Committee at a meeting duly called and held on November 16, 2020, in full compliance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., at which meeting a quorum was present and acting throughout and which Resolution has been compared by me with the original thereof as officially recorded in the Minute Book of said Township Committee and that said Resolution has not been amended, modified or repealed and is in full force and effect on and as of the date hereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Township this 16th day of November, 2020.

(SEAL)

RICHARD J. CUTTRELL,
Clerk of the Township of Neptune

RESOLUTION #20-363 – 11/16/20

AUTHORIZE THE PAYMENT OF BILLS

BE IT RESOLVED, by the Township Committee of the Township of Neptune that the following bills be paid if properly certified:

CURRENT FUND	1,517,768.76
GRANT FUND	2,930.17
TRUST FUND	153,070.42
GENERAL CAPITAL FUND	737,742.67
SEWER OPERATING FUND	107,000.00
SEWER CAPITAL FUND	371,512.73
MARINA OPERATING FUND	5,194.41
DOG TRUST	76.20
LIBRARY TRUST	12,940.03
BILL LIST TOTAL	\$2,908,235.47

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

RESOLUTION #20-364 – 11/16/20

AUTHORIZE CERTAIN CASES TO BE CONTINUED BY JAMES K GRACE, ESQ.
OF THE LAW FIRM OF GRACE LAW GROUP, LLC

WHEREAS, as a result of a Request for Qualifications submitted in December, 2019 through the Fair and Open Process, the Law Firm of Grace, Marmero and Associates, LLP was appointed as Labor Counsel for the Township of Neptune for the year 2020 on January 1, 2020; and

WHEREAS, the Agreement was entered into between the Law Firm of Grace, Marmero and Associates, LLP and the Township of Neptune on January 6, 2020, with an expiration date per Paragraph 12.0 of the Agreement of December 31, 2020; subject to right of prior termination as set forth in Paragraph 5.0 of the Agreement, which specifically allows: "This Agreement may be terminated by Township upon thirty (30) days written notice to Labor and Employment Attorney without cause"; and

WHEREAS, at the April 27, 2020 meeting of the Township Committee, in Executive Session, the performance of the appointed Labor Attorney and the circumstances of said performance was discussed, and it was concluded that it was in the best interest of the Township of Neptune and the citizens of the Township of Neptune, not to continue with the Law Firm of Grace, Marmero and Associates, LLP as the official Labor Attorney and Employment Attorney; except for certain matters which the Law Firm has been representing Neptune Township in, which are near completion; and

WHEREAS, as a result of a Resolution approved by the Township Committee on April 27, 2020 under Resolution #20-175, the Grace, Marmero and Associates, LLP firm was allowed to retain the matter of Neptune Township vs. Nita Raval, Esq. and certain litigation matters pending involving Kyheem Davis, Elena Gonzalez and Christine Savage; and

WHEREAS, it was learned in October, 2020 that the original Grace, Marmero and Associates, LLP firm dissolved and became two separate law firms; namely, Marmero Law, LLC firm, located at 97 Apple Street, Tinton Falls, New Jersey 07724; consisting of Albert Marmero, Esq. and Michael Burns, Esq., among others, the latter of which had been working on cases for Neptune Township at the time that the Grace, Marmero and Associates, LLP law firm served as Labor Counsel to Neptune Township, located at 1487 State Highway 38W., Second Floor, Hainesport, New Jersey 08036. The now James K. Grace Law Group, consisting of James Grace, Esq., also handled certain cases for Neptune Township under the law firm of Grace, Marmero and Associates, LLP while serving as Labor Counsel to Neptune Township; and

WHEREAS, the Mayor and Township Committee of the Township of Neptune feel it is in the best interest of the Township to allow James K. Grace, Esq. and Michael Burns to continue on cases that they were working on at the time they served as Labor Counsel to Neptune Township, which are near completion; though they no longer serve as Labor Counsel to Neptune Township.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey, that the Township Committee hereby authorizes James K. Grace, Esq., of the law firm of Grace Law Group, located at 1487 State Highway 38W., Second Floor, Hainesport, New Jersey 08036,, to continue on certain cases previously worked upon; namely, Neptune Township v. Nita Raval, Esq., as well as File M118-701.93, the "Davis OPRA Litigation;" File M118-701.594, the "Asbury Park Press OPRA Litigation: to the extent not already handled by counsel assigned by the Township's Insurance Carrier and to further retain any insurance cases assigned by the Township JIF to the extent allowed by the JIF, with an expiration date of December 31, 2020; unless extended by subsequent Resolution, with the understanding that this continuation is allowed as a result of a Request for Qualifications submitted in December, 2019 under the Fair and Open Process to the then law firm of Grace, Marmero and Associates, LLP, but subject to new Proof of Insurance and Registration Statement under the new law firm name of Grace Law Group, LLC; and,

BE IT FURTHER RESOLVED, that the Township Attorney, Gene J. Anthony, Esq., is authorized to pursue completion of the aforesaid new contracts and necessary documentation authorized by this Resolution; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Township Attorney, Chief Financial Officer, Business Administrator; and James K. Grace.

RESOLUTION #20-365 – 11/16/20

AUTHORIZE CERTAIN CASES TO BE CONTINUED BY MICHAEL BURNS, ESQ.
OF THE LAW FIRM OF MARMERO LAW, LLC

WHEREAS, as a result of a Request for Qualifications submitted in December, 2019 through the Fair and Open Process, the Law Firm of Grace, Marmero and Associates, LLP was appointed as Labor Counsel for the Township of Neptune for the year 2020 on January 1, 2020; and

WHEREAS, the Agreement was entered into between the Law Firm of Grace, Marmero and Associates, LLP and the Township of Neptune on January 6, 2020, with an expiration date per Paragraph 12.0 of the Agreement of December 31, 2020; subject to right of prior termination as set forth in Paragraph 5.0 of the Agreement, which specifically allows: "This Agreement may be terminated by Township upon thirty (30) days written notice to Labor and Employment Attorney without cause"; and

WHEREAS, at the April 27, 2020 meeting of the Township Committee, in Executive Session, the performance of the appointed Labor Attorney and the circumstances of said performance was discussed, and it was concluded that it was in the best interest of the Township of Neptune and the citizens of the Township of Neptune, not to continue with the Law Firm of Grace, Marmero and Associates, LLP as the official Labor Attorney and Employment Attorney; except for certain matters which the Law Firm has been representing Neptune Township in, which are near completion; and

WHEREAS, as a result of a Resolution approved by the Township Committee on April 27, 2020 under Resolution #20-175, the Grace, Marmero and Associates, LLP firm was allowed to retain the matter of Neptune Township vs. Nita Raval, Esq. and certain litigation matters pending involving Kyheem Davis, Elena Gonzalez and Christine Savage; and

WHEREAS, it was learned in October, 2020 that the original Grace, Marmero and Associates, LLP firm dissolved and became two separate law firms; namely, Marmero Law, LLC firm, located at 97 Apple Street, Tinton Falls, New Jersey 07724; consisting of Albert Marmero, Esq. and Michael Burns, Esq., among others, the latter of which had been working on cases for Neptune Township at the time that the Grace, Marmero and Associates, LLP law firm served as Labor Counsel to Neptune Township. The now James K. Grace Law Group, consisting of James Grace, Esq., also handled certain cases for Neptune Township under the law firm of Grace, Marmero and Associates, LLP while serving as Labor Counsel to Neptune Township; and

WHEREAS, the Mayor and Township Committee of the Township of Neptune feel it is in the best interest of the Township to allow James K. Grace, Esq. and Michael Burns to continue on cases that they were working on at the time they served as Labor Counsel to Neptune Township, which are near completion; though they no longer serve as Labor Counsel to Neptune Township.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey, that the Township Committee hereby authorizes Michael Burns, Esq. of the law firm of Marmero Law, LLC, 97 Apple Street, Tinton Falls, New Jersey 07724 to continue and finalize file M118-701.20, entitled "Gonzalez v. Cuttrel" and OPRA Appellate Division matter involving the Turner Report; File M118-701.28, entitled "Davis v. Neptune Township," an Appellate Division matter involving Media Policy and File M118-701.76, entitled "Butch v. Neptune Township," an OPRA Appellate Division matter based on an Administrative Review, and any case assigned to Michael Burns by Neptune Township's JIF under a revised Agreement from that previously entered into on January 1, 2020 with the then law firm of Grace, Marmero and Associates, LLP, with an expiration date of December 31, 2020; unless extended by subsequent Resolution, with the understanding that this continuation is allowed as a result of a Request for Qualifications submitted in December, 2019 under the Fair and Open Process to the then law firm of Grace, Marmero and Associates, LLP, but subject to new Proof of Insurance and Registration Statement under the new law firm name of Marmero Law, LLC; and,

BE IT FURTHER RESOLVED, that the Township Attorney, Gene J. Anthony, Esq., is authorized to pursue completion of the aforesaid new contracts and necessary documentation authorized by this Resolution; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Township Attorney, Chief Financial Officer, Business Administrator; and Michael Burns.

RESOLUTION #20-366 – 11/16/20

APPROVE THE SETTLEMENT BETWEEN OFFICER KYHEEM DAVIS
AND THE TOWNSHIP OF NEPTUNE, ET AL.

WHEREAS, Kyheem Davis is a Police Officer in the Neptune Township Police Department; and

WHEREAS, Kyheem Davis alleged that he experienced discrimination and a hostile work environment and subsequently filed a Complaint formalizing these allegations under Docket Number: MON-L-4209-15; and

WHEREAS, Officer Davis was placed on Administrative Leave with pay, pending the outcome of fitness for duty examination which was completed; and

WHEREAS, the parties entered into mediation in an effort to reach a resolution of ALL issues in dispute, both under the civil docket number and as it relates to Officer Davis's employment; and,

WHEREAS, following mediation, the parties reached an amicable resolution of ALL matters, then outstanding;

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune, following a resolution of ALL matters, hereby approves of the Settlement and hereby authorizes the execution of all necessary and appropriate settlement documents and will undertake all actions in furtherance thereof; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Human Resources Director, Business Administrator, Chief Financial Officer, Chief of Police, and James Grace, Labor Attorney.

RESOLUTION #20-367 – 11/16/20

AUTHORIZE THE FILING OF AN INVOLUNTARY DISABILITY PENSION APPLICATION ON BEHALF OF OFFICER KYHEEM DAVIS BY THE TOWNSHIP OF NEPTUNE

WHEREAS, Kyheem Davis is a Police Officer in the Neptune Township Police Department; and

WHEREAS, Kyheem Davis alleged that he experienced discrimination, a hostile work environment and subsequently filed a Complaint formalizing these allegations under Docket Number: MON-L-4209-15; and

WHEREAS, Officer Davis was placed on Administrative Leave, with pay pending the outcome of a fitness for duty examination, which was completed; and

WHEREAS, the parties entered into mediation in an effort to reach a resolution of ALL issues in dispute, both under the civil docket number and as it relates to Officer Davis's employment; and,

WHEREAS, following mediation, the parties reached an amicable resolution of ALL matters outstanding;

WHEREAS, the Township of Neptune, following the completion of fitness for duty examinations of Officer Davis, believes it necessary and appropriate to file the appropriate involuntary disability application for pension purposes regarding Officer Davis; and

WHEREAS, the necessary medical evaluations have been conducted of Officer Davis; and

WHEREAS, the Township of Neptune has determined that Officer Kyheem Davis is totally and permanently disabled from fulfilling his job duties;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Township of Neptune shall immediately undertake ALL tasks necessary and appropriate to effectuate the application for involuntary disability retirement on Officer Kyheem Davis's behalf and shall supply to the Police and Fire Retirement System (PFRS) supporting medical information as necessary; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Human Resources Director, Business Administrator, Chief Financial Officer, Chief of Police, and James Grace, Labor Attorney.