

TOWNSHIP COMMITTEE MEETING – NOVEMBER 25, 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:

The Committee discussed a hospitality tax ordinance. Mr. Anthony stated that he prepared a draft ordinance. Recent state legislation has expanded the applicability of the existing hotel and motel tax to also include transient which is homeowners who utilize the market place to rent their homes. If someone rents out space in their owner occupied home without using the market place, relator, or a property manager, the tax would not apply. The Mayor stated that this would generate over \$300,000 in annual income to the Township. Dr. Brantley stated that he wants more time to research the ordinance. His concern is loopholes such as a hotel saying that they rent on their own without using the market place. The Mayor stated that the exclusion only applies to an owner occupied dwelling that rents a single room in the house. The Mayor asked Mr. Anthony to further research the definition of the exclusion. Dr. Brantley stated that he is concerned about passing an ordinance in the current year because it will not take effect until 2020 when there will be a new Mayor in place. The Committee also discussed the process of registration of short term rentals and how the funds will be collected from the state. Mr. Anthony will further research the legislative history of the addition of transient rentals and the registration of AirBNB.

The Committee reviewed a proposed fee schedule for recreation field use fees. Mr. Lane stated that outside organizations are utilizing Township fields because the Township is the only municipality in the area that does not charge for use. He worked with the Recreation Director on the proposed fee amounts. Mr. Gadaleta stated that the various youth sports organizations reviewed the fee schedule and found it acceptable. Since 2020 will be the first year of implementation, there will not be an anticipated revenue in the 2020 budget for the fees. The approval of the fee schedule will be include in the 2020 Reorganization Meeting agenda.

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

Mr. McMillan offered the following resolution, moved and seconded by Mr. Williams, 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 – Amendment to Schoolhouse Square Redevelopment Agreement.
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.

Joanne Vos, Redevelopment Attorney was present for a discussion on the amendment to Schoolhouse Square Redevelopment Agreement. Mr. Gadaleta stated the agreement is contingent on funding the LLC prior to the end of 2019. The Redevelopment entity did not want to fund the LLC until the form of the agreement was approved by the Township Committee. There was some discussion on the amount of the outstanding mortgage held by the Township. Mr. Gadaleta stated that research confirmed the amount to be \$120,000. The Mayor asked the Redevelopment make it clear to prospective purchasers that they are buying homes and not into a condominium association. Therefore, the homeowner is responsible for all maintenance both indoors and outdoors. Mr. Gadaleta stated that the Redeveloper anticipates completing the project in six months. Mr. Lane inquired about language in the agreement regarding hiring local, when possible, for the construction. Ms. Vos confirmed that language exists in the body of the original Redevelopers Agreement which is still in effect and would apply to the new Redeveloper.

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; and Gene Anthony, Township 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](http://www.neptunetownship.org).

#### APPROVAL OF MINUTES

Mr. Lane offered a motion, seconded by Mr. Williams, to approve the minutes of the meeting held on November 7th. All were in favor, except Mr. McMillan and Dr. Brantley abstained due to their absence.

#### PRESENTATION – POUND THE PAVEMENT EVENT

The Pound the Pavement for Purple Committee announced that \$55,000 was raised at the annual run/walk for the benefit of the Lustgarten Foundation and their support of research related to the treatment, cure and prevention of pancreatic cancer. Mr. Lane provided history on the event, now in its 6<sup>th</sup> year and having raised \$243,000. State Assemblyman Eric Houghtaling and Monmouth County Freeholder Tom Arnone offered thanks to all who supported the event and particularly the hard work of the Pound the Pavement for Purple Committee.

#### COMMENTS FROM THE DAIS

Mr. Williams attended the League of Municipalities convention and seminars. He reminded everyone there are only two more meetings in 2019 and wished all a Happy Thanksgiving.

Dr. Brantley also attended the League Conference.

Mr. McMillan attended a workshop at the League Conference on Urban Enterprise Zones. Funds from the zones are being used for a re-entry program. He participated in a form of government workshop through the Jack & Jill Program which included a tour of the Police Department and Municipal Court. He served on a seminar panel on advancing careers. Mr. McMillan attended a pre-Thanksgiving Day brunch with members of the Neptune and Asbury Park football teams and staff. He suggested additional improvements to the new Skateboard Park including a water fountain, border around the edge of the park to keep dirt out, benches, a portable bathroom, and attention to some drainage issues. Mr. Gadaleta advised that these items will be budgeted in 2020. Mr. McMillan also met with the Toms River Green Team and there will be sharing of initiatives between the Township and Toms River moving forward.

Mr. Lane attended the Veterans Day service at Post 266 and the wreath laying at Veterans Park. He attended classes at the League Conference including a class on foreclosures. He also attended a meeting of the Ocean Grove Homeowners Association. He announced a Breakfast with Santa event at Summerfield School and a presentation by a representative from Verizon on 5G technology at the December 19<sup>th</sup> meeting.

Mayor Rizzo attended seminars at the League Conference and had a conversation with representatives from DHS and HUD to better understand how those agencies work. She found that there is a lack of communication between state agencies. She announced an event on December 14<sup>th</sup> to recognize the Sand Hill Indians with a presentation and a new street sign at Neptune Blvd and West Bangs Avenue indicating that West Bangs was formerly Sand Hill Road. She announced that tax assessments have been sent out to all property owners and that the total amount of all ratables determines the mil rate so an increase in a single assessment does not necessarily mean a tax increase.

#### BUSINESS ADMINISTRATOR'S REPORT

Mr. Gadaleta provided the following report:

Schoolhouse Square Redevelopment: There is a resolution on tonight's agenda for consideration of the Township Committee to formalize a third amendment to the redevelopment agreement.

Schoolhouse Road: A formal notification was made to NJDOT that Neptune Township has an interest in establishing commercial vehicle weight restrictions on Schoolhouse Road, Gully Road and Remsen Mill Road. NJDOT has responded that a study from the Township Engineer is required. The Township was working to put together a joint police traffic task force with Wall Township to take a look at where this commercial traffic is coming from but they are no longer interested in such a task force.

OGNED, Ocean Grove North End Development: OGNED has had their first application hearing before the Planning Board. The next meeting is scheduled for 12/11/19.

West Lake Avenue Redevelopment: Future meetings with Weiss Realty and CHA Partners will be scheduled to discuss their proposed joint venture to develop within the West Lake Avenue Redevelopment Area. CHA Partners has extensive development history. They will be submitting a Pre-Submission Form for consideration by the Redevelopment Committee.

5G Cellular: Mr. Gadaleta will be meeting on December 10th with representatives of Verizon Wireless, IBEW 400, and Assemblyman Houghtaling on the installation of 5G Cellular towers and the potential impacts of same. Once those meetings are complete he will file a report with the Township Committee.

OG Parking: The Better Parking Alliance has been scheduled to appear at the Township Committee Workshop meeting on December 9 to discuss their thoughts on improving parking in Ocean Grove.

Skateboard Park: The fencing has been installed at the skateboard park. We are awaiting delivery and installation of the turnstile gate. A formal dedication of the park with the Township Committee is under discussion

Green Acres Acquisition: The Township closed on the acquisition of the open space parcel on South Riverside Drive. Through a \$960,000 grant and \$40,000 loan from NJDEP Green Acres and a \$125,500 grant from Monmouth Conservation Foundation, the Township was able to obtain this 2.5 acre parcel which is the last remaining piece of open space on Shark River. It will be developed into a park.

Holiday: The municipal building will close at 3:00 pm on this Wednesday and it will remain closed on Thursday and Friday. Public Works will be working to collect leaves on Friday, but no refuse or recycling pick up will be scheduled. Regular municipal operations will be back on Monday, December 2<sup>nd</sup>. He wished everyone a Happy and Safe Thanksgiving holiday

#### AUTHORIZE THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE COUNTY OF MONMOUTH, CITY OF ASBURY PARK AND THE TOWNSHIP OF NEPTUNE - TABLED

Mr. McMillan offered a motion, seconded by Dr. Brantley, to table a resolution to "Authorize the execution of a Memorandum of Understanding (MOU) between the County of Monmouth, City of Asbury Park and the Township of Neptune". All were in favor.

PUBLIC COMMENTS ON RESOLUTIONS

There were no public comments on resolutions.

ORDINANCE NO. 19-37 - APPROVED

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

ORDINANCE NO. 19-37

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 BROADWAY

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 Hearing on Ordinance 19-37 will be held on Monday, December 9, 2019.

CONSENT AGENDA

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

AUTHORIZE THE REFUND OF TAXES AS A RESULT OF AN OVERPAYMENT

WHEREAS, the properties listed below reflect overpayments; and,

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

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

BLOCK	LOT	ASSESSED TO	ADDRESS	YEAR	AMOUNT
808	4	Cannon	1704 Monroe Ave	2019	124.10
305	10	Odunsi	1123 Heck Ave	2019	568.86
1809	7	Laney	202 Hollywood Ave	2019	466.38
613	7	Neptune 35 LLC	200 Highway 35	2019	2,629.75
5108	14	McGovern	10 Cottage Pl	2019	1,868.95
1107	1	Andrews	1422 Corlies Ave	2019	1,429.51
1505	9	Martin	4 Blackwell Way	2019	1,337.36
2201	27.01C407	Sartorio	407 High Point Lane	2019	771.40

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

AUTHORIZE ISSUANCE OF DUPLICATE TAX SALE CERTIFICATE

WHEREAS, Pro Cap 7 LLC / US Bank Cust for PC7 Firsttrust Bank previously purchased a Tax Sale Certificate comprising a lien on the following property:

Certificate #	Block/Lot	Address	Property Owner
2019-016	230/7C07	6 Webb Ave, Unit 7	Joshua C. Spray

WHEREAS, Pro Cap 7 LLC / US Bank Cust for PC7 Firsttrust Bank has filed a duly executed affidavit swearing that they are still the lawful owner of said certificate but has lost same; and,

WHEREAS, the Tax Collector has recommended the issuance of a duplicate tax sale certificate pursuant to Chapter 99, P.L. 1997,

THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth, State of New Jersey, that the Tax Collector be and hereby is authorized to issue a duplicate tax sale certificate to be marked "Duplicate Certificate" to Pro Cap 7 LLC / US

Bank Cust for PC7 Firsttrust Bank upon payment of the sum of \$100.00; and,

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

AUTHORIZE THE CANCELLATION OF TAXES AS A RESULT OF THE GRANTING OF A TOTALLY DISABLED VETERANS EXEMPTION (1921 GREENWOOD AVENUE)

WHEREAS, the property known as Block 1002, Lot 10, with an address of 1921 Greenwood Avenue was granted a Totally Disabled Veteran Exemption as of January 1, 2019 and should be tax exempt; and,

WHEREAS, the Township Committee of the Township of Neptune desires to cancel taxes assessed against this property effective January 1, 2019 in accordance with N.J.S.A. 54:4-3.32; and,

WHEREAS, the amounts to be cancelled and refunded are as follows:

<b>YEAR</b>	<b>AMOUNT TO CANCEL</b>	<b>AMOUNT TO REFUND</b>
2019	\$ -	\$ 793.09

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

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

AUTHORIZE THE CANCELLATION OF TAXES AS A RESULT OF THE GRANTING OF A TOTALLY DISABLED VETERANS EXEMPTION (126 WALNUT STREET)

WHEREAS, the property known as Block 1615, Lot 1, with an address of 126 Walnut Street was granted a Totally Disabled Veteran Exemption as of July 24, 2019 and should be tax exempt; and,

WHEREAS, the Township Committee of the Township of Neptune desires to cancel taxes assessed against this property effective July 24, 2019 in accordance with N.J.S.A. 54:4-3.32; and,

WHEREAS, the amounts to be cancelled and refunded are as follows:

<b>YEAR</b>	<b>AMOUNT TO CANCEL</b>	<b>AMOUNT TO REFUND</b>
2019	\$ 3,086.40	\$ 1,483.43

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

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

AUTHORIZE THE CANCELLATION OF TAXES AS A RESULT OF THE GRANTING OF A TOTALLY DISABLED VETERANS EXEMPTION (22 CREST DRIVE)

WHEREAS, the property known as Block 4401, Lot 26, with an address of 22 Crest Drive was granted a Totally Disabled Veteran Exemption as of June 19, 2019 and should be tax exempt; and,

WHEREAS, the Township Committee of the Township of Neptune desires to cancel taxes assessed against this property effective June 19, 2019 in accordance with N.J.S.A. 54:4-3.32; and,

WHEREAS, the amounts to be cancelled and refunded are as follows:

<b>YEAR</b>	<b>AMOUNT TO CANCEL</b>	<b>AMOUNT TO REFUND</b>
2019	\$ 4,202.22	\$ 2,427.60

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

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

AUTHORIZE THE CANCELLATION OF TAXES AS A RESULT OF THE GRANTING OF A TOTALLY DISABLED VETERANS EXEMPTION (6 CORNELL AVENUE)

WHEREAS, the property known as Block 3706, Lot 12, with an address of 6 Cornell Avenue was granted a Totally Disabled Veteran Exemption as of February 28, 2019 and should be tax exempt; and,

WHEREAS, the Township Committee of the Township of Neptune desires to cancel taxes assessed against this property effective February 28, 2019 in accordance with N.J.S.A. 54:4-3.32; and,

WHEREAS, the amounts to be cancelled and refunded are as follows:

<b>YEAR</b>	<b>AMOUNT TO CANCEL</b>	<b>AMOUNT TO REFUND</b>
2019	\$ 1,315.11	\$ 2,675.92

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

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

AUTHORIZE THE CANCELLATION OF TAXES AS A RESULT OF THE GRANTING OF A TOTALLY DISABLED VETERANS EXEMPTION (471 LEXINGTON AVENUE)

WHEREAS, the property known as Block 1902, Lot 1C471, with an address of 471 Lexington Avenue was granted a Totally Disabled Veteran Exemption as of June 7, 2019 and should be tax exempt; and,

WHEREAS, the Township Committee of the Township of Neptune desires to cancel taxes assessed against this property effective June 7, 2019 in accordance with N.J.S.A. 54:4-3.32; and,

WHEREAS, the amounts to be cancelled and refunded are as follows:

<b>YEAR</b>	<b>AMOUNT TO CANCEL</b>	<b>AMOUNT TO REFUND</b>
2019	\$ 3,357.44	\$ 380.85

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

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

AUTHORIZE THE EXECUTION OF AN AGREEMENT WITH INTERFAITH NEIGHBORS, INC. TO PROVIDE CONGREGATE MEALS AT THE NEPTUNE SENIOR CENTER

WHEREAS, Interfaith Neighbors, Inc., provides noon-time meal services to senior citizens at the Neptune Senior Center; and,

WHEREAS, Interfaith Neighbors, Inc., wishes to continue the engagement of services of Neptune Township and Neptune Township wishes to continue to provide services to Interfaith Neighbors and to the senior citizens who participate in this program at the Neptune Senior Center; and,

WHEREAS, Interfaith Neighbors, Inc. will provide payment to the Township of Neptune in the amount of \$1,984.00 per month for the year 2020 for kitchen staff,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Mayor and Clerk are hereby authorized to execute an agreement with Interfaith Services, Inc. to provide payment in the amount of \$1,984.00 per month to the Township of Neptune for noon-time meals to senior citizens at the Neptune Senior Center for the year 2020; and,

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

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 Brooke Tartis and Kylee Jazikoff 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, medical evaluation, and Special Law Enforcement Officer – Class II training at the Monmouth County Police Academy (as applicable) at an hourly rate of \$21.01, effective immediately; and,

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.

AUTHORIZE THE TRANSFER OF 2019 BUDGET APPROPRIATIONS

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

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

<u>GENERAL BUDGET LINE ITEM</u>	<u>TO</u>	<u>FROM</u>
Administration O.E.	\$ 3,000.00	
Assessment O.E	3,500.00	
Economic Development S&W	2,000.00	
Historic Preservation Comm. S&W	1,000.00	
EMS O.E.	12,500.00	
Building Maintenance S&W	55,000.00	
Police & Fire Retirement Sys. O.E.	20,700.00	
Court O.E.	5,000.00	
Human Resources O.E.		\$ 2,700.00
Assessment S&W		3,000.00
Court S&W		5,000.00
Roads S&W		50,000.00
Solid Waste S&W		42,000.00
TOTAL	102,700.00	102,700.00

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, that 2019 Budget Appropriations be transferred as stated herein; and,

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

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

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

bond anticipation note of the Township issued in the aggregate principal amount of \$67,450 on December 21, 2018 and maturing on December 20, 2019 (the "Prior Marina Note") (which Prior Marina Note was originally issued on December 21, 2018 to finance, on a temporary basis, marina capital improvements in and by the Township); and

WHEREAS, the Township desires to issue the Notes to the Sewer Operating Fund of the Township; and

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

WHEREAS, the Township seeks to authorize the issuance of the Notes to the Sewer Operating Fund of the Township.

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

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

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

Section 3. The Notes are authorized to be issued to the Sewer Operating Fund of the Township.

Section 4. The Notes shall be dated December 19, 2019 and shall mature on December 18, 2020 and shall bear interest from their date, which interest shall be at a rate of zero and zero hundredths percentum (0.00%) per annum, and shall be in the form attached hereto as Exhibit A.

Section 5. The Notes shall be subject to prepayment by the Township at any time prior to their stated date of maturity.

Section 6. The Notes shall be executed by the Mayor and the Chief Financial Officer of the Township and the official seal shall be thereunto affixed and attested to by the Clerk of the Township. To the extent not otherwise determined by this resolution, it is hereby delegated to the Chief Financial Officer of the Township the authority to determine all matters in connection with the Notes issued, and the signature of the Chief Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. The Chief Financial Officer is also hereby authorized to sell part or all of the Notes from time to time at a 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 Township Committee at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this resolution is made. Such report must include the principal amount, the description, the interest rate, the maturity schedule of the Notes so sold, the price obtained and the name of the purchaser. The Chief Financial Officer is hereby authorized and directed to deliver any certificates necessary in connection with the issuance of the Notes.

Section 7. This resolution shall take effect immediately.

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

AUTHORIZE THE EXECUTION OF THE THIRD AMENDMENT TO REDEVELOPMENT AGREEMENT BY AND BETWEEN THE TOWNSHIP OF NEPTUNE AND REBUILD METRO RIDGE AVENUE, LLC; SCHOOLHOUSE EQUITIES, LLC; AND OAK 3, 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. McMillan, that it be adopted:

WHEREAS, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., the Township and Rebuild Metro Ridge Avenue, LLC (formerly known as TRF DP Ride Avenue, LLC) (“Rebuild”) entered into a Redevelopment Agreement in order to provide affordable housing to the residents of the Township within a redevelopment area of the Township known as the former Ridge Avenue School site and sometimes referred to as the “Schoolhouse Square Development”; and

WHEREAS, Rebuild has completed all infrastructure public improvements called for in the Redevelopment Agreement, with the exception of the items set forth in the Schoolhouse Square Punchlist Memorandum from the Township’s Director of Engineering and Planning, dated October 4, 2019, which shall be completed by Schoolhouse Equities, LLC; and

WHEREAS, Rebuild constructed and sold thirty-eight (38) of the fifty-eight (58) dwelling units called for in the Redevelopment Agreement, including all of the required affordable housing dwelling units, leaving only twenty (20) market rate dwelling units to be constructed; and

WHEREAS, completion of the thirty-eight dwelling units fulfilled all of affordable housing obligations set forth in the Redevelopment Agreement; and

WHEREAS, Rebuild is obligated to the Township under a no interest, non-recourse promissory note (as the Obligor thereunder) in the original amount of \$400,000.00; (the “Promissory Note”) which is secured by a mortgage on the Lots (defined below) (the “Mortgage”); said note will be paid in full at Closing; and

WHEREAS, the Redevelopment Agreement, by its terms, prohibits the assignment and transfer of all or part of the interest in the Project Site, the Project Improvements or the Project Agreement (as those terms are defined in the Redevelopment Agreement) without the prior approval of the Township (Article 8); and

WHEREAS, Rebuild desires to assign its interest in and outstanding obligations under the Redevelopment Agreement to Schoolhouse Equities LLC as the successor redeveloper, and to convey to Schoolhouse Equities LLC ownership of the remaining twenty (20) vacant lots of the Project Site, said lots being identified on the municipal tax map as Block 504, Lots 10-14, Block 518, Lots 5-14 and Block 520, Lots 9-13 (herein referred to as the “Lots”) subject to the conditions set forth in the operative clauses of this Resolution; and

WHEREAS, Schoolhouse Equities LLC desires to acquire Rebuild’s interest in the Redevelopment Agreement, and fee ownership of the Lots and is willing to assume Rebuild’s outstanding obligations under the Redevelopment Agreement which is to construct twenty (20) three bedroom semi-detached market rate dwelling units on the Lots pursuant to prior land use approvals (the “Remaining Project”); and

WHEREAS, a Request for Designation as Redeveloper was provided in the Neptune Township Redevelopment Pre-submission Form, dated July 21, 2019 (the “Proposal”) and providing certain financial information for review by the Township and its professionals, but said form does not include information pertaining to Schoolhouse Equities, LLC; and

WHEREAS, it is anticipated that at the time of closing, which cannot occur in the absence of the attached Third Amendment to the Redevelopment Agreement being fully executed by all parties, Schoolhouse Equities, LLC shall take title to the real property designated on the Township tax map as Block 518, Lots 5-14 and Block 520, Lots 9-13 and, consistent with IRS Section 1031, Oak 3 Limited Liability Company shall take title to the real property designated on the Township tax map as Block 504, Lots 10-14 and Oak 3 Limited Liability Company shall transfer title to the real property designated on the Township tax map as Block 504, Lots 10-14 to Schoolhouse Equities, LLC before any construction commences.

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 the Third Amendment to Redevelopment Agreement between the Township of Neptune; Rebuild Metro Ridge Avenue, LLC; Schoolhouse Equities, LLC and Oak 3 Limited Liability Company in substantially the form attached hereto as Attachment A, the execution of which and the authority to do so is expressly conditioned upon all the following occurring by December 31, 2019: (1) funding of Schoolhouse Equities, LLC to the satisfaction of the Township's Chief Financial Officer; (2) Schoolhouse Equities, LLC's payment in full to the Township for any unpaid professional fees to the extent not previously paid from escrow established with the Township (the "Township Escrow") for attorney fees, engineering fees and professional planning fees, incurred by the Township in connection with the review of the Proposal and the Third Amendment to the Redevelopment Agreement, including, but not limited to its negotiation, drafting, meetings, telephone conferences, emails, correspondence, review of documents, field visits, and all other such related events including the preparation of all legislation related to the Third Amendment to the Redevelopment Agreement and any other costs, together with a replenishment amount to the Township Escrow in the amount of \$5,000 for said costs and with the understanding that Schoolhouse Equities LLC will not be responsible to further fund the Township Escrow; and (3) execution of the Third Amendment to the Redevelopment Agreement by Rebuild Metro Ridge Avenue, LLC; Schoolhouse Equities, LLC; and Oak 3 Limited Liability Company in substantially the form attached hereto. In the event that any of the three aforementioned conditions are not satisfied by December 31, 2019, the approval granted in this Resolution shall be null and void.
2. 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.
3. This Resolution shall be effective immediately.

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

AUTHORIZE THE PAYMENT OF BILLS

Mr. Lane offered the following resolution, moved and seconded by Mr. McMillan, 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	7,671,713.43
GRANT FUND	1,928.20
TRUST FUND	10,762.06
GENERAL CAPITAL FUND	111,196.88
SEWER OPERATING FUND	296,373.82
MARINA OPERATING FUND	135,375.00
LIBRARY TRUST	8,737.98
 BILL LIST TOTAL	 \$8,236,087.37

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

Hank Coakley, Valley Road, asked that street names be placed on state highway overpasses. Election signs need to be removed after Election Day. He contacted the Wall Township engineer regarding the difficulty is seeing the intersection of Gully Road and Brighton Avenue at night. He stated the Governor Murphy caters to lawbreakers and does not uphold the law.

Jack Bredin, 94 ½ Heck Avenue, asked where the idea for a tax on AirBNB originated. He does not understand it and the Committee needs to do more research. The Mayor stated that the hospitality tax has been around for years and many other towns have the tax. Mr. Bredin stated it is a bad idea to squeeze another dime out of Ocean Grove. He asked if the Mayor received legal advice to sign the OGNED Redevelopment Agreement. The Mayor responded that she received advice from Mr. Anthony. Mr. Bredin stated that performance bonds have not been posted and easements have not been obtained to access the east side of the boardwalk. It stated that the Agreement was changed to say that performance bonds may be posted instead of shall be posted. Mr. Cuttrell stated that, as with any other development project, performance bonds are posted after Planning Board approval.

Dianne Harris, 17 Willow Drive, asked who the redevelopers are in the amendment to the Schoolhouse Square Redevelopment Agreement. Mr. Gadaleta replied Metro Rebuild is the current developer and Schoolhouse Equities and Oak 3 comprise the new redevelopment entity with Jacob Lipshitz as the Principal. The project is being funded with all private money. Ms. Harris asked if the term "local contractors" is defined by a distance. Mr. Gadaleta stated it was not but the Agreement calls for preference to local contractors.

Joan Venezia, 107 Mt. Hermon Way, asked if a single room rented through AirBNB will be taxed by the ordinance under discussion. Mr. Anthony replied that he is researching that question. The Mayor stated that the Township is looking at the internet to get information on who is renting rooms and homes through AirBNB. Ms. Venezia stated that a car has been parked illegally on the southwest corner of Main and New Jersey Avenues since October 28<sup>th</sup>. The Police Department will follow-up. She asked what power the HPC has in regards to the North End Redevelopment Project. Mr. Gadaleta stated they review architectural elements and will ultimately be responsible for the issuance of a Certificate of Appropriateness. The Developer can either make changes to confirm with their recommendations or appeal to the Board of Adjustment. Ms. Venezia asked for the responsible party for the boardwalk at North End. Mr. Gadaleta stated the boardwalk is the responsibility of the Ocean Grove Camp Meeting Association.

Richard Williams, 1 Abbott Avenue, stated that he has heard elected officials state that if you want something done attend the Township Committee meetings. People do not want to attend meeting and leaders should get things done rather than wait for people to attend meetings and voice their concern. The Committee has not taken action to hire a Parking Consultant. He attended the Planning Board meeting on the OG Redevelopment Plan and was disappointed because the Board seems ready to rubber stamp it. He hopes there will be serious discussion at the next meeting. Mr. Williams asked the Committee to give some thought to electric cars in Ocean Grove because there will be an issue with charging the cars because of the lack of driveways. He also stated that the prohibition on solar panels that are visible from the street in Ocean Grove needs to be reviewed.

Bishop Paul Brown stated that lighting is needed in Liberty Park and the garden area. Mr. Gadaleta stated that lighting will be looked at in the 2020 budget. Bishop Brown reiterated the importance of lighting for safety purposes. He stated that the greenhouse in the garden was destroyed and asked if the Township's insurance will pay for a replacement. Mr. Gadaleta stated that a claim can be submitted to the Township's insurance carrier.

Chris Jensen, 90 Mt. Tabor Way, asked if tax breaks were given to the North End Redevelopment Project. Mr. Gadaleta responded that no tax breaks were given and none will be offered in the future. Mr. Jensen asked about the posting of bonds to ensure that the project does not stop after partial completion due to an economic downturn. Mr. Cuttrell replied that performance bonds are posted which cover the public improvements such as sewer lines, sidewalks, and landscaping, but they do not cover the actual structures.

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

Richard J. Cuttrell,  
Municipal Clerk