

TOWNSHIP COMMITTEE WORKSHOP MEETING – JUNE 12, 2017 – 6:00 P.M.

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

<u>ROLL CALL</u>	<u>PRESENT/ABSENT</u>
Robert Lane, Jr.	_____
Kevin B. McMillan	_____
Carol Rizzo	_____
Nicholas Williams	_____
Dr. Michael Brantley	_____

Also present: Vito D. Gadaleta, Business Administrator; Gene Anthony, Township Attorney; and Pamela D. Howard, Deputy Municipal Clerk.

Mayor Brantley announces that the notice requirements of R.S. 10:4-18 have been satisfied by the publication of the required advertisement in The Coaster on January 12, 2017, and the Asbury Park Press on January 5, 2017, posting the notice on the Board in the Municipal Complex, and filing a copy of said notice with the Municipal Clerk.

ITEMS FOR DISCUSSION IN OPEN SESSION

1. Discussion – Grant opportunity for dog park.
2. Discussion – RFP for Historic Architect
3. Review Committee calendars/update on outstanding issues and capital items.
- Various on-going capital improvement projects.

Res. # 17-254 – Authorize an Executive Session as authorized by the Open Public Meetings Act.

Offered by: _____ Seconded by: _____

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

TOWNSHIP COMMITTEE MEETING – JUNE 12, 2017 – 7:00 P.M.

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

<u>ROLL CALL</u>	<u>PRESENT/ABSENT</u>
Robert Lane, Jr.	_____
Kevin B. McMillan	_____
Carol Rizzo	_____
Nicholas Williams	_____
Dr. Michael Brantley	_____

Also present at the dais: Vito D. Gadaleta, Business Administrator; Gene Anthony, Township Attorney; and Pamela D. Howard, Deputy Municipal Clerk.

Silent Prayer and Flag Salute

The Clerk states, "Fire exits are located in the rear of the room and to my 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 Brantley announces that the notice requirements of R.S. 10:4-18 have been satisfied by the publication of the required advertisement in the Asbury Park Press on January 5, 2017 and in the Coaster on January 12, 2017, posting the notice on the Board in the Municipal Complex, and filing a copy of said notice with the Municipal Clerk. In addition, the meeting agenda, resolutions and ordinances are posted online at www.neptunetownship.org.

APPROVAL OF MINUTES

Motion offered by _____, seconded by _____, to approve the minutes of the meetings held on May 8th and May 22nd.

PRESENTATION

Kathi Abatemarco, representing the Gannett Foundation, will present a check to the Veterans Memorial Park

REPORT OF THE CLERK

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

Notification from the NJDOT that the Township was awarded a Transportation Trust Fund grant for improvements to Neptune Blvd.

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

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.

ORDINANCES

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

ORDINANCE NO. 17-15 – An ordinance to amend Volume I, Chapter XII, of the Code of the Township of Neptune by adding Section 12-6 entitled “Invasive Plants” - Final Reading

Explanatory Statement: This ordinance requires the control of the spread of invasive plants beyond the boundaries of a resident’s property and prohibits the in-ground plantings on new invasive plants. Examples of invasive plants include but are not limited to bamboo, ragweed, multi flora rose, kudzu-vine and poison ivy or oak.

Public Hearing:

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

ORDINANCE NO. 17-16 – An ordinance to amend Volume I, Chapter XII, Section 12-1.2 of the code of the Township of Neptune by supplementing the BOCA National Property Maintenance Code by adding regulations for construction sites within the Ocean Grove Historic District - Final Reading

Explanatory Statement: This ordinance establishes certain regulations and requirements in the Property Maintenance Code, for construction sites in the Ocean Grove Historic District, including fencing, sidewalk and street maintenance, and posting of contact information.

Public Hearing:

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

ORDINANCE NO. 17-17 – An ordinance to further amend and supplement the Land Development Ordinance of the Township of Neptune by adding the definition of exempt development and amending the definition of minor site plan in Section 201 - Final Reading

Explanatory Statement: This ordinance amends the Land Development Ordinance by adding the definition of “exempt development” and amending the existing definition of “minor site plan” in its entirety.

Public Hearing:

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

ORDINANCE NO. 17-18 – An ordinance to amend Volume I, Chapter VII of the Code of the Township of Neptune by adding handicapped parking zones on Embury Avenue and Cookman Avenue and removing handicapped parking zones on Central Avenue and Webb Avenue - First Reading

Explanatory Statement: This ordinance authorizes resident only handicapped parking zones in front of 82 Cookman and 44 Embury Avenue and removes existing handicapped parking zones on Central Avenue adjacent to 44 Embury Avenue and in front of 14 Webb Avenue.

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

ORDINANCE NO. 17-19 – Bond Ordinance providing for various sewer utility improvements, by the Sewer Utility of the Township of Neptune, in the County of Monmouth, State of New Jersey; appropriating \$1,800,000 therefor and authorizing the issuance of \$1,710,000 bonds or notes of the Township to finance part of the cost thereof - First Reading

Explanatory Statement: This ordinance authorizes an appropriation of \$1,800,000 for 11th Avenue area sanitary sewer system installation, replacement and upgrades, and replacement of the Hillside pump station force main

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

ORDINANCE NO. 17-20 – Bond Ordinance providing for Fletcher Lake bulkhead, bridge and roadway improvements, by and in the Township of Neptune, in the County of Monmouth, State of New Jersey; appropriating \$500,000 therefor and authorizing the issuance of \$475,000 bonds or notes of the Township to finance part of the cost thereof - First Reading

Explanatory Statement: This ordinance authorizes an appropriation of \$500,000 for Fletcher Lake bulkhead, bridge and roadway improvements

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

ORDINANCE NO. 17-21 – Bond Ordinance providing for 2017 road improvements, by and in the Township of Neptune, in the County of Monmouth, State of New Jersey; appropriating \$1,000,000 therefor and authorizing the issuance of \$950,000 bonds or notes of the Township to finance part of the cost thereof - First Reading

Explanatory Statement: This ordinance authorizes an appropriation of \$1,000,000 for the Township 2017 Road Improvement Program

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

ORDINANCE NO. 17-22 – Bond Ordinance providing for acquisition of property within the West Lake Avenue Redevelopment Area, by and in the Township of Neptune, in the County of Monmouth, State of New Jersey; appropriating \$750,000 therefor and authorizing the issuance of \$712,500 bonds or notes of the Township to finance part of the cost thereof - First Reading

Explanatory Statement: This ordinance authorizes as appropriation of \$750,000 for acquisition of property within the West Lake Avenue Redevelopment Area

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

ORDINANCE NO. 17-23 – Bond Ordinance providing for replacement of the Municipal Complex roof and other facilities improvements, by and in the Township of Neptune, in the County of Monmouth, State of New Jersey; appropriating \$800,000 therefor and authorizing the issuance of \$760,000 bonds or notes of the Township to finance part of the cost thereof - First Reading

Explanatory Statement: This ordinance authorizes an appropriation of \$800,000 for Municipal Complex roof replacement and other facilities improvements

Offered by: _____ Seconded by: _____

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

ORDINANCE NO. 17-24 – An ordinance of the Township of Neptune, in the County of Monmouth, State of New Jersey, approving and authorizing the entering into, execution and delivery of a lease and agreement with the Monmouth County Improvement Authority relating to the issuance of County-Guaranteed Pooled Loan and Lease Revenue Bonds, Series 2017 of the Monmouth County Improvement Authority - First Reading

Explanatory Statement: This ordinance authorizes the lease of certain equipment items and police and/or passenger vehicles from and approve the entering into of a lease agreement with the Monmouth County Improvement Authority

Offered by: _____ Seconded by: _____

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

The Public Hearings on Ordinances 17-18 through 17-24 will be held on Monday, June 26th.

CONSENT AGENDA

Res. # 17-255 – Authorize Revocable License Agreement with Adeline A. Napolitano of 404 West Concourse, Block 5608, Lot 7.

Res. # 17-256 – Approve the transfer of Taxi Medallion License No. 043.

Res. # 17-257 – Authorize temporary street closing in connection with Shark River Beach & Yacht Club Fun Run.

Res. # 17-258 – Accept the resignation of Tyrell Thompson as a Jailer in the Police Department.

Res. # 17-259 – Authorize temporary no parking on a portion of McClintock Street in connection with the annual Bridgefest event.

Res. # 17-260 – Employ temporary Municipal Interns.

Res. # 17-261 – Authorize donation of surplus vehicle to the Borough of Neptune City.

Res. # 17-262 – Employ Public Safety Officer in the Emergency Medical Services Department on a part-time basis.

Res. # 17-263 – Authorize an amendment to the 2017 municipal budget to realize monies from the New Jersey Department of Environmental Protection – Clean Communities Program.

Res. # 17-264 – Accept a maintenance guarantee and release a performance bond filed by Neptune Partners, LLC for site improvements at the Signature Place Complex on Jumping Brook Road and Route 66.

Res. # 17-265 – Accept the resignation of Michael Schnurr as an Accountant in the Finance Department.

Res. # 17-266 – Authorize subscription for an on-line Grant Management System.

Res. # 17-267 – Authorize renewal of liquor license held by Krenkel-Liquors, Inc. t/a Krenkel Liquors for the 2017-2018 licensing year.

Res. # 17-268 – Authorize renewal of liquor licenses for the 2017-2018 licensing year.

Res. # 17-269 – Authorize Change Order #1 in connection with the upgrade to the heating hot water plant at the Neptune Municipal Complex.

Res. # 17-270 – Authorize Developer’s Agreement with Victoria Estates, LLC (formerly Neptune Estates) located at 3351 Highway 33, Block 7018, Lots 9.01-9.06 and 9.22-9.27.

Res. # 17-271 – Release all surety bonds and developer’s escrow posted by Neptune Estates, LLC due to a substitution of developer for the approved development located at 3351 Highway 33.

Res. # 17-272 – Terminate employee.

Res. # 17-273 – Employ temporary seasonal personnel for the Neptune Summer Recreation Program.

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

Res. # 17-274 – Authorize Change Order #2 in connection with the South Concourse Flood Mitigation Project.

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

Res. # 17-275 – Authorize the purchase of four police vehicles through the Cranford Cooperative Purchasing Program.

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

Res. # 17-276 – Authorize payment of bills.

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

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.

ADJOURNMENT

ORDINANCE NO. 17-18

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING HANDICAPPED PARKING ZONES ON EMBURY AVENUE AND COOKMAN AVENUE AND REMOVING HANDICAPPED PARKING ZONES ON CENTRAL 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 7-21.7 – Resident Handicapped On-Street Parking, is hereby amended by adding the following:

<u>Name of Street</u>	<u>No. of Spaces</u>	<u>Location</u>
Embury Avenue	1	South side of Embury Avenue beginning 50 feet west of the southwest intersection of Embury Avenue and Central Avenue
Cookman Avenue	1	South side of Cookman Avenue beginning 74 feet east of the southeast intersection of Cookman Avenue and New York Avenue

SECTION 2

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

<u>Name of Street</u>	<u>No. of Spaces</u>	<u>Location</u>
Central Avenue	1	West side of Central Avenue beginning 25 feet south of the southwest intersection of Central Avenue and Embury Avenue

SECTION 3

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

<u>Name of Street</u>	<u>No. of Spaces</u>	<u>Location</u>
Webb Avenue	1	South side of Webb Avenue beginning 55 feet east of the southeast intersection of Webb Avenue and Beach Avenue

SECTION 4

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

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

Richard J. Cuttrel,
Municipal Clerk

Dr. Michael Brantley,
Mayor

ORDINANCE NO. 17-19

BOND ORDINANCE PROVIDING FOR VARIOUS SEWER UTILITY IMPROVEMENTS, BY THE SEWER UTILITY OF THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$1,800,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,710,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

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

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Sewer Utility of the Township of Neptune, in the County of Monmouth, State of New Jersey (the "Township"). For the said improvements or purposes stated in Section 3 hereof, there is hereby appropriated the sum of \$1,800,000, said sum being inclusive of an aggregate cash down payment for said improvements or purposes in the amount of \$90,000 required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). The down payment will be available therefor from the Sewer Utility general capital improvement fund by virtue of a provision or provisions in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$1,800,000 appropriation not provided for by application hereunder of the \$90,000 cash down payment, negotiable bonds of the Sewer Utility of the Township are hereby authorized to be issued in the principal amount of \$1,710,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Sewer Utility of the Township in a principal amount not exceeding \$1,710,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said bonds or notes are to be issued include, but are not limited to, the following: 11th Avenue area sanitary sewer system installation, replacement and upgrades, and replacement of the Hillside pump station force main.

(b) The estimated maximum aggregate amount of bonds or notes to be issued for said improvements or purposes is \$1,710,000.

(c) The estimated aggregate cost of said improvements or purposes is \$1,800,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the aggregate cash down payment in the amount of \$90,000 available for such improvements or purposes.

(d) All such improvements or purposes set forth in Section 3(a) shall include, but are not limited to, as applicable, all necessary ancillary improvements, and all engineering and design

work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and also shall include all work, materials, equipment, accessories, labor and appurtenances necessary therefor or incidental thereto and all in accordance with the plans and specifications therefor on file in the Office of the Township Engineer and available for public inspection and hereby approved.

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

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

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

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

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

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

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$1,710,000 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$250,000 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the purpose or improvement hereinbefore described.

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

SECTION 9. The Township reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Township's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations §1.400-2. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the Township for costs of the improvements or purposes described in Section 3 hereof, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of any bonds or notes authorized herein or another issue of debt obligations of the Township other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1). The bonds or notes authorized herein to reimburse the Township for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed \$1,710,000. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of section 150 of the Code. All reimbursement allocations will occur not later than eighteen (18) months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized herein is paid, or (ii) the date the improvements or purposes described in Section 3 hereof is "placed in service" (within the meaning of Treasury Regulations §1.400-2) or abandoned, but in no event more than three (3) years after the expenditure is paid.

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

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

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

Richard J. Cuttrel,
Municipal Clerk

Dr. Michael Brantley,
Mayor

ORDINANCE NO. 17-20

BOND ORDINANCE PROVIDING FOR FLETCHER LAKE BULKHEAD, BRIDGE AND ROADWAY IMPROVEMENTS, BY AND IN THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$475,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

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

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Township of Neptune, in the County of Monmouth, State of New Jersey (the "Township"). For the said improvements or purposes stated in Section 3 hereof, there is hereby appropriated the sum of \$500,000, said sum being inclusive of a \$25,000 cash down payment for said improvements required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). Such cash down payment shall consist of an appropriation of \$25,000 in cash currently on deposit in, and available therefor from, the general capital improvement fund by virtue of a provision or provisions in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$500,000 appropriation not provided for by application hereunder of the cash down payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$475,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in a principal amount not exceeding \$475,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said bonds or notes are to be issued are Fletcher Lake bulkhead, bridge and roadway improvements, including, but not be limited to, all ancillary improvements necessary to complete the project, design work, preparation of plans and specifications, permits, bid documents, contract administration, work, materials, equipment, labor and appurtenances as necessary therefor or incidental thereto, all as set forth in the project documents on file in the Office of the Township Clerk.

(b) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$475,000.

(c) The estimated cost of said improvements or purposes is \$500,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the cash down payment in the amount of \$25,000 available for such improvements or purposes.

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

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

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

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

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

(b) The average period of usefulness of said improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is fifteen (15) years.

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

New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$475,000 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$150,000 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the purpose or improvement hereinbefore described.

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

SECTION 9. The Township reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Township's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations §1.150-2. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the Township for costs of the improvements or purposes described in Section 3 hereof, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of any bonds or notes authorized herein or another issue of debt obligations of the Township other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1). The bonds or notes authorized herein to reimburse the Township for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed \$475,000. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of section 150 of the Code. All reimbursement allocations will occur not later than eighteen (18) months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized herein is paid, or (ii) the date the improvements or purposes described in Section 3 hereof is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than three (3) years after the expenditure is paid.

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

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

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

Richard J. Cuttrell,
Municipal Clerk

Dr. Michael Brantley,
Mayor

ORDINANCE NO. 17-21

BOND ORDINANCE PROVIDING FOR 2017 ROAD IMPROVEMENTS, BY AND IN THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$1,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$950,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

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

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

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

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said bonds or notes are to be issued are the Township 2017 road improvement program, including, but not be limited to, construction and reconstruction of Township roadways pursuant to the target roadway improvements list maintained by the Township Engineer, and all other related improvements, design work, preparation of plans and specifications, permits, bid documents, contract administration, work, materials, equipment, labor and appurtenances as necessary therefor or incidental thereto, all as set forth in the project documents on file in the Office of the Township Clerk.

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

(c) The estimated cost of said improvements or purposes is \$1,000,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the cash down payment in the amount of \$50,000 available for such improvements or purposes.

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

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

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

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

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

(b) The average period of usefulness of said improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is twenty (20) years.

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

New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$950,000 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$150,000 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the purpose or improvement hereinbefore described.

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

SECTION 9. The Township reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Township's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations §1.150-2. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the Township for costs of the improvements or purposes described in Section 3 hereof, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of any bonds or notes authorized herein or another issue of debt obligations of the Township other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1). The bonds or notes authorized herein to reimburse the Township for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed \$950,000. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of section 150 of the Code. All reimbursement allocations will occur not later than eighteen (18) months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized herein is paid, or (ii) the date the improvements or purposes described in Section 3 hereof is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than three (3) years after the expenditure is paid.

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

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

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

Richard J. Cuttrell,
Municipal Clerk

Dr. Michael Brantley,
Mayor

ORDINANCE NO. 17-22

BOND ORDINANCE PROVIDING FOR ACQUISITION OF PROPERTY WITHIN THE WEST LAKE AVENUE REDEVELOPMENT AREA, BY AND IN THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$750,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$712,500 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

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

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Township of Neptune, in the County of Monmouth, State of New Jersey (the "Township"). For the said improvements or purposes stated in Section 3 hereof, there is hereby appropriated the sum of \$750,000, said sum being inclusive of a \$37,500 cash down payment for said improvements required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). Such cash down payment shall consist of an appropriation of \$37,500 in cash currently on deposit in, and available therefor from, the general capital improvement fund by virtue of a provision or provisions in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$750,000 appropriation not provided for by application hereunder of the cash down payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$712,500 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in a principal amount not exceeding \$712,500 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said bonds or notes are to be issued are for acquisition of property within the West Lake Avenue redevelopment area, including, but not be limited to, as applicable, design work, preparation of plans and specifications, permits, bid documents, contract administration, work, materials, equipment, labor and appurtenances as necessary therefor or incidental thereto, all as set forth in the project documents on file in the Office of the Township Clerk.

(b) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$712,500.

(c) The estimated cost of said improvements or purposes is \$750,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the cash down payment in the amount of \$37,500 available for such improvements or purposes.

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

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

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

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

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

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

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

New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$712,500 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

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

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

SECTION 9. The Township reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Township's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations §1.150-2. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the Township for costs of the improvements or purposes described in Section 3 hereof, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of any bonds or notes authorized herein or another issue of debt obligations of the Township other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1). The bonds or notes authorized herein to reimburse the Township for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed \$712,500. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of section 150 of the Code. All reimbursement allocations will occur not later than eighteen (18) months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized herein is paid, or (ii) the date the improvements or purposes described in Section 3 hereof is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than three (3) years after the expenditure is paid.

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

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

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

Richard J. Cuttrell,
Municipal Clerk

Dr. Michael Brantley,
Mayor

ORDINANCE NO. 17-23

BOND ORDINANCE PROVIDING FOR REPLACEMENT OF THE MUNICIPAL COMPLEX ROOF AND OTHER FACILITIES IMPROVEMENTS, BY AND IN THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$800,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$760,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

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

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Township of Neptune, in the County of Monmouth, State of New Jersey (the "Township"). For the said improvements or purposes stated in Section 3 hereof, there is hereby appropriated the sum of \$800,000, said sum being inclusive of a \$40,000 cash down payment for said improvements required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). Such cash down payment shall consist of an appropriation of \$40,000 in cash currently on deposit in, and available therefor from, the general capital improvement fund by virtue of a provision or provisions in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$800,000 appropriation not provided for by application hereunder of the cash down payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$760,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in a principal amount not exceeding \$760,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said bonds or notes are to be issued are for replacement of the Municipal Complex roof (\$700,000) and other facilities improvements (\$100,000), including, but not be limited to, all ancillary improvements, as applicable, design work, preparation of plans and specifications, permits, bid documents, contract administration, work, materials, equipment, labor and appurtenances as necessary therefor or incidental thereto, all as set forth in the project documents on file in the Office of the Township Clerk.

(b) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$760,000.

(c) The estimated cost of said improvements or purposes is \$800,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the cash down payment in the amount of \$40,000 available for such improvements or purposes.

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

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

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

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

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

(b) The average period of usefulness of said improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is fifteen (15) years.

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

New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$760,000 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

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

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

SECTION 9. The Township reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Township's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations §1.150-2. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the Township for costs of the improvements or purposes described in Section 3 hereof, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of any bonds or notes authorized herein or another issue of debt obligations of the Township other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1). The bonds or notes authorized herein to reimburse the Township for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed \$760,000. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of section 150 of the Code. All reimbursement allocations will occur not later than eighteen (18) months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized herein is paid, or (ii) the date the improvements or purposes described in Section 3 hereof is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than three (3) years after the expenditure is paid.

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

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

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

Richard J. Cuttrell,
Municipal Clerk

Dr. Michael Brantley,
Mayor

ORDINANCE NO. 17-24

AN ORDINANCE OF THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, APPROVING AND AUTHORIZING THE ENTERING INTO, EXECUTION AND DELIVERY OF A LEASE AND AGREEMENT WITH THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY RELATING TO THE ISSUANCE OF COUNTY-GUARANTEED POOLED LOAN AND LEASE REVENUE BONDS, SERIES 2017 OF THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY

WHEREAS, the Monmouth County Improvement Authority (the "Authority") is authorized to issue its bonds pursuant to the provisions of the County Improvement Authorities Law, chapter 183 of the Laws of New Jersey of 1960, as amended and supplemented (N.J.S.A. 40:37A-44 et seq.) (the "County Improvement Authorities Law"), and other applicable provisions of law; and

WHEREAS, the Authority has determined to issue its revenue bonds for the purpose of financing certain capital improvements to be undertaken by and the acquisition, installation and, as applicable, subsequent leasing of certain capital equipment, including but not limited to police and passenger vehicles, by the Township of Neptune ("Neptune") and the Hazlet Board of Education, each located in the County of Monmouth in the State of New Jersey (the "County") (the "2017 Loan/Lease Program"); and

WHEREAS, in connection with Neptune's participation in the 2017 Loan/Lease Program, there will be prepared and submitted to Neptune a form of Lease and Agreement (the "Lease"), to be entered into by and between the Authority and Neptune, which Lease shall be approved by the Mayor of Neptune upon the advice and counsel of Neptune bond counsel, providing for the acquisition and leasing of certain equipment items and police and/or passenger vehicles from the Authority, which equipment items and police and/or passenger vehicles are described in Exhibit A attached hereto and incorporated by reference herein.

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

Section 1. Pursuant to section 78 of the County Improvement Authorities Law, Neptune is hereby authorized and directed to enter into and perform the Lease, which Lease shall provide for the leasing of certain equipment items and police and/or passenger vehicles (as listed in Exhibit A hereto) acquired with the proceeds of County-Guaranteed Pooled Loan and Lease Revenue Bonds, Series 2017 (the "Bonds") to be issued by the Authority under a bond resolution to be adopted by the Authority authorizing the issuance of the Bonds (the "Authority Bond Resolution"). The Mayor of Neptune is hereby authorized to approve the form of Lease, with such changes, amendments or modifications as may be approved by bond counsel to Neptune.

Section 2. The full faith and credit of Neptune is hereby pledged to the punctual payment of the obligations set forth in the Lease authorized by this ordinance, including without

limitation, (i) all basic rent and other rent obligations of Neptune under the Lease, including Authority administrative expenses and additional rent, (ii) all amounts due and owing to the County as a result of payments made by the County on behalf of Neptune under the Lease pursuant to the County guarantee for the Bonds, including County guarantee costs and (iii) all direct and indirect costs of the Authority and the County related to the enforcement of the Lease and the County guarantee of the Bonds ((i), (ii) and (iii) collectively, the "Lease Payment Obligation"). The Lease Payment Obligation under the Lease shall be a direct, unlimited and general obligation of Neptune, not subject to annual appropriation by Neptune pursuant to the County Improvement Authorities Law, and unless paid from other sources, Neptune shall be obligated to levy *ad valorem* taxes upon all the taxable property within Neptune for the payment of the Lease Payment Obligation thereunder without limitation as to rate or amount.

The Mayor or other authorized Neptune representative (as shall be determined in the Lease) is hereby authorized and directed to execute the Lease on behalf of Neptune and the Clerk of Neptune is hereby authorized and directed to attest to such signature and affix the seal of Neptune thereto and the Lease is authorized to be delivered to the Authority. All representatives, officials and employees of Neptune are hereby authorized and directed to enforce and to implement provisions of the Lease.

Section 3. The following additional matters are hereby determined, declared, recited and stated:

(1) The maximum Lease Payment Obligation for which Neptune shall be obligated hereunder, which, *inter alia*, will be used for the payment of principal of and interest on the Bonds of the Authority shall not exceed the sum necessary to (a) acquire Neptune's equipment items and police and/or passenger vehicles described in Exhibit A attached hereto which will be subject to the Lease, (b) pay interest on the Authority's Bonds allocated to Neptune and used to acquire Neptune's equipment items and police and/or passenger vehicles, and (c) pay Neptune's share of the Bonds costs of issuance, Authority administrative expenses, additional rent, County guarantee costs and all other amounts required to be paid by Neptune under the Lease.

(2) The principal portion of the Bonds allocable to the Neptune equipment items and police and/or passenger vehicles shall mature within ten (10) years from the date of issue of the Bonds.

(3) The Lease Payment Obligation authorized herein shall remain effective until all the Bonds shall have been paid in full in accordance with their terms and/or when all obligations of Neptune under the Lease have been satisfied, notwithstanding the occurrence of any other event, including but not limited to the termination of the Lease with respect to some or all of the Neptune equipment items and police and/or passenger vehicles leased thereunder.

(4) The equipment items and police and/or passenger vehicles described in Exhibit A are hereby approved to be leased from the Authority in accordance with the terms of the Lease, with such changes, amendments or modifications as may be approved by counsel or bond counsel to the Authority.

Section 4. To the extent Neptune is an "Obligated Person" (as defined under the Rule (as hereinafter defined)) with respect to the Bonds, Neptune hereby agrees to comply with the requirements of Rule 15c2-12 (the "Rule") promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934, as amended and supplemented,

including the secondary market disclosure requirements contained therein, and agrees to covenant to such compliance in the Lease. The Mayor, Clerk, Chief Financial Officer or other authorized Neptune representative are each hereby authorized and directed to execute and deliver a Continuing Disclosure Agreement, approve and "deem final" the Official Statement of the Authority and the preliminary form thereof to the extent the information contained therein relates to Neptune and to execute and deliver all certificates, documents and agreements to the Authority in connection therewith and to file budgetary, financial and operating data of Neptune on an annual basis and notices of certain enumerated events as required to comply with and in accordance with the provisions of the Rule.

Section 5. The Mayor, Clerk, Chief Financial Officer or other authorized Neptune representative are each hereby authorized and directed to execute and deliver any and all certificates, documents and instruments and to do and cause to be done any and all acts and things necessary or proper for carrying out the execution and delivery of the Lease, the leasing of the Neptune equipment items and police and/or passenger vehicles which are to be the subject of the Lease, and all related transactions contemplated by this ordinance.

Section 6. Upon the payment of all amounts referenced in Section 3(3) herein, the full faith and credit pledge of Neptune as to its Lease Payment Obligations authorized herein shall cease to exist.

Section 7. The provisions of this ordinance are severable. To the extent any clause, phrase, sentence, paragraph or provision of this ordinance shall be declared invalid, illegal or unconstitutional, the remaining provisions shall continue to be in full force and effect.

Section 8. This ordinance shall take effect twenty (20) days after final adoption and publication in accordance with applicable law.

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

Richard J. Cuttrell,
Municipal Clerk

Dr. Michael Brantley,
Mayor

EXHIBIT A

	EQUIPMENT TO BE LEASED/ PURCHASED	USEFUL LIFE	ESTIMATED COST
1.	ACQUISITION OF POLICE VEHICLES	3 YEARS	320,000.00
2.	ACQUISITION OF AMBULANCE & RESCUE	7.5 YEARS	380,000.00
3.	COMMUNICATIONS EQUIPMENT (TRUNKED SYSTEM)	10 YEARS	60,000.00
4.	EMERGENCY RESPONSE EQUIPMENT	5 YEARS	260,000.00
5.	DPW VEHICLES AND EQUIPMENT	5 YEARS	1,280,000.00
6.	SEWER DEPARTMENT VEHICLES AND EQUIPMENT	5 YEARS	190,000.00
7.	COMPUTER S/ SERVERS EQUIPMENT	7 YEARS	230,000.00
8.	ADMINISTRATIVE VEHICLES	5 YEARS	90,000.00
9.	COPY MACHINES AND PRINTERS	5 YEARS	60,000.00

RESOLUTION #17-254 – 6/12/17

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:

Personnel – Employee termination (resolution on agenda)
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.

RESOLUTION #17-255 – 6/12/17

AUTHORIZE REVOCABLE LICENSE AGREEMENT WITH ADELINE A. NAPOLITANO OF
404 WEST CONCOURSE, BLOCK 5608, LOT 7 (FORMERLY BLOCK 558, LOT 3.16)

WHEREAS, Adeline A. Napolitano, with property located at 404 West Concourse, Neptune Township, New Jersey, and more specifically identified as Block 5608, Lot 7, (formerly Block 558, Lot 3.16) on the tax map of the Township of Neptune has requested a Revocable License Agreement be entered into between Neptune Township, and Adeline A. Napolitano in Neptune Township concerning an encroachment upon a municipal right-of way; and

WHEREAS, Adeline A. Napolitano is seeking a license to provide and to maintain a certain fence and walkways encroachment presently on the municipal right-of-way, which the property owner intends to continue use of, subject to removal should the controlling authority have reasonable cause to believe that such encroachment needs to be removed from the aforesaid municipal right-of-way, and subject to a Revocable License Agreement,.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes a Revocable License Agreement with Adeline A. Napolitano, with property located at 404 West Concourse, Neptune Township, New Jersey, and more specifically identified as Block 5608, Lot 7, (formerly Block 558, Lot 3.16), Neptune Township, New Jersey a true copy of such proposed Agreement on file with the Municipal Clerk, subject to the conditions of the Agreement and prior review of the Township Engineer and approval of this Agreement as a minor encroachment, with a one-time payment to the Township of Neptune of \$150.00 for preparation of the Revocable License Agreement for a minor encroachment, plus costs of recording of said Revocable License Agreement in the Clerk's Office of Monmouth County, paid to the Law Office of Gene J. Anthony, Esq., and subject to all other requirements in the aforesaid Revocable License Agreement; and,

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to execute the Agreement, and return to the Township Attorney for recording.

RESOLUTION #17-256 - 6/12/17

APPROVE THE TRANSFER OF TAXI MEDALLION LICENSE NO. 043

WHEREAS, Caral Woods is the owner of Neptune Township Taxi Medallion No. 043; and,

WHEREAS, he has notified the Taxi License Coordinator of the intent to sell and transfer ownership of said medallion to Spencer Hubbard; and,

WHEREAS, the Taxi License Coordinator has certified that all requirements of transfer have been satisfied,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that approval is hereby granted for the transfer of Taxi Medallion License No. 043 to Spencer Hubbard; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Taxi License Coordinator and Municipal Clerk.

RESOLUTION #17-257 - 6/12/17

AUTHORIZE TEMPORARY STREET CLOSING IN CONNECTION
WITH SHARK RIVER BEACH & YACHT CLUB FUN RUN

WHEREAS, the Shark River Beach & Yacht Club is holding its annual Fun Run for children on a portion of South Riverside Drive on Friday, July 7, 2017; and,

WHEREAS, the Police Department has recommended that a portion of South Riverside Drive be temporarily closed for the safety of the participants; and,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that South Riverside Drive between The Plaza and Sylvan Drive shall be closed to vehicular traffic on Friday, July 7, 2017 between the hours of 5:30 PM to 7:00 PM; and,

BE IT FURTHER RESOLVED, that the Department of Public Works is hereby requested to supply the necessary barricades to close this portion of the street and all appropriate cross streets; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be forwarded to the Chief of Police, Lt. Michael Zarro, and Director of Public Works.

RESOLUTION #17-258 - 6/12/17

ACCEPT THE RESIGNATION OF TYRELL THOMPSON AS A
JAILER IN THE POLICE DEPARTMENT

WHEREAS, the Township Committee has received a letter from Tyrell Thompson resigning as a Jailer in the Police Department effective May 31, 2017,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Tyrell Thompson as a Jailer in the Police Department is hereby accepted effective May 31, 2017; and,

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

RESOLUTION #17-259 - 6/12/17

AUTHORIZE TEMPORARY NO PARKING ON A PORTION OF MCCLINTOCK STREET
IN CONNECTION WITH THE ANNUAL BRIDGEFEST EVENT

WHEREAS, the annual Bridgefest event is planned for the Great Auditorium in Ocean Grove on Friday, June 23, 2017; and,

WHEREAS, it is necessary to designate temporary no parking on a portion of McClintock Street to allow for parking of a large equipment tractor trailer,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes temporary no parking zone on both sides of McClintock Street between Pilgrim Pathway and Central Avenue from 11:00 p.m. on Thursday, June 22, 2017 through 11:00 p.m. on Friday, June 23, 2017; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Director of Public Works, Lt. Zarro and the Ocean Grove Camp Meeting Association.

RESOLUTION #17-260 - 6/12/17

EMPLOY TEMPORARY MUNICIPAL INTERNS

WHEREAS, the Township of Neptune desires to employ municipal interns for temporary employment during the summer months; and,

WHEREAS, the availability of paid intern positions for students enrolled in college was posted and advertised on the Township web site; and,

WHEREAS, the Human Resources Department has interviewed applicants and recommends the employment of six individuals to serve as interns in various administrative functions; and,

WHEREAS, funds will be provided in the 2017 Municipal Budget in various salary and wage appropriation line items 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 as temporary Municipal Interns assigned to the municipal departments as indicated and to perform other duties as assigned by the Business Administrator from June 5, 2017 to August 11, 2017 at an hourly wage of \$10.00; and,

Hunter Reid – OEM/EMS
Nicole Dykeman – Code & Construction
Jayme Narciso – Public Works
Andrew Sabine - Engineering
Jahmere Nurse – Senior Center
Taylor West – Administration

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

RESOLUTION #17-261 - 6/12/17

AUTHORIZE DONATION OF SURPLUS VEHICLE
TO THE BOROUGH OF NEPTUNE CITY

WHEREAS, the Township of Neptune is the owner of a 2003 Ford Explorer that is no longer needed by the Township and is therefore surplus equipment; and,

WHEREAS, the Borough of Neptune City, a political subdivision of the State of New Jersey performing a governmental function, is in need of said vehicle to tow emergency response trailers; and,

WHEREAS, the Township of Neptune desires to authorize the donation of the vehicle to the Borough of Neptune City at no cost,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that a 2003 Ford Explorer, VIN# 1FMPU16W73LA08616, currently owned by the Township of Neptune and no longer needed by the Township, is hereby declared a surplus vehicle; and,

BE IT FURTHER RESOLVED, that the donation of said surplus vehicle to the Borough of Neptune City be and is hereby authorized; and,

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

RESOLUTION #17-262 - 6/12/17

EMPLOY PUBLIC SAFETY OFFICER IN THE EMERGENCY MEDICAL SERVICES
DEPARTMENT ON A PART-TIME BASIS

WHEREAS, there is a need for an additional Public Safety Officer on a part-time hourly basis; and,

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

WHEREAS, the EMS Manager and Human Resources Director have made their recommendations; and,

WHEREAS, funds will be provided the 2017 municipal budget, in the appropriation entitled Emergency Medical Services 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 John Matthews be and is hereby employed as a part-time Public Safety Officer, effective May 30, 2017, contingent upon successful completion of a background investigation and medical evaluation, at an hourly rate as established by Resolution of the Township Committee; and,

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

RESOLUTION #17-263 - 6/12/17

AUTHORIZE AN AMENDMENT TO THE 2017 MUNICIPAL BUDGET TO REALIZE
MONIES FROM THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL
PROTECTION – CLEAN COMMUNITIES PROGRAM

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget for the year 2017 in the sum of \$66,442.11 which is now available from the NJDEP Clean Communities Program in the amount of \$66,442.11; and,

BE IT FURTHER RESOLVED that the like sum of \$66,442.11 is hereby appropriated under the caption of NJDEP – Clean Communities Program 2017; and,

BE IF FURTHER RESOLVED, that the above is the result of funds from the New Jersey Department of Environmental Protection Clean Communities Program in the amount of \$66,442.11; and,

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

Vote:

Lane:

McMillan:

Rizzo:

Williams:

Brantley:

RESOLUTION #17-264 - 6/12/17

ACCEPT A MAINTENANCE GUARANTEE AND RELEASE A PERFORMANCE BOND
FILED BY NEPTUNE PARTNERS, LLC FOR SITE IMPROVEMENTS AT THE
SIGNATURE PLACE COMPLEX ON JUMPING BROOK ROAD AND ROUTE 66

WHEREAS, on November 6, 2013, Neptune Partners, LLC a performance bond 105867385, written by First Indemnity of America Insurance Company in the amount of \$3,655,200.00, guaranteeing site improvements at the Signature Place at Jumping Brook Road and Route 66 (formerly Block 1500, Lots 23.04 & 23.05); and,

WHEREAS, the performance guarantee was reduced to the amount of \$1,533,312.70 by Resolution of the Township Committee dated December 22, 2014; and,

WHEREAS, the Township Engineer has certified that all site improvements have been completed in a satisfactory manner as of May 18, 2017 and said performance bond can be released contingent upon posting a two year maintenance bond; and,

WHEREAS, Neptune Partners, LLC has filed Maintenance Bond #FP0022334M in the amount of \$456,900.00 written by First Indemnity of America Insurance Company guaranteeing said site improvements for a period of two years,

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

BE IT FURTHER RESOLVED, that the cash portion of the performance guarantee in the amount of \$109,777.76 and inspection fee escrow in the amount of \$14,429.96 deposited with the Township be and is hereby authorized to be refunded (\$2,500.00 being retained for final inspection at the end of the maintenance period); and,

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

RESOLUTION #17-265 - 6/12/17

ACCEPT THE RESIGNATION OF MICHAEL SCHNURR AS AN
ACCOUNTANT IN THE FINANCE DEPARTMENT

WHEREAS, the Human Resources Director has received a letter from Michael Schnurr resigning as an Accountant in the Finance Department effective June 16, 2017,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Michael Schnurr as an Accountant in the Finance Department is hereby accepted effective June 16, 2017; and,

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

RESOLUTION #17-266 - 6/12/17

AUTHORIZE SUBSCRIPTION FOR AN ON-LINE GRANT MANAGEMENT SYSTEM

WHEREAS, the Purchasing Agent solicited quotes and demonstrations for a subscription for an on-line Grant Management and Reporting System; and,

WHEREAS, the cost of said item is less than the bid threshold but exceeds \$17,500.00 and therefore must be awarded by Resolution of the governing body; and,

WHEREAS, said quotes were reviewed by the Purchasing Agent who have recommended that the low quote be accepted in accordance with the Open Public Contracts Law; and,

WHEREAS, funds for this purpose will be provided in the 2017 municipal budget in the appropriation entitled Administration O.E. and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the purchase of a two year subscription to an On-line Grant Management and Reporting System through eCivis be and is hereby authorized for the period June 15, 2017 through June 14, 2019 pursuant to their quote of \$19,000.00; and,

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

RESOLUTION #17-267 - 6/12/17

AUTHORIZE THE RENEWAL LIQUOR LICENSE HELD BY KRENKEL-LIQUORS, INC.
T/A KRENKEL LIQUORS FOR THE 2017-2018 LICENSING YEAR

BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Plenary Distribution Consumption License known as 1334-44-009-005 be renewed to Krenkel-Liquors, Inc. t/a Krenkel Liquors, located at 700 Highway 35 for the 2017-2018 licensing year under the following conditions (continued from the prior licensing period):

1) There will be no ingress and egress for customers of the liquor store and the main food store within the building. The only ingress and egress of the liquor store will be from the outside of the building. Employees of Krenkel's may utilize a door, or common counter area only to be utilized by employees of Krenkel's, within the subject building for ingress and egress between the two businesses.

2) A surveillance camera will be installed on the outside of the building to monitor the package goods store. Alternatively, a camera installed on the inside of the store will suffice so long as it monitors the outside of the store.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Division of Alcoholic Beverage Control, Municipal Clerk and the License Holder.

RESOLUTION #17-268 - 6/12/17

AUTHORIZE THE RENEWAL OF LIQUOR LICENSES
FOR THE 2017-2018 LICENSING YEAR

WHEREAS, the following liquor licensees have completed the on-line Alcoholic Beverage Control renewal application, paid the required state and local fees, been reviewed by the Neptune Township Police Department, and has been issued a New Jersey State Sales Tax Clearance Certificate by the State Division of Taxation,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the following Plenary Retail Consumption Licenses, Plenary Retail Distribution Licenses, and Club Licenses in the Township of Neptune be and are hereby renewed for the period July 1, 2017 to June 30, 2018:

PLENARY RETAIL CONSUMPTION LICENSES

<u>STATE NUMBER</u>	<u>NAME</u>	<u>ADDRESS</u>
1334-33-004-005	Ruby Tuesday, Inc. t/a Ruby Tuesday	3595 Route 66
1334-33-010-007	Jumping Brook Spirits, Inc. t/a Jumping Brook Spirits	3701 Route 33
1334-33-011-003	35 Brew Inc., t/a Headliner	1401 Route 35
1334-33-012-015	East Coast Cookery, LLC	Inactive
1334-32-014-011	Saker Shop-Rites, Inc, t/a ShopRite Liquors and Wines of Neptune	2200 Route 66
1334-33-018-013	Clones, LLC t/a "Clancy's"	25 South Main Street
1334-33-019-006	BHTT, Inc. t/a Brickhouse Tavern	3655 Route 66
1334-33-021-005	Ayles Corp., t/a "Shore Lanes"	701 Route 35
1334-33-023-009	Neptune Ale House, LLC t/a MJ's	3295 Route 66
1334-33-024-004	Foxybella, LLC t/a/ The Grand Tavern	1105 6 th Avenue
1334-33-026-007	Matrix/Jumping Brook, LLC t/a Jumping Brook Golf & Country Club	210 Jumping Brook Rd

PLENARY RETAIL DISTRIBUTION LICENSES

1334-44-006-005	Jai Durga Ma, Inc. t/a Guy's Package Store	1417 Corlies Avenue
1334-44-015-003	Prit & Prisha, Inc. t/a Discount Liquor Warehouse	1611 Asbury Avenue

CLUB LICENSES

1334-31-027-001	Frederick Dempsey Post No. 266 American Legion	240 Drummond Avenue
1334-31-029-003	Shark River Beach & Yacht Club, Inc.	360 So. Riverside Drive
1334-31-032-001	Neptune Township American Legion Post #346	21 Gully Road
1334-31-035-001	Lodge 128 BPOE of the USA, Inc.	3409 West Bangs Ave.
1334-31-036-001	Shark River Hills Fire Company No. 4, Inc.	200 Brighton Avenue

BE IT FURTHER RESOLVED, that a certified copy of this resolution be filed electronically with the Division of Alcoholic Beverage Control and in the file of each Licensee in the Office of the Municipal Clerk.

RESOLUTION #17-269 - 6/12/17

AUTHORIZE CHANGE ORDER #1 IN CONNECTION WITH THE UPGRADE TO THE HEATING HOT WATER PLANT AT THE NEPTUNE MUNICIPAL COMPLEX

WHEREAS, on July 25, 2016, a contract was awarded to Midcoast Mechanical, Inc. in the amount of \$618,123.00 in connection with the upgrade to the heating hot water plant at the Neptune Municipal Complex; and,

WHEREAS, changes to the contract have been experienced including a reduction in the cost of asbestos removal, installation of a new concrete slab under the new hot water heater, and the incorporation of the new RTU freezestats into the existing building monitoring system; and,

WHEREAS, these changes have been approved by the Township Engineer and will result in a net decrease in the total contract amount; and,

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 Change Order #1 in the contract with Midcoast Mechanical, Inc. with the upgrade to the heating hot water plant at the Neptune Municipal Complex resulting in a net decrease of \$2,767.00 revising the total contract amount to \$615,356.00; 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 #17-270 – 6/12/17

AUTHORIZE DEVELOPER'S AGREEMENT WITH VICTORIA ESTATES, LLC
(FORMERLY NEPTUNE ESTATES) LOCATED AT 3351 HIGHWAY 33,
BLOCK 7018, LOTS 9.01-9.06 AND 9.22-9.27)

WHEREAS, Victoria Estates, LLC, purchased property previously subject to Final Major Subdivision Approval by the Neptune Township Planning Board by the original applicant, Neptune Estates, LLC; later Plumline Builders, LLC, creating single family residential lots, along with landscaping, drainage and related improvements, and also along with variances and waivers associated therewith before the Planning Board of the Township of Neptune; and

WHEREAS, Victoria Estates, LLC has agreed to enter into a Developer's Agreement with the Township of Neptune to guarantee the faithful performance of the obligations and representations associated with the application before the Planning Board of Neptune Township; and

WHEREAS, it is in the best interest of the citizens of the Township of Neptune to enter this Developer's Agreement with Victoria Estates, LLC, to ensure the proper compliance and guaranteed performance of items and remaining improvements made on said parcel.

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey, that the Mayor and Clerk are hereby authorized to execute the aforesaid Developer' Agreement with Victoria Estates, LLC, a true copy of which is filed in the Office of the Municipal Clerk, for compliance with the Planning Board of Neptune Township's Resolutions #08-27 and #10-10, and representations upon submission and approval of all conditions arising from the aforesaid Resolutions, and return the same to the Assistant Township Attorney for recording in the Clerk's office of Monmouth County.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Assistant Township Attorney, Township Engineer and attached to the executed Developer's Agreement.

RESOLUTION #17-271 - 6/12/17

RELEASE ALL SURETY BONDS AND DEVELOPERS ESCROW POSTED BY
NEPTUNE ESTATES, LLC DUE TO A SUBSTITUTION OF DEVELOPER
FOR THE APPROVED DEVELOPMENT LOCATED AT 3351 HIGHWAY 33

WHEREAS, Neptune Estates, LLC posted performance bond #1039630 in the amount of \$240,732.60 and performance bond #1070127 in the amount of \$491,778.00 guaranteeing improvements at the approved major subdivision for the project known as Neptune Estates, located at 3351 Highway 33 (Block 7018, Lots 9.01-9.06 and 9.22-9.27); and,

WHEREAS, a reduction to both performance bonds was subsequently approved by resolution of the Township Committee on June 25, 2012; and,

WHEREAS, the unfinished development has been sold to Victoria Estates, LLC and the Developer has executed a successor Developer's Agreement and posted performance bonds and inspection fee escrow in the amounts necessary to guarantee performance of the remaining site work,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the release of the performance bonds posted by Neptune Estates, LCC due to the sale of the development and posting of performance bonds by the new developer in connection with the above referenced subdivision; and,

BE IT FURTHER RESOLVED, that all remaining balances of the cash performance guarantee account and inspection escrow accounts posted by Neptune Estates, LLC and Victoria Lane Homes, LLC be and are hereby authorized to be refunded; and,

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

RESOLUTION #17-272 - 6/12/17

TERMINATE EMPLOYEE

BE IT RESOLVED, by the Township Committee of the Township of Neptune that Kevin King, Driver in the Department of Public Works, be and is hereby terminated effective immediately not in good standing; and,

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

RESOLUTION #17-273 - 6/12/17

EMPLOY TEMPORARY SEASONAL PERSONNEL FOR
THE NEPTUNE SUMMER RECREATION PROGRAM

WHEREAS, the Township of Neptune Recreation Department will be sponsoring a Summer Recreation Program; and,

WHEREAS, applications were received and the following qualified applicants have been recommended for hire by the Recreation Director; and,

WHEREAS, funds will be provided in the 2016 Municipal Budget in the appropriation entitled Recreation 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 persons be and are hereby employed in the Neptune Summer Recreation Program from June 22, 2017 through August 7, 2017, for the number of hours and days as specified herein, with the understanding that staffing levels will be based on final enrollment and this resolution does not guarantee either employment or number of hours; and,

<u>Role Models</u>	<u>\$10.00/hour</u>	<u>6.5 hours/day 30 days</u>
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Lauren Ganley	Alfredo Reneau
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(Employees are hired from the list as needed based on enrollment)

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

RESOLUTION #17-274 - 6/12/17

AUTHORIZE CHANGE ORDER #2 IN CONNECTION WITH
SOUTH CONCOURSE FLOOD MITIGATION PROJECT

WHEREAS, on August 29, 2016, a contract was awarded to Bird Construction in the amount of \$737,331.00 in connection with the South Concourse Flood Mitigation Project; and,

WHEREAS, on February 13, 2017, the Township Committee adopted Resolution #17-114 which authorized Change Order #1 resulting in a net increase in the contract amount of \$15,000.00; and,

WHEREAS, a change to the contract is necessary as a result of the need to build up and add stone to a depressed area adjacent to the curb line at Bry's Marina which is retaining water due to a change in street elevation; and,

WHEREAS, this change has been recommended and approved by the Township Engineer; and,

WHEREAS, funds for this purpose are available in Ordinances 07-40 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 Change Order #2 in the contract with Bird Construction in connection with the South Concourse Flood Mitigation Project resulting in a net increase of \$26,782.33 revising the total contract amount to \$779,113.33; 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 #17-275 - 6/12/17

AUTHORIZE THE PURCHASE OF FOUR POLICE VEHICLES THROUGH THE
CRANFORD COOPERATIVE PURCHASING PROGRAM

WHEREAS, the Purchasing Agent recommends the purchase of a four 2017 Ford Police Interceptor SUVs through an authorized vendor under the Cranford Township Cooperative, #47-CPCPS State of New Jersey approved cooperative; 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, Beyer Ford has been awarded Cranford Township Cooperative #47-CPCPS, for this vehicle; and,

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

WHEREAS, the cost of the vehicles shall not exceed \$28,596.75 for one unmarked vehicle and \$84,107.25 for three marked vehicles; and,

WHEREAS, funds for this purpose are available through Ordinance No. 15-34 and the 2017 municipal budget and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the purchase of a four 2017 Ford Police Interceptor SUVs for the Police Department through the Cranford Cooperative, #47-CPCPS, State of New Jersey approved cooperative, be and is hereby authorized at an amount not to exceed \$28,596.75 for one unmarked vehicle and \$84,107.25 for three marked vehicles; and,

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

RESOLUTION #17-276 – 6/12/17

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	\$720,045.07
GRANT FUND	25,028.56
TRUST FUND	77,937.22
GENERAL CAPITAL FUND	699,374.32
SEWER OPERATING FUND	1,051,192.24
SEWER CAPITAL FUND	16,402.42
MARINA OPERATING FUND	10,329.48
LIBRARY TRUST	687.09
BILL LIST TOTAL	\$2,600,996.40

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