

TOWNSHIP COMMITTEE MEETING – SEPTEMBER 9, 2019

Mayor Rizzo called the meeting to order at 6:00 p.m. and requested the Clerk to call the roll. The following members were present: Dr. Michael Brantley, Robert Lane, Jr., Kevin B. McMillan, Nicholas Williams, and Mayor Carol Rizzo.

Also present at the dais were Richard J. Cuttrell, Municipal Clerk; Vito D. Gadaleta, Business Administrator; and Gene Anthony, Township Attorney.

Mayor Rizzo announced 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 and The Coaster on January 3, 2019, posting the notice on the Board in the Municipal Complex, and filing a copy of said notice with the Municipal Clerk.

The following items were discussed in open session:

Mr. McMillan announced that Pastor David Harrington passed away and services will be held on September 14th.

Mr. Lane announced the passing of the owner of Jody's Fish Market.

Mr. McMillan and Mayor Rizzo received a concern from a resident about health impacts regarding installation of the 5G network. The Mayor stated that studies show 5G has no health impacts and, in any event, this would be a federal and state issue to review.

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

Mr. Lane offered the following resolution, moved and seconded by Mr. McMillan, that it be adopted:

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

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

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

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

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

- Contract negotiations – OGNED Redevelopment Agreement
- Contract negotiations – BAW Conditional Redevelopment Agreement
- Litigation – Update on pending litigation
- Contract negotiations – Process and procedures for potential redevelopers

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.

The resolution was adopted on the following vote: Brantley, aye; Lane, aye; McMillan, aye; Williams, aye; and Rizzo, aye.

The Committee entered executive session for discussion on closed session matters.

Mr. McMillan requested information on the process for potential redevelopers. Mr. Gadaleta stated that there is a pre-submission form which is reviewed by internal Township staff for conformance with the appropriate Redevelopment Plan. If the proposal is deemed viable, a \$10,000 escrow deposit is requested and a meeting is scheduled with the full Redevelopment Committee.

Mr. Gadaleta updated the Committee on medical marijuana. He has met with several groups and multiple sites were ruled out because of proximity to a school. At this time, no one knows if additional licenses will be granted by the State.

Mr. Gadaleta was asked to contact the Parking Consultant, who served as a Consultant to the former Parking Committee, and request that he revise his proposal for services moving forward and provide options that the Committee can consider.

Mr. Gadaleta stated that information on the Township's Housing Rehabilitation Plan, to be administered by the Affordable Housing Alliance, will be rolled out over the next month. There is currently \$1.2 million in the Township's COAH Trust Fund.

Mr. Anthony is working through estate and title issues in regards to the property offered to the Township as a donation located within the Garden State Hi Tech Park Redevelopment Zone.

The Committee returned to the Meeting Room for the regular portion of the meeting.

Mayor Rizzo called the meeting to order and requested the Clerk to call the roll. The following members were present: Dr. Michael Brantley, Robert Lane, Jr., Kevin B. McMillan, Nicholas Williams, and Mayor Carol Rizzo.

Also present at the dais were Richard J. Cuttrell, Municipal Clerk; Vito D. Gadaleta, Business Administrator; Gene Anthony, Township Attorney; and Joanne Vos, Redevelopment Attorney.

After a moment of Silent Prayer and the Flag Salute, the Mayor asked the Clerk to indicate the fire exits.

The Clerk stated, "Fire exits are located in the rear of the room and to my right. In case of fire you will be notified by bell and or public address system, then proceed to the nearest smoke-free exit"

Mayor Rizzo announced 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 and The Coaster on January 3, 2019, 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

Mr. McMillan offered a motion, seconded by Mr. Lane, to approve the minutes of the meeting held on August 12th. All were in favor.

PROCLAMATION –PATRIOTS WEEK

The Mayor presented a joint proclamation with the local Elks Lodge designating the week of September 9th as Patriots Week in the Township of Neptune. Roberta Lerner, representing the Asbury Park-Wall Elks Lodge #128 was present and read the proclamation.

COMMENTS FROM THE DAIS

Mr. Williams stated that the marina season is winding down and boats are starting to come out of the water for winter storage. He is awaiting the Police Department's 3rd quarter report but crime continues to go down due to the new police schedule. He attended the first responder drill on September 5th and the first Neptune High School football game of the season which was a close loss to Long Branch.

Dr. Brantley stated that the Police Committee is meeting regularly and is completing a review of the promotional policy. The Public Works Department is preparing for the start of leaf season. Mr. Gadaleta was asked to contact the Parking Consultant and narrow down the focus of the analysis and review of parking in Ocean Grove

Mr. McMillan attended the first responder drill and the various agencies that responded showed that Neptune is able to respond to any type of emergency. He also attended the Ocean Grove Homeowners Association meeting.

Mr. Lane attended the Ocean Grove Homeowners Association breakfast/meeting and the back pack outreach events where back pack were given to local children. He attended the first responder drill and it was great to see the various agencies working together. He stated that Neptune Day will be on September 14th from Noon to 5pm and all rides are free. He attended the

Senior Volunteer Luncheon where many were recognized for a lot of volunteer hours. Finally, American Legion Post #346 will conduct a ceremony to recognize the anniversary of the 9-11 terrorist attacks at 7:00 p.m.

Mayor Rizzo stated that 82 back packs filled with supplies were donated to local youth. The community got involved in this initiative and donated supplies which allowed this to happen. Neptune Day will be celebrated on September 14th with a carnival company and rides. Hackensack Meridian will have a "health lane" with all types of information and displays. She met with the Garden State Insurance Fund and was advised that they are doing well financially. They discussed areas in which they can help with training. She attended the Senior Volunteer Luncheon and announced that the Township received a bus for the Senior Center from County. She thanked the Monmouth County Freeholders and Mr. Gadaleta for their efforts in making this happen.

PUBLIC HEARING – APPLICATION TO MONMOUTH COUNTY MUNICIPAL OPEN SPACE PROGRAM

Leanne Hoffmann distributed and presented the Township's application to the Township Committee. She stated that the Township typically applies each year for acquisition or development of open space. Recently, this program has provided funding to replace a portion of the Wesley Lake wall, improve various parks, improve Jumping Brook ballfields and Loffredo fields, install a walking/jogging track at Sunshine Village fields, and most recently install a skate park at Sunshine Village.

Ms. Hoffmann stated the Sunshine Village Complex is in need of additional work and usable field space. Many people utilize the complex with multiple uses and activities taking place. There are complaints that there are not enough fields to handle the demand. The application proposes to utilize an area that is cleared and improve it into two large fields and two small fields which could be used for a variety of sports activities. The project would include grading, irrigation, draining improvements, adding soil, seeding, and adding a berm between the new fields and the residential area outside of the park. The project meets the goals and needs of the Township and County Master Plans and would improve availability and maintenance of the recreational fields. The project cost is \$497,268 and the application seeks \$250,000 in funding. The announcement of funding by the County would occur in the 1st half of 2020 and the project would be complete by June, 2021. Mr. Gadaleta added that this would also allow the existing soccer fields to be rested and repaired.

The Mayor opened the public hearing on the application.

Ginger Meyer, 102 Mt. Carmel Way, asked for the size of the property. Ms. Hoffmann stated that the park is 21.8 acres in total and the lane to be improved is 2 to 3 acres of that total.

Scott Imbriaco, 348 Woodmere Avenue, stated that the Neptune Soccer Association is in total agreement and supports this project. He is optimistic that the Committee will include a capital budget for all fields in the Township because they are a reflection on the Township. Mr. Imbriaco stated he is little disappointed that the project will not occur until 2021. He asked if the project would proceed if the Township does not get the grant. Mr. Gadaleta stated that the Township is optimistic that we will receive funding, but if not, the Township Committee will have to decide.

Jack Bredin, 94 ½ Heck Avenue, stated that Leanne Hoffmann has a good track record in obtaining funding for projects. We are in one of the most populated areas in the most populated state, so this is a good investment.

Ms. Hoffmann stated that currently the land is packed and compressed that aeration will not help. The important thing is top soil, seeding and irrigation for grass to take hold.

Mr. McMillan offered a motion, seconded by Mr. Lane, to close the public hearing on the grant application. All were in favor.

AUTHORIZE APPLICATION TO THE MONMOUTH COUNTY MUNICIPAL OPEN SPACE PROGRAM

Mr. McMillan offered the following resolution, moved and seconded by Dr. Brantley, that it be adopted:

WHEREAS, the Monmouth County Board of Chosen Freeholders has approved an Open Space Trust Fund and established a Municipal Open Space Program to provide Program Grant funds in connection with municipal acquisition of lands for County park, recreation, conservation and

farmland preservation purposes, as well as for County recreation and conservation development and maintenance purposes; and,

WHEREAS, the Governing Body of the Township of Neptune desires to obtain County Open Space Trust Funds in the amount of \$250,000.00 to fund the project known as "Improvements to Sunshine Village Soccer Fields" located at 10 Pine Drive, also known as Block 1807, Lot 2; and,

WHEREAS, the total cost of the project including all matching funds is \$497,268.00; and,

WHEREAS, the Township of Neptune is the owner of and controls the project site,

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

1. Michael J. Bascom, Chief Financial Officer, or his successor, is authorized to (a) make an application to the County of Monmouth for Open Space Trust Funds, (b) provide additional application information and furnish such documents as may be required for the Municipal Open Space Grants Program and (c) act as the municipal contact person and correspondent of the above named municipality; and
2. The Township of Neptune is committed to this project and will provide the balance of funding necessary to complete the project as described in the grant application in the form of non-county matching funds as required in the Policy and Procedures Manual for the Program; and
3. If the County of Monmouth determines that the application is complete and in conformance with the Monmouth County Municipal Open Space Program and the Policy and Procedures Manual for the Municipal Grants Program adopted thereto, the municipality is willing to use the approved Open Space Trust Funds in accordance with such policies and procedures, and applicable federal, state, and local government rules, regulations and statutes thereto; and
4. Michael J. Bascom, Chief Financial Officer, or his successor, is hereby authorized to sign and execute any required documents, agreements, and amendments thereto with the County of Monmouth for the approved Open Space Trust Funds; and
5. This resolution shall take effect immediately.

The resolution was adopted on the following vote: Brantley, aye; Lane, aye; McMillan, aye; Williams, aye; and Rizzo, aye.

BUSINESS ADMINISTRATOR'S REPORT

Mr. Gadaleta stated that he will focus his report on the Ocean Grove North End Redevelopment Project.

There has been much discussion, conjecture and rhetoric regarding this project and the process followed by the Township. In 2008 the Township Committee adopted the Ocean Grove North End Redevelopment Plan setting forth provisions for the redevelopment of the parcels in an area determined to be in Need of Redevelopment. The parcels in question are privately owned by the Ocean Grove Camp Meeting Association. No Township owned land is included in the redevelopment area. There are no PILOT Agreements or Tax Abatements proposed or approved for this redevelopment. There is only one potential redeveloper for this project under a lease agreement between OGNED and the OGCMA.

The current Township Committee set forth a process for consideration of a redevelopment agreement by creating a Redevelopment Committee comprised of two members of the Township Committee, the Business Administrator, Chief Financial Officer, Township Engineer, Township Planner and Township Land Use Administrator. The Township Committee also appointed a Redevelopment Law Firm, Maraziti Falcon, represented this evening by Joanne Vos.

Nearly 17 months ago, the Redevelopment Committee began the process of vetting out OGNED as a potential redeveloper. On November 26, 2018, the Township Committee adopted Resolution #18-395 authorizing the execution of a Conditional Designation and Interim Cost Agreement with OGNED that designated OGNED as the Conditional Redeveloper of the land located in the designated redevelopment area. During this 17 month period the Redevelopment Committee has worked with OGNED to formalize the Redevelopment Agreement and the project plan to insure compliance with the adopted Redevelopment Plan.

Tonight, after all of these months, the Redevelopment Committee has presented to the full Township Committee a Redevelopment Agreement for their consideration.

Many believe that the adoption of the Redevelopment Agreement is the final action regarding the redevelopment of the North End site. In fact, the Redevelopment Agreement is but the first step in this process. Without the formalized, approved Redevelopment Agreement there is no further process.

If approved by the Township Committee, the Redevelopment Agreement, once executed, will permit OGNED to submit their formal application and plans to the Township Planning Board, followed by submission to the Historic Preservation Committee. During these application processes the public will have the opportunity to fully vet out the project and present questions and testimony before the Planning Board and HPC. Tonight does not end the process, rather it allows the process to begin.

Finally, he stated that many in the audience tonight will have questions for the Township Committee and we will try and address those questions to the best of our ability.

PUBLIC COMMENTS ON RESOLUTIONS

Joyce Klein, 105 Mt. Carmel Way, spoke in regards to the resolution authorizing execution of a Redevelopment Agreement. She stated that she filed multiple OPRA requests in regards to the Agreement and believes the Redevelopment Committee did their due diligence. There is a net loss of 3 parking spaces as a result of the project. The Redevelopment Agreement states that any spaces lost will be replaced by the project and she wants to make sure those spots are replaced. Mr. Gadaleta stated that this is a concept plan and will be vetted by the Engineering Department. There are 140 parking spaces provided in plan both underground and on the surface.

Eileen Michaels, 15 Seaview Avenue, spoke in regards to the resolution authorizing execution of a Redevelopment Agreement. She stated that she is concerned about safety and the risk of fire. She asked for assurances that she and her family will be protected.

Dr. Brantley left the room.

Jack Bredin, 94 ½ Heck Avenue, spoke in regards to the resolution authorizing execution of a Redevelopment Agreement. He stated that the North End Redevelopment Plan requires things of the Developer that shall be done to ensure successful completion of the project. The resolution stated that the CFO reviewed the financials as may be necessary to implement the project. The word "shall" was replaced with the word "may". This is a fraud because the proper surety is not being posted. Joanne Vos, Redevelopment Attorney, responded that the information was vetted and there are substantial funds. The surety will be at the Planning Board level and the project schedule states that it will take 3 years to build after the first date of construction.

Dr. Brantley returned.

Hank Coakley, Valley Road, spoke in regards to the resolution authorizing execution of a Redevelopment Agreement. He asked about flooding of the underground parking area and how many feet the parking is above flood level. Mr. Gadaleta stated that this will be vetted out by the engineers through the planning process.

Gerard Yosca, 15 Surf Avenue, spoke in regards to the resolution authorizing execution of a Redevelopment Agreement. He stated that the area is not accessible and there are no clear thoroughfares. Ocean Avenue is busy in the summer months and this will endanger the residents of the neighborhood. He asked that this be included in the review of the project. Ms. Vos stated that a Traffic Impact Study will be vetted out. The truck route is Exhibit D of the plan. Mr. Gadaleta stated that the site had a 250 room hotel at one time and this project is much less dense.

Dr. Brantley added that these types of questions will be dealt with by the Planning Board.

Diane Stiles, 5 Seaview Avenue, spoke in regards to the resolution authorizing execution of a Redevelopment Agreement. She stated that she has lived on Seaview Avenue for 71 years and is concerned about fire. When the hotel and development was on the site years ago, people came for the season by bus or train. You cannot compare the past to now because everyone brings a car. This project will impact the residents of the area.

Joan Venezia, 107 Mt. Hermon Way, spoke in regards to the resolution authorizing execution of a Redevelopment Agreement. She asked where the construction material will be stored. She

suggested monthly status reports as construction is taking place, an employee parking shuttle, and a nice screen around the lot similar to what was done in Asbury Park. She asked that the screen be done now because the lot is unsightly in its present state. Finally, she asked if the North End pavilion area, known as 4 Boardwalk, is part of the plan, and if the sand sifting at that location was done after the fire. Mr. Gadaleta stated that the construction equipment will be stored on-site. The project will now go before the Planning Board and then the Historic Preservation Commission. A traffic study will be submitted to the Planning Board. 4 Boardwalk is not a part of this plan and the Township has not received a pre-submission plan for 4 Boardwalk. The sand sifting requirement is being handled by the NJDEP.

Cindy Stiles, 5 Seaview Avenue, spoke in regards to the resolution authorizing execution of a Redevelopment Agreement. She asked if the traffic study would be done in the summer or the winter. She stated that dump trucks will have to travel down the middle of the road on Ocean Avenue and Main Avenue. This project works for the builders but not the town. Ms. Vos stated that the traffic study and a construction traffic plan will be submitted to the Planning Board.

Ginger Meyer, 102 Mt. Carmel Way, spoke in regards to the resolution authorizing execution of a Redevelopment Agreement. She asked why a hotel would be built for others and stated something should be done for the residents. Mr. Gadaleta stated that the property is owned by the Ocean Grove Camp Meeting Association and the Redevelopment Plan sets forth how the property can be used. The current plan submitted by OGNED is less dense than the Redevelopment Plan allows. Ms. Vos stated that an Open Space Plan exists in the project. The project also provides for a waterfront promenade open to the public 24 hours a day, repair and maintenance of the Wesley Lake wall at a cost of about \$1 million and the repair of the public parking at the North End triangle at a cost of approximately \$200,000.

Francis Devlin, 39 Olin Street, spoke in regards to the resolution authorizing execution of a Redevelopment Agreement. He asked if there is a truck tonnage limit on Ocean Grove streets and if there is a provision for the repair of road surfaces due to the construction. Mr. Gadaleta stated there are no weight limits and that such a provision for road damage can be discussed with the Redeveloper.

ORDINANCE NO. 19-24 - ADOPTED

Mr. Lane offered the following ordinance, moved and seconded by Mr. McMillan, that it be adopted:

ORDINANCE NO. 19-24

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING A RESIDENT ONLY HANDICAPPED PARKING ZONE ON PITMAN AVENUE

The Mayor requested comments on the above ordinance. There being no comments, she closed the public hearing.

The ordinance was adopted on the following vote: Brantley, aye; Lane, aye; McMillan, aye; Williams, aye; and Rizzo, aye.

ORDINANCE NO. 19-25 - APPROVED

Mr. Williams offered the following ordinance, moved and seconded by Mr. McMillan, that it be approved:

ORDINANCE NO. 19-25

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII, SECTION 7-7.10 OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY CLARIFYING THE PARKING RESTRICTIONS FOR COMMERCIAL VEHICLES ON PUBLIC STREETS

The ordinance was approved on the following vote: Brantley, aye; Lane, aye; McMillan, aye; Williams, aye; and Rizzo, aye.

ORDINANCE NO. 19-26 - APPROVED

Mr. Lane offered the following ordinance, moved and seconded by Dr. Brantley, that it be approved:

ORDINANCE NO. 19-26

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING A RESIDENT ONLY HANDICAPPED PARKING ZONE ON SPRAY AVENUE REMOVING A HANDICAPPED PARKING ZONE ON FRANKLIN AVENUE

The ordinance was approved on the following vote: Brantley, aye; Lane, aye; McMillan, aye; Williams, aye; and Rizzo, aye.

ORDINANCE NO. 19-27 - APPROVED

Mr. McMillan offered the following ordinance, moved and seconded by Dr. Brantley, that it be approved:

ORDINANCE NO. 19-27

BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO OXONIA AVENUE, BY AND IN THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$260,000 THEREFOR (INCLUSIVE OF A \$161,419 COMMUNITY DEVELOPMENT BLOCK GRANT) AND AUTHORIZING THE ISSUANCE OF \$93,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

The ordinance was approved on the following vote: Brantley, aye; Lane, aye; McMillan, aye; Williams, aye; and Rizzo, aye.

ORDINANCE NO. 19-28 - APPROVED

Mr. Lane offered the following ordinance, moved and seconded by Dr. Brantley, that it be approved:

ORDINANCE NO. 19-28

BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO THE TOWNSHIP MUNICIPAL COMPLEX, BY AND IN THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$200,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$190,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

The ordinance was approved on the following vote: Brantley, aye; Lane, aye; McMillan, aye; Williams, aye; and Rizzo, aye.

ORDINANCE NO. 19-29 - APPROVED

Mr. McMillan offered the following ordinance, moved and seconded by Mr. Williams, that it be approved:

ORDINANCE NO. 19-29

BOND ORDINANCE PROVIDING FOR VARIOUS DRAINAGE IMPROVEMENTS, BY AND IN THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$150,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$142,500 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

The ordinance was approved on the following vote: Brantley, aye; Lane, aye; McMillan, aye; Williams, aye; and Rizzo, aye.

ORDINANCE NO. 19-30 - APPROVED

Mr. McMillan offered the following ordinance, moved and seconded by Dr. Brantley, that it be approved:

ORDINANCE NO. 19-30

BOND ORDINANCE PROVIDING FOR PHASE II (GENERAL) OF THE PUBLIC WORKS FACILITY IMPROVEMENT PROGRAM, 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

The ordinance was approved on the following vote: Brantley, aye; Lane, aye; McMillan, aye; Williams, aye; and Rizzo, aye.

ORDINANCE NO. 19-31 - APPROVED

Mr. Lane offered the following ordinance, moved and seconded by Dr. Brantley, that it be approved:

ORDINANCE NO. 19-31

BOND ORDINANCE PROVIDING FOR PHASE II (SEWER UTILITY) OF THE PUBLIC WORKS FACILITY IMPROVEMENT PROGRAM, 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

The ordinance was approved on the following vote: Brantley, aye; Lane, aye; McMillan, aye; Williams, aye; and Rizzo, aye.

ORDINANCE NO. 19-32 - APPROVED

Mr. McMillan offered the following ordinance, moved and seconded by Mr. Lane, that it be approved:

ORDINANCE NO. 19-32

BOND ORDINANCE PROVIDING FOR THE REPLACEMENT OF VARIOUS SEWER FORCE MAINS AND LINES, PHASE V OF THE GABLES AREA SEWER LINE REPLACEMENT PROJECT AND THE REPLACEMENT OF THE SANITARY SEWER SYSTEM INFRASTRUCTURE, 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

The ordinance was approved on the following vote: Brantley, aye; Lane, aye; McMillan, aye; Williams, aye; and Rizzo, aye.

Mr. Cuttrell stated that the Public Hearings on Ordinances 19-25 through 19-32 will be held on Monday, September 23, 2019.

CONSENT AGENDA

Dr. Brantley offered the following resolutions of the Consent Agenda, moved and seconded by Mr. McMillan, that they be adopted:

ACCEPT THE RESIGNATION OF LOUIS ESPOSITO AS A SPECIAL LAW ENFORCEMENT OFFICER (SCHOOL RESOURCE OFFICER) IN THE POLICE DEPARTMENT

WHEREAS, the Chief of Police has received a letter from Louis Esposito resigning as a Special Law Enforcement Officer (School Resource Officer) in the Police Department effective August 9, 2019,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Louis Esposito as a Special Law Enforcement Officer (School Resource Officer) in the Police Department is hereby accepted effective August 9, 2019; and,

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

ACCEPT THE RESIGNATION OF GEORGE CORBIN AS A SPECIAL LAW ENFORCEMENT OFFICER (SCHOOL RESOURCE OFFICER) IN THE POLICE DEPARTMENT

WHEREAS, the Chief of Police has received a letter from George Corbin resigning as a Special Law Enforcement Officer (School Resource Officer) in the Police Department effective August 16, 2019,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of George Corbin as a Special Law Enforcement Officer (School Resource Officer) in the Police Department is hereby accepted effective August 16, 2019; and,

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

PLACE LIEN ON VARIOUS PROPERTIES

WHEREAS, Ordinance #843 of the Township of Neptune states that where a violation or condition exists on any property in the Township of Neptune that is of such a nature as to constitute an immediate threat to life, health, safety and the well being of residents in this township unless abated without delay, the Code Enforcement Supervisor may abate the violation or condition immediately or order the owner, operator or occupant to correct the violation or condition within a three-day period; and

WHEREAS, the Code Enforcement Supervisor determined that the condition of the properties listed below constituted such a threat; and,

WHEREAS, the Code Enforcement Supervisor has notified the Township Committee of the Township of Neptune that the owners of said property have failed to correct the condition/violation as ordered; and

WHEREAS, the Code Enforcement Supervisor has had the condition corrected in accordance with Article IV, Section 6.2 (a) of Ordinance #843 at a total cost as indicated below,

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

<u>BLOCK/LOT</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
904/7	2012 West Bangs Avenue	765.00
1003/3	121 Highway 35 N	1,939.75
2307/4	9 East Shadowlawn Drive	305.00
2201/46	2831 West Bangs Avenue	614.40
504/16	45 Ridge Avenue	744.40
412/18	511 Atkins Avenue	744.40
2803/42	524 Woolley Drive	260.00
906/14	1929 Milton Avenue	685.00
605/15	213 Myrtle Avenue	205.00
149/8	64 Mt. Tabor Way	270.00
607/24	418 Fisher Avenue	499.90

BE IT FURTHER RESOLVED, that a copy of this resolution along with the Code Enforcement Supervisor's report be forwarded to the Tax Collector.

AUTHORIZE CHANGE ORDER #1 (FINAL) IN CONNECTION WITH THE REPLACEMENT OF

BULKHEAD AT THE WEST END OF FLETCHER LAKE

WHEREAS, a contract was awarded to Compass Construction, Inc. in the amount of \$459,222.00 in connection with the replacement of the bulkhead at the west end of Fletcher Lake; and,

WHEREAS, a change to the contract has been experienced as a result of final as-built quantities at project closeout; and,

WHEREAS, this change has been approved by the Township Engineering Consultant,

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 (final) in the contract with Compass Construction, Inc. in connection with the replacement of the bulkhead at the west end of Fletcher Lake resulting in a net decrease of \$20,038.00 revising the total contract amount to \$439,184.00; 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.

RELEASE ALL SURETY BONDS AND DEVELOPERS ESCROW FOR SITE IMPROVEMENTS AT SHARK RIVER BEACH & YACHT CLUB ON SOUTH RIVERSIDE DRIVE

WHEREAS, Shark River Beach & Yacht Club posted a cash maintenance bond in the amount of \$7,866.00, guaranteeing the maintenance of site improvements for two years at the Shark River Beach & Yacht Club located on South Riverside Drive (Block 5322, Lot 4); and,

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

WHEREAS, on August 13, 2019, the Township Engineer certified that all site work has been completed and said maintenance bond may be released,

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

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

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

ACCEPT THE RESIGNATION OF FELECE WEEDON AS A SCHOOL CROSSING GUARD

WHEREAS, the Chief of Police has received a letter from Felece Weedon resigning as a School Crossing Guard effective August 21, 2019,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Felece Weedon as a School Crossing Guard is hereby accepted effective August 21, 2019; and,

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

ACCEPT THE RESIGNATION OF SANDRA PETERSEN AS ADMINISTRATIVE ASSISTANT TO THE CHIEF FINANCIAL OFFICER

WHEREAS, the Chief Financial Officer has received a letter from Sandra Petersen resigning as Administrative Assistant to the Chief Financial Officer in the Finance Department effective September 15, 2019,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Sandra Petersen as Administrative Assistant to the Chief Financial Officer in the Finance Department is hereby accepted effective September 15, 2019; 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.

AUTHORIZE THE PURCHASE OF LAW ENFORCEMENT FIREARMS EQUIPMENT AND SUPPLIES THROUGH THE STATE COOPERATIVE PURCHASING PROGRAM

WHEREAS, the Police Department has recommended the purchase of firearms equipment and supplies through an authorized vendor under the State of New Jersey Cooperative Purchasing Program 1-NJCP; and,

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

WHEREAS, Eagle Point Firearms/T.J. Morris & Sons has been awarded New Jersey State Contract No. 17-Fleet-00721 for this equipment; and,

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

WHEREAS, the cost of the equipment shall not exceed \$21,000.00; and,

WHEREAS, funds for this purpose are available in the 2019 municipal budget in the appropriation entitled Police 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 law enforcement firearms equipment and supplies through New Jersey Cooperative Purchasing Program Contract No. 17-Fleet-00721 be and is hereby authorized at an amount not to exceed \$21,000.00; and,

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

AUTHORIZE TOWNSHIP ENGINEERING CONSULTANT TO PERFORM ENGINEERING SERVICES FOR NORTH RIVERSIDE DRIVE ROADWAY IMPROVEMENTS

WHEREAS, the Township of Neptune desires to undertake a project to mill and pave North Riverside Drive between Lakewood Avenue and Brighton Avenue including intersection improvements at Westwood Place; and,

WHEREAS, it is necessary for a Township Engineer Consultant from the approved list of 2019 Engineering Consultants appointed via Request for Proposals to perform professional engineering services including preparation of design, plans, specifications, permitting, and construction administration in connection with this project; and,

WHEREAS, the Township Engineer has solicited quotes from the Consultant pool and CME Associates has submitted the lowest cost proposal; and,

WHEREAS, funds for this purpose will be provided in Ordinance No. 18-19, as amended by Ordinance No. 19-10, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes CME Associates to perform the services as stated herein as Township Engineering Consultant at an amount not to exceed \$54,400.00; and,

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

RECLASSIFY EMPLOYEE TO THE POSITION OF PART-TIME KITCHEN AIDE IN THE SENIOR CENTER

WHEREAS, the Senior Center Director has indicated a need for a part-time Kitchen Aide at the Senior Center; and,

WHEREAS, the Senior Center Director and Human Resources Director have made a recommendation to reclassify an existing School Crossing Guard, who has worked as a Kitchen Aide during the summer months, to said position; and,

WHEREAS, funds will be provided in the 2019 Municipal Budget in the appropriation entitled Senior Citizens Programs 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 Carol McDonald be and is hereby reclassified to the position of part-time Kitchen Aide in the Senior Center at an hourly rate of \$15.76; and,

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

AUTHORIZE THE CANCELLATION OF A MORTGAGE IN CONNECTION WITH A FAÇADE IMPROVEMENT PROGRAM LOAN ISSUED TO 1700 ASBURY AVENUE, LLC D/B/A F&C AUTOMOTIVE (1700 ASBURY AVENUE)

WHEREAS, the Township of Neptune holds a mortgage dated September 1, 2014 in connection with a Façade Improvement Program Loan issued to 1700 Asbury Avenue, LLC d/b/a/ F&C Automotive at 1700 Asbury Avenue; and,

WHEREAS, the loan has been paid in full and the façade has been maintained for the required five year period; and;

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

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Mayor and Clerk be and they are hereby authorized to execute a cancellation of mortgage in connection with the Façade Improvement Program Loan issued to 1700 Asbury Avenue, LLC d/b/a/ F&C Automotive at 1700 Asbury Avenue; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Secretary to the Economic Development Corporation.

ACCEPT THE RESIGNATION OF JOSEPH SICILIANO AS A SPECIAL LAW ENFORCEMENT OFFICER – CLASS II IN THE POLICE DEPARTMENT

WHEREAS, the Chief of Police has received a letter from Joseph Siciliano resigning as a Special Law Enforcement Officer – Class II in the Police Department effective September 5, 2019,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Joseph Siciliano as a Special Law Enforcement Officer - Class II in the Police Department is hereby accepted effective September 5, 2019; and,

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

RELEASE ALL SURETY BONDS AND DEVELOPERS ESCROW FILED BY OMNI CENTRE CONDOMINIUM ASSOCIATION FOR SITE IMPROVEMENTS AT THE OMNI CENTRE, 1900 CORLIES AVENUE

WHEREAS, Omni Centre Condominium Association filed a cash maintenance bond in the amount of \$4,068.00, guaranteeing the maintenance of site improvements for two years at the Omni Centre, 1900 Corlies Avenue; and,

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

WHEREAS, on August 29, 2019, the Township Engineer certified that all site work has been completed and said maintenance bond may be released,

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

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

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

AUTHORIZE AN AMENDMENT TO THE 2019 MUNICIPAL BUDGET TO REALIZE MONIES FROM THE MONMOUTH COUNTY OFFICE ON AGING

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 addition of an item of revenue in the budget for the year 2019 in the sum of \$6,492.00 which is now available from the Monmouth County Office on Aging FY19 Title IIIB Older Americans Act grant in the additional amount of \$6,492.00; and,

BE IT FURTHER RESOLVED that the like additional sum of \$6,492.00 is hereby appropriated under the caption of Senior Citizens Program – Title III; and,

BE IF FURTHER RESOLVED, that the above is the result of additional funds from the Monmouth County Office on Aging FY19 Title IIIB funding Older Americans Act grant in the amount of \$6,492.00; 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.

AUTHORIZE INSTALLATION OF SIDEWALK AND DRIVEWAY APRON AT SUNSHINE VILLAGE SKATEPARK

WHEREAS, the Township Engineer solicited quotes for the installation of concrete sidewalk and driveway apron at Sunshine Village Skatepark; 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 Township Engineer and 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 Ordinance No. 15-40, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Earle Asphalt Companies be and is hereby authorized to install concrete sidewalk and driveway apron at Sunshine Village Skatepark pursuant to their quote of \$32,145.00; and,

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

EMPLOY SPECIAL LAW ENFORCEMENT OFFICERS – CLASS II IN THE POLICE DEPARTMENT ON A PART-TIME BASIS

WHEREAS, there is a need for Special Law Enforcement Officers – Class II in the Police Department on a part-time hourly basis; and,

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

WHEREAS, the Chief of Police and Police Committee have made their recommendations; and,

WHEREAS, funds for this purpose are available in the 2019 municipal budget in the appropriation entitled Police S&W and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the following individuals be and are hereby employed as part-time Special Law Enforcement Officers - Class II, and to perform such other duties as prescribed by the Chief of Police, contingent upon successful completion of a background investigation and medical evaluation, at an hourly rate of \$21.01, effective immediately:

Cadell Kennedy
William Tartis

Tiffany Brahn
John Flannigan

Michael Montenegro
Noah DeFazio

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

The resolutions of the Consent Agenda were adopted on the following vote: Brantley, aye; Lane, aye; McMillan, aye; Williams, aye; and Rizzo, aye.

AWARD BID FOR HECK AVENUE ROADWAY IMPROVEMENTS

Mr. Lane offered the following resolution, moved and seconded by Mr. Williams, that it be adopted:

WHEREAS, on August 22, 2019, the Township Engineer received bids for the award of a contract for Heck Avenue Roadway Improvements; and,

WHEREAS, said bids were reviewed by the Township Engineering Consultant and Township Attorney who have recommended that the bid be awarded to the lowest bid submitted by Fernandes Construction, Inc.; and,

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

WHEREAS, a Transportation Trust Fund grant has been awarded to the Township for this project and the award of this contract is contingent upon approval by the New Jersey Department of Transportation; and,

WHEREAS, funds for this purpose will be provided in Ordinance No. 18-11 and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that a contract be awarded to Fernandes Construction, Inc. on their lowest responsible of \$326,337.99 for Heck Avenue Roadway Improvements; and,

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

The resolution was adopted on the following vote: Brantley, aye; Lane, aye; McMillan, aye; Williams, aye; and Rizzo, aye.

AUTHORIZE THE EXECUTION OF A REDEVELOPMENT AGREEMENT WITH OG NORTH END DEVELOPMENT, LLC, PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1, ET SEQ.

Dr. Brantley offered the following resolution, moved and seconded by Mr. Williams, that it be adopted:

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., as amended and supplemented (the "Act"), provides a process for municipalities to participate in the redevelopment and improvement of areas designated as areas in need of redevelopment or as areas in need of rehabilitation; and

WHEREAS, Resolution #18-395, adopted by the Township Committee on November 26, 2018, authorized execution of a Conditional Designation and Interim Cost Agreement (the "Agreement") with OG North End Development, LLC (OGNED) which Agreement named OGNED as the Conditional Redeveloper of the North End Project Site as defined therein; and

WHEREAS, the Township desires that the land located in an area which has been determined to be an area in need of redevelopment in accordance with the Act (the "Redevelopment

Area”), currently designated on the Tax Map of the Township of Neptune as Block 1.01, Lots 3 and 4 and a portion of Lot 2 that is more commonly known as “North End”, as same is set forth on the draft survey dated July 22, 2015 and prepared by Gallas Surveying Group, a copy of which is attached to the Redevelopment Agreement, as that term is defined herein, (the “Project Site”), be redeveloped in accordance with the Ocean Grove North End Redevelopment Plan (the “Redevelopment Plan”); and

WHEREAS, capitalized terms not otherwise defined herein shall have the meaning set forth in the Redevelopment Agreement; and

WHEREAS, the Project Site, which comprises approximately three (3) acres, is owned by the Ocean Grove Camp Meeting Association (“CMA”); and

WHEREAS, on or about May 17, 2018, OGNED submitted a Pre-Submission Form to the Township’s Redevelopment Committee seeking to be designated as the Redeveloper of the Project Site; and

WHEREAS, following certain preliminary reviews, in November 2018, OGNED submitted an updated Pre-Submission Form, a copy of which is available at the Town Hall, outlining its intention to redevelop the Project Site, together with a set of preliminary plans which were also submitted to the Township’s Historic Preservation Commission (“HPC”) for review; and

WHEREAS, OGNED is a joint venture entity which is comprised of MB2 Ocean Grove, LLC (“MB2”), an affiliate of MB1 Capital Partners, LLC (“MB1”), and Wesley Atlantic Village Enterprises, LLC (“WAVE”); and

WHEREAS, OGNED is the Optionee pursuant to an Option Agreement for the Long Term Lease of the Project Site with CMA, dated May 2, 2018 (the “Option Agreement”); and

WHEREAS, the Option Agreement provides OGNED with the option to enter into a long term lease for the Project Site in order for OGNED to redevelop the Project Site, subject to the Township’s approval; and

WHEREAS, upon the exercise of said option, OGNED and CMA will enter into a separate agreement in the form attached to the Option Agreement containing all of the terms and provisions for OGNED’s long term lease of the Project Site (the “Ground Lease Agreement”); and

WHEREAS, OGNED’s redevelopment proposal calls for, upon the exercise of the option pursuant to the Option Agreement, the implementation of a mixed use redevelopment project comprising, *inter alia*, two (2) buildings, the first of which will include a new, iconic Victorian boutique hotel containing no more than forty (40) rooms, a residential condominium building containing no more than thirty (30) 2-bedroom condominiums at market rate, and approximately 7,600 sq. ft. of boardwalk retail; a second building which will contain no more than nine (9) condominium units, of which six (6) will be 2-bedroom residential condominiums and three (3) will be 3-bedroom residential condominiums; as well as ten (10) 3-bedroom single family homes; additionally, no more than twenty (20) surface parking spaces, and no less than one hundred and forty (140) parking spaces within a subterranean parking structure will be provided; the creation or improvement of certain public open space such as a promenade along Wesley Lake and the preservation of view corridors along Spray Avenue through to Wesley Lake, all in accordance with, *inter alia*, the Redevelopment Plan and the terms and conditions of the Redevelopment Agreement (the “Project”); and

WHEREAS, the implementation of the Project will also result in the reconstruction of the Wesley Lake Retaining Wall and the improvement of the Municipal Parking Lot, in addition to the implementation of certain public amenities, at no cost to the Township, as well as the generation of approximately forty (40) hotel/retail/maintenance jobs and one hundred (100) construction jobs; and

WHEREAS, the Township’s Redevelopment Committee vetted the details comprising the Project and met with OGNED on several occasions to further discuss the Proposal and the implementation of the Redevelopment Plan, generally; and

WHEREAS, additionally, the Township’s Chief Financial Officer obtained and reviewed certain financial information from OGNED as well as the entities which comprise OGNED and determined that OGNED possesses the financial strength and capability to finance and/or obtain such financing as may be necessary to fully implement the Project in accordance with, *inter alia*, the Redevelopment Plan; and

WHEREAS, as authorized by Resolution No. 18-395 adopted by the Township Committee on November 26, 2018, the Township designated OGNED as the redeveloper of the Project Site conditioned upon the successful negotiation of a Redevelopment Agreement setting forth all the terms and conditions of the implementation of a redevelopment project upon the Project Site; and

WHEREAS, on or about December 7, 2018, also as authorized by Resolution No. 18-395 adopted by the Township Committee on November 26, 2018, the Township and OGNED entered into a Conditional Designation and Interim Cost Agreement (the "Conditional Designation Agreement") which, *inter alia*, required OGNED to reimburse all of the costs and fees incurred and to be incurred by the Township in connection with the review of the redevelopment proposal and the preparation and negotiation of the terms of a Redevelopment Agreement, among other such expenses; and

WHEREAS, as authorized by Resolution No. 19-186 adopted by the Township Committee on April 22, 2019, the Township authorized an extension of the term of the Conditional Designation Agreement, which term is currently in effect; and

WHEREAS, since then, the Township and the Redeveloper have engaged in extensive negotiations and the Township has determined that in furtherance of the Township's goals and objectives to implement the redevelopment contemplated in the Redevelopment Plan, it is in the Township's best interests to enter into this Agreement with OGNED being designated as the exclusive Redeveloper of the Project Site; and

WHEREAS, OGNED acknowledges and agrees that all uses to which the Project Site may be devoted are controlled by the Redevelopment Plan, the Redevelopment Agreement, and Governmental Approvals, as those terms are defined in the attached form of Redevelopment Agreement, and that under no circumstances shall the Redeveloper undertake any development or construction unless same is in accordance with the Redevelopment Plan, the Redevelopment Agreement and any Governmental Approvals, including but not limited to any approvals of the HPC; and

WHEREAS, the Township and the Redeveloper (collectively, the "Parties") desire to enter into the Redevelopment Agreement in substantially the form attached hereto, as well as the agreements related thereto which are attached to the Redevelopment Agreement, for the purpose of setting forth in greater detail their respective undertakings, rights and obligations in connection with the development and construction of the Project.

NOW, THEREFORE, it is hereby resolved by the Township Committee of Neptune as follows:

1. The Mayor or her designee is hereby authorized and directed to execute a Redevelopment Agreement between the Township of Neptune and OG North End Development, LLC ("OGNED") in substantially the form attached hereto as Attachment A, the execution of which and the authority to do so is expressly conditioned upon OGNED's payment of all Township Costs, including but not limited to, all legal and other professional fees incurred by the Township that may be due and owing, including those legal fees that have been incurred by the Township related to Open Public Records Act (OPRA) requests regarding the Project in any way.
2. The Mayor or her designee is hereby authorized and directed to execute a Public Access Easement Agreement between the Township of Neptune and OGNED in substantially the form attached hereto as Attachment B, subject to the terms above.
3. The Mayor or her designee is hereby authorized and directed to execute an Escrow Agreement for the executed Public Access Easement Agreement between the Township of Neptune, OGNED and the Escrow Agent in substantially the form attached hereto as Attachment C, subject to the terms above.
4. The Business Administrator and Staff of the Township of Neptune are hereby authorized and directed to take all actions as shall be deemed necessary or desirable to implement this Resolution.
5. This Resolution shall be effective immediately.

The resolution was adopted on the following vote: Brantley, aye, adding this is the first step; Lane, aye; McMillan, aye; Williams, aye, adding that this is just the beginning; and Rizzo, aye,

adding that she spent a lot of time reviewing this agreement.

AUTHORIZE THE PAYMENT OF BILLS

Mr. McMillan offered the following resolution, moved and seconded by Mr. Lane, that it be adopted:

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

CURRENT FUND	14,558,519.54
GRANT FUND	49,804.70
TRUST FUND	51,106.05
GENERAL CAPITAL FUND	3,048,767.65
SEWER OPERATING FUND	81,370.80
SEWER CAPITAL FUND	90,846.70
MARINA OPERATING FUND	22,374.83
MARINA CAPITAL FUND	515,710.00
UDAG TRUST	7,894.37
LIBRARY TRUST	646.78
BILL LIST TOTAL	\$18,427,041.42

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

The resolution was adopted on the following vote: Brantley, aye; Lane, aye; McMillan, aye; Williams, aye; and Rizzo, aye.

PRIVILEGE OF THE FLOOR/PUBLIC COMMENTS

Dan Corvall, 15 Schoolhouse Road, stated that his neighbor who had a medical emergency at the last Township Committee meeting, was doing well. He asked for an update on a weight restriction on Schoolhouse Road. Mr. Gadaleta stated that he is working on the issue. The NJDOT has to grant approval and the Township of Wall needs to be involved because the road is partially in Wall Township.

Vince MacGuire, 11 Williwow Drive, thanked the Committee for the streetlight that was installed by JCP&L on August 29th.

Joan Venezia, 107 Mt. Hermon Way, asked for the outcome of last meeting's discussion on Mr. Gadaleta's contract. The Mayor stated the resolution was pulled and Mr. Gadaleta will be staying next year.

Joyce Klein, 105 Mt. Hermon Way, asked for a timeframe on hiring the parking expert. Mr. Gadaleta stated that he has been directed to inform the Consultant to address specifics on the items the Township Committee wants to see.

Jacqueline Hogan, 1200 8th Avenue, stated that the property that was formerly Laurie's Farm Market has disintegrated into a mess of overgrowth with litter and an abandoned vehicle. The County Mosquito Commission came in did a report on the issues on property. Ms. Hogan stated that a lien has been placed on the property but questioned why it has not been placed on the abandoned property list. Mr. Anthony stated that he is familiar with the property and the problem is that the property is in a corporate name and the Township has been trying to find an executor or trustee of the estate. The matter has been in court for the past year and a half and there are

outstanding warrants but enforcement is difficult if a principal to the corporation cannot be located. Mr. Gadaleta stated that the Township cannot go on private property to remove a vehicle. The ownership information needs to be found in order to get the matter resolved.

Dianna Harris, Willow Drive, thanked the Committee for the street light and asked that curb repairs on Willow Drive be considered if grant monies become available. She asked for an update on the West Lake Avenue Redeveloper. Mr. Gadaleta responded that the Committee discussed the BAW Conditional Redevelopment Agreement in Executive Session and action may be taken at the next meeting. Ms. Harris stated a greenhouse is being built in Liberty Park and water and electric are needed. Mr. Gadaleta replied that the Township may be getting funds for the Park through a Foundation. Ms. Harris stated there is a problem with dumping at the Park. She asked that the Township owned property at Neptune Boulevard and Stratford Avenue be added to the Green Acres roster.

Hank Coakley, Valley Road, stated that the Township should have input on detour signs because the signage at West Bangs Avenue are not adequate. He stated the Governor caters to lawbreakers and ignores the legal taxpayers of the state. He stated that Neptune Boulevard should have two lanes available when entering off of Route 33.

Jack Bredin, 94 ½ Heck Avenue, stated that the North End Redevelopment Plan states that the Redevelopment Agreement shall contain certain things to ensure the completion of the project. The resolution adopted this evening says “may” instead of “shall” which puts the Township in jeopardy. The Planning Board will not go through the entire Plan again because it was already done by them years ago. Mr. Anthony stated the Redevelopment Agreement says the Redeveloper “shall” be responsible for various costs.

Rev. Edmund Lee, 12 Patricia Drive, stated there is a tree in front of his church that was placed through a tree planning program has snapped in half. He asked if the Township could replace the tree. Mr. Gadaleta stated that he will look into the possibility of replacement. Reverend Lee stated that there are truck tires dumped on the Township property at 1710 West Lake Avenue. He asked about redevelopment on West Lake Avenue to which Mr. Gadaleta responded that action may be taken at the next meeting.

Nancy Clarke, 47 Embury Avenue, stated that Mr. Coakley’s remarks about people in this country are reprehensible. She felt the need to speak up because she did not want her silence to be construed as agreement with his remarks.

Mr. McMillan offered a motion, seconded by Dr. Brantley to adjourn. All were in favor.

Richard J. Cuttrell,
Municipal Clerk