

TOWNSHIP COMMITTEE WORKSHOP MEETING – SEPTEMBER 22, 2014 – 6:00 P.M.

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

<u>ROLL CALL</u>	<u>PRESENT/ABSENT</u>
J. Randy Bishop	_____
Eric J. Houghtaling	_____
Mary Beth Jahn	_____
Kevin B. McMillan	_____
Dr. Michael Brantley	_____

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

Mayor Brantley announces that the notice requirements of R.S. 10:4-18 have been satisfied by the publication of the required advertisement in The Coaster on January 3, 2014 and the Asbury Park Press on January 2, 2014, posting the notice on the Board in the Municipal Complex, and filing a copy of said notice with the Municipal Clerk.

ITEMS FOR DISCUSSION IN OPEN SESSION

1. Discussion – Sidewalk damage at entrance to NJAWC facility.

2. Discussion – Phase II boardwalk repairs.

3. Review Committee calendars/update on outstanding issues and capital items.
- Various on-going capital improvement projects.

Res. # 14-453 – Authorize an Executive Session as authorized by the Open Public Meetings Act.

Offered by: _____ Seconded by: _____

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

TOWNSHIP COMMITTEE MEETING – SEPTEMBER 22, 2014 – 7:00 P.M.

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

<u>ROLL CALL</u>	<u>PRESENT/ABSENT</u>	<u>PRESS REPRESENTATIVES</u>
J. Randy Bishop	_____	Don Stine The Coaster
Eric J. Houghtaling	_____	
Mary Beth Jahn	_____	Anthony Panissidi Asbury Park Press
Kevin B. McMillan	_____	
Dr. Michael Brantley	_____	

Also present at the dais: Vito D. Gadaleta, Business Administrator; Michael J. Bascom, Chief Financial Officer; Gene Anthony, Township Attorney; and Richard J. Cuttrell, Municipal Clerk.

Silent Prayer and Flag Salute

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

Mayor Brantley announces that the notice requirements of R.S. 10:4-18 have been satisfied by the publication of the required advertisement in The Coaster on January 3, 2014 and the Asbury Park Press on January 2, 2014, posting the notice on the Board in the Municipal Complex, and filing a copy of said notice with the Municipal Clerk. In addition, the meeting agenda, resolutions and ordinances are posted online at www.neptunetownship.org.

APPROVAL OF MINUTES

Motion offered by _____, seconded by _____, to approve the minutes of the meetings held on August 25th, September 4th and September 8th.

REPORT OF THE CLERK

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

Letter from Carolyn & Burt Beam thanking Vito Gadaleta for his prompt response when a tree fell on their home.

An email from a resident thanking the Police Department and Sgt. Michael Zarro for the speed hump and speeding enforcement measures taking place on Broadway. The resident reports that speeding has dropped dramatically.

COMMENTS FROM THE DAIS

The Mayor will now request comments from the Dais regarding business on this agenda or any reports on recent events in their respective departments.

RESOLUTION TO PROMOTE TWO POLICE OFFICERS

- Public comments regarding Resolution 14-454. The public will be permitted one visit to the microphone with a limit of five minutes.

Res. # 14-454 – Promote two officers to the rank of Lieutenant in the Police Department.

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

PUBLIC COMMENTS ON RESOLUTIONS

Public comments regarding resolutions presented on this agenda only. The public will be permitted one visit to the microphone with a limit of five minutes.

ORDINANCES

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

ORDINANCE NO. 14-37 - An ordinance amending Volume I, Chapter VIII, Section 8-1 of the Code of the Township of Neptune entitled “Parking Meters, Parking Lots” to permit the designation of reserved parking spaces in the Municipal Building Parking Lot – First Reading

Explanatory statement: This ordinance permits the designation of reserved parking places for emergency vehicles and employees within the Municipal Building parking lot.

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

ORDINANCE NO. 14-38 - Refunding Bond Ordinance authorizing the issuance of not to exceed \$500,000 principal amount of General Obligation Refunding Bonds by the Township of Neptune, in the County of Monmouth, State of New Jersey, to the Monmouth County Improvement Authority (the “MCIA”) for the purpose of refunding certain bonds heretofore issued by the Township to the MCIA – First Reading

Explanatory statement: This is a refunding bond ordinance (not a new spending authorization) authorizing the issuance of not to exceed \$500,000 principal amount of general obligation refunding bonds by the Township of Neptune to the Monmouth County Improvement Authority to generate a debt savings to the Township.

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

ORDINANCE NO. 14-39 - An ordinance to amend the Land Development Ordinance of the Township of Neptune by rezoning certain properties along Route 66 to C-1 Planned Commercial Development Zone and repealing Ordinance No. 14-24. – First Reading

Explanatory statement: This ordinance corrects several incorrect or duplicated block and lot numbers on Route 66 rezoned by Ordinance No. 14-24 adopted on July 28, 2014.

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

The Public Hearings on Ordinances 14-37 and 14-38 will be held on Thursday, October 9, 2014. The Public Hearing on Ordinance 14-39 will be held on Monday, October 27, 2014.

CONSENT AGENDA

Res. # 14-455 – Grant leave of absence to Pam Small under the Family Medical Leave Act.

Res. # 14-456 – Authorize site and remedial investigation of soil and groundwater at the Shark River Municipal Marina site.

Res. # 14-457 – Reappoint Special Law Enforcement Officers in the Police Department on a part-time basis.

Res. # 14-458 – Authorize the execution of a Sub-recipient Grant Agreement with the New Jersey Economic Development Authority for a Streetscape Revitalization Grant for West Lake Avenue.

Res. # 14-459 – Authorize Change Order #2 (final) in connection with the replacement of a portion of the Wesley Lake retaining wall.

Res. # 14-460 – Authorize submission of a Strategic Plan for the Neptune Township Municipal Alliance Grant.

Res. # 14-461 – Authorize removal of Jason Allen Jones and Raymond Huizenga from the Neptune Township Planning Board due to absenteeism pursuant to N.J.S.A. 40A:9-12.1.

Res. # 14-462 – Authorize Change Order #2 (final) in connection with the reconstruction of the Ocean Grove Boardwalk.

Res. # 14-463 – Award Façade Improvement Loan/Grant to Blanco Brothers, 712 Route 35.

Res. # 14-464 – Authorize the endorsement of the tax sale certificate affecting Block 189, Lot 4 (9 George Street)

Res. # 14-465 – Authorize release of Environmental Escrow Agreement in connection with former Rite Aid Building.

Res. # 14-466 – Rescind renewal of inactive liquor license held by Tanks Hospitality, LLC.

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

Res. # 14-467 – Authorize Township Engineering Consultant to perform engineering services for Gables Sanitary Sewer System Improvements – Phase III.

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

Res. # 14-468 – Authorize the payment of bills.

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

PRIVILEGE OF THE FLOOR/PUBLIC COMMENTS

Members of the public may address any concern relating to the Township. The public will be permitted one visit to the microphone with a limit of five minutes.

ADJOURNMENT

ORDINANCE NO. 14-37

AN ORDINANCE AMENDING VOLUME I, CHAPTER VIII, SECTION 8-1 OF THE CODE OF THE TOWNSHIP OF NEPTUNE ENTITLED "PARKING METERS, PARKING LOTS" TO PERMIT THE DESIGNATION OF RESERVED PARKING SPACES IN THE MUNICIPAL BUILDING PARKING LOT

WHEREAS, under the municipality's police powers, the municipality may establish and restrict parking on public roads and parking lots; and,

WHEREAS, the Township Committee of the Township of Neptune deems it to be in the best interest of the Township to provide some designated parking areas for the parking of police and emergency vehicles as well as public employees,

NOW THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Neptune, that the Volume I, Chapter VIII, of the Code of the Township of Neptune be and is hereby amended as follows:

SECTION 1.

Chapter VIII, Section 8-11 entitled "Designated Parking for Police, Emergency Vehicles and Public Employees" and Section 8-12 entitled "Violation; Penalty" are hereby added as follows:

§8-11 – Designated Parking for Police, Emergency Vehicles and Public Employees"

- a. Designated reserved parking spaces with reserved parking signs posted shall be set aside for police and other emergency vehicles as well as public employees at the municipal parking lot at Municipal Hall, 25 Neptune Blvd., Neptune Township, New Jersey. All spaces shall be properly posted with signs concerning the reservation of parking and all vehicles shall be properly identified either with vehicle markings or in the case of public employees, parking permits placed in the window of the vehicle.

§8-12 – Violation; Penalty"

- a. Any person who violates any of the provisions of this Section shall be subject to a fine of a minimum of \$100.00 for the first offense, and for a subsequent offense, a fine of at least \$200.00 and/or up to 90 days community service on such terms and in such form as a court shall deem appropriate or any combination thereof.
- b. Any person who violates any of the provisions of this Section shall also be subject to the unlawfully parked vehicle being removed and towed and stored in an appropriate facility with the owner of the motor vehicle paying the reasonable costs for the removal and for any storage which may result from the removal. The assessment of removal and storage costs against a person

under this Section shall be in addition to any other penalty assessed against the person.

SECTION 2.

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

SECTION 3.

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

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

Richard J. Cuttrell,
Municipal Clerk

Dr. Michael Brantley,
Mayor

ORDINANCE NO. 14-38

REFUNDING BOND ORDINANCE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$500,000 PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS BY THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, TO THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY (THE "MCIA") FOR THE PURPOSE OF REFUNDING CERTAIN BONDS HERETOFORE ISSUED BY THE TOWNSHIP TO THE MCIA

WHEREAS, pursuant to the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law"), the Township of Neptune, in the County of Monmouth, State of New Jersey (the "Township"), had previously issued General Obligation Bonds, Series 2006 (the "2006 Bonds") to the Monmouth County Improvement Authority (the "MCIA") in connection with the MCIA's 2006 Pooled Governmental Loan Program; and

WHEREAS, \$481,000 of such 2006 Bonds are currently outstanding and can be defeased or are subject to redemption prior to their stated maturity, as applicable (the "2006 Refunded Bonds"); and

WHEREAS, the MCIA and the Township have determined that refunding bonds can be issued to defease or refund, in whole or in part, such 2006 Refunded Bonds which, under current market conditions, can generate a debt service savings to the Township; and

WHEREAS, the Township has determined to provide for the defeasance or refunding of the 2006 Refunded Bonds through its issuance of General Obligation Refunding Bonds in a principal amount not to exceed \$500,000 to the MCIA, as provided in this refunding bond ordinance.

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

Section 1. In order to finance the purposes described in Section 2 hereof, negotiable refunding bonds of the Township hereby designated as General Obligation Refunding Bonds (the "Refunding Bonds") are hereby authorized to be issued to the MCIA in a principal amount not to exceed \$500,000. The proceeds of the Refunding Bonds are hereby appropriated to the purposes described in Section 2 hereof.

Section 2. (a) The purposes for which the Refunding Bonds are to be issued are (i) defeasing or refunding the principal amount of 2006 Refunded Bonds, including the payment of interest accrued thereon to the date fixed for redemption or defeasance, as applicable, and the redemption price thereof, if applicable, and (ii) paying the cost of the issuance relating to the Refunding Bonds, including printing, advertising, accounting, financial and legal expenses, rating agency fees, underwriter's discount, bond insurance premium, if any, and MCIA costs of issuance, which may include any of the foregoing set forth in this Section 2(a)(ii).

(b) The aggregate cost of issuing the Refunding Bonds, as provided by N.J.S.A. 40A:2-51(b) (which amount includes all items described in Section 2(a)(ii) hereof) will not exceed \$25,000. Such amount is included in the maximum authorized principal amount set forth in Section 1 hereof.

(c) The 2006 Refunded Bonds shall be defeased or called for redemption, as applicable, prior to maturity thereof as provided in the 2006 Refunded Bonds certificates. A portion of the proceeds from the sale of the Refunding Bonds shall be deposited in trust by the MCIA to provide for the payment and retirement of the 2006 Refunded Bonds. Any moneys held in trust by the MCIA may be invested as provided in N.J.S.A. 40A:2-60.

Section 3. Any further provisions as to terms of sale, deposit, securing, regulation, investment, reinvestment, disposition or application of the proceeds of the Refunding Bonds, and matters in connection therewith, shall be determined by resolution of the Township adopted prior to the issuance of the Refunding Bonds.

Section 4. The Township Committee hereby delegates to the Chief Financial Officer or Administrator of the Township the power to sell the Refunding Bonds at private sale to the MCIA, to determine the terms of the Refunding Bonds and to perform such other actions and make such other determinations.

Section 5. The Township Committee hereby authorizes and delegates to the Chief Financial Officer or the Administrator, in consultation with Wilentz, Goldman & Spitzer, P.A., Woodbridge, New Jersey ("Bond Counsel") and Fallon & Larsen, LLP, Hazlet, New Jersey (the "Township Auditor"), the authority to negotiate and execute on behalf of the Township any document for the purchase and sale of the Refunding Bonds to the MCIA.

Section 6. All other matters relating to the Refunding Bonds shall be performed or determined pursuant to a resolution of the Township, or the performance or determination thereof shall be delegated by resolution of the Township to an official or officer of the Township, Bond Counsel or the Township Auditor.

Section 7. A certified copy of this refunding bond ordinance, as introduced and adopted upon first reading, shall be filed with (i) the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs prior to final adoption hereof, together with the statement signed by the Chief Financial Officer of the Township required by N.J.S.A. 40A:2-55, and (ii) the MCIA.

Section 8. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the Refunding Bonds authorized by this refunding bond ordinance. The Refunding Bonds shall be direct, unlimited obligations of the Township, and, unless paid from other sources, the Township shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Township for the payment of the Refunding Bonds and the interest thereon without limitation as to rate or amount.

Section 9. After passage upon first reading of this refunding bond ordinance, the Township Clerk is hereby authorized and directed to publish a summary of this refunding bond ordinance, together with a Notice of Pending Bond Ordinance, at least once in a newspaper qualified under N.J.S.A. 40A:2-19, at least seven (7) days prior to the date set for public hearing and further consideration for final passage (which date shall be at least ten (10) days after introduction and first reading). The Township Clerk is further directed to comply with all provisions

of N.J.S.A. 40A:2-17(b) regarding postings, publications, and the provision of copies of this refunding bond ordinance.

Section 10. After final adoption of this refunding bond ordinance by the Township Committee, the Township Clerk is hereby directed to publish a summary of this refunding bond ordinance, as finally adopted, together with a Bond Ordinance Statement (with appropriate completions, insertions and corrections), at least once in a newspaper qualified under N.J.S.A. 40A:2-19.

Section 11. The Township Committee hereby covenants on behalf of the Township to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the Refunding Bonds authorized hereunder as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 12. The purpose of the issuance of the Refunding Bonds is to effect a debt service savings to the Township.

Section 13. This bond ordinance shall take effect twenty (20) days after the first publication hereof after final adoption, as provided herein and the Local Bond Law, but not prior to the time that the consent of the Local Finance Board, Division of Local Government Services in the New Jersey Department of Community Affairs has been endorsed upon a certified copy of this refunding bond ordinance as finally adopted, as provided by N.J.S.A. 40A:2-55.

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

Richard J. Cuttrell,
Municipal Clerk

Dr. Michael Brantley,
Mayor

ORDINANCE NO. 14-39

AN ORDINANCE TO AMEND THE LAND DEVELOPMENT
ORDINANCE OF THE TOWNSHIP OF NEPTUNE BY
REZONING CERTAIN PROPERTIES ALONG ROUTE 66 TO C-1
PLANNED COMMERCIAL DEVELOPMENT ZONE AND
REPEALING ORDINANCE NO. 14-24

WHEREAS, properties known and designated on the Tax Map of Neptune Township as Block 233, Lot 1; is currently zoned LI-Light Industrial, and,

WHEREAS, properties known as Block 1002, Lots 1 and 10 are zoned C-4 Route-66 East Commercial, and,

WHEREAS, properties known as Block 9000, Lots 24, 25, 25.01, 34, 35 and 35.01; Block 9025, Lots 49, 51, 52, 52.01, 54.01, 54.02, 67.01, 67.02, 67.03, and 68; Block 9029, Lots 9 and 10; Block 9033, Lot 13; Block 10000, Lots 5 and 29; and Block 10017, Lots 5 and 6 are presently zoned C-3 Route 66 West Commercial, and,

WHEREAS, Properties known as Block 10000, Lots 4, 7.03, 7.04, 7.05, 25, 27 and 28; are presently zoned PUD/R-1 Planned Unit Development, and,

WHEREAS, the aforementioned properties all front along the Route 66 Corridor, and,

WHEREAS, the rezoning of these properties to the C-1 Planned Commercial Zone will allow for a more consistent land use along the Route 66 Corridor, and,

WHEREAS, the proposed changes in zoning are consistent with the goals and objectives of former and current Township Master Plan documents. By way of example, the 2011 Comprehensive Master Plan recommends to evaluate the opportunity to consolidate commercial zoning districts along the Route 33, Route 35 and Route 66 corridors,

THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Neptune, County of Monmouth, that the Land Development Ordinance of the Township of Neptune is hereby amended as follows:

SECTION 1. ZONING MAP AMENDED

The "Zoning Map" of the Township of Neptune is hereby supplemented and amended to reflect the rezoning of the abovementioned properties to the C-1 Zone.

SECTION 2. REPEALER

The remainder of all other sections and subsections of the aforementioned ordinance not specifically amended by this Ordinance shall remain in full force and effect.

SECTION 3. INCONSISTENT ORDINANCES/REPEAL OF ORDINANCE NO. 14-24

All other Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistency, including Ordinance No. 14-24 which is hereby repealed its entirety.

SECTION 4. SEVERABILITY

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

SECTION 5. EFFECTIVE DATE

This Ordinance shall take effect upon its passage and publication according to law.

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

Richard J. Cuttrel,
Municipal Clerk

Dr. Michael Brantley,
Mayor

RESOLUTION #14-453 – 9/22/14

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

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

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

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

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

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

Litigation – Update on pending litigation

Contract negotiations – Cityworks Redevelopment Agreement

Personnel – Recommendation for promotion to two Lieutenant positions

3. It is anticipated at this time that the above stated subject matters will be made public when matters are resolved.

4. This Resolution shall take effect immediately.

RESOLUTION #14-454 - 9/22/14

PROMOTE TWO OFFICERS TO THE RANK OF LIEUTENANT IN THE POLICE DEPARTMENT

WHEREAS, at the request of the Chief of Police and Police Director, the Business Administrator posted for vacancies in the rank of Lieutenant in the Police Department; and,

WHEREAS, the resumes which were submitted were reviewed by the Chief of Police and Police Director, interviews were conducted, and they have submitted a recommendation to promote two officers to the rank of Lieutenant; and,

WHEREAS, funds for this purpose will be provided in the 2014 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 Michael D'Amico and Christopher Schembri be and are hereby promoted to the rank of Lieutenant in the Police Department effective September 23, 2014; and,

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

RESOLUTION #14-455 - 9/22/14

GRANT LEAVE OF ABSENCE TO PAM SMALL
UNDER THE FAMILY MEDICAL LEAVE ACT

WHEREAS, Pam Small, Records Clerk in the Police Department Records Bureau, has requested a leave of absence under the provisions of the Family Medical Leave Act during which time she will utilize accumulated sick time; and,

WHEREAS, the Business Administrator has approved the request,

THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune that Pam Small, Records Clerk in the Police Department Records Bureau, is hereby granted a leave of absence, with the use of accumulated sick time, under the provisions of the Family Medical Leave Act from September 25, 2014 through November 9, 2014; and,

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

RESOLUTION #14-456 - 9/22/14

AUTHORIZE SITE AND REMEDIAL INVESTIGATION OF SOIL AND GROUNDWATER
AT THE SHARK RIVER MUNICIPAL MARINA SITE

WHEREAS, the Township desires to engage the services of Dynamic Earth, the appointed Consultant for Hazardous Discharge Site Remediation Fund Investigation, to perform site and remedial investigation activities at the Shark River Municipal Marina on South Riverside Drive and further described as Block 402, Lots 13 and 15-17; Block 471, Lots 24-31 and 33; Block 474, Lots 24-31; and Block 475, Lots 28-33 & 35; and,

WHEREAS, this work is consistent with the continuation of the Preliminary Assessment Report and Remedial Investigation Workplan for the site; and,

WHEREAS, funds for this purpose will be provided in the 2014 municipal budget via a grant from the Hazardous Discharge Site Remediation Fund in the amount of \$268,194.00, 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 Dynamic Earth to perform the following environmental services at the Shark River Municipal Marina:

Site Investigation of Soil and Groundwater at an amount not to exceed \$163,442.50
Remedial Investigation of Soil and Groundwater at an amount not to exceed \$123,586.00

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

RESOLUTION #14-457 - 9/22/14

REAPPOINT SPECIAL LAW ENFORCEMENT OFFICERS
IN THE POLICE DEPARTMENT ON A PART-TIME BASIS

WHEREAS, in accordance with state regulations, it is required that existing Special Law Enforcement officers be reappointed on an annual basis; and,

WHEREAS, the Chief of Police has made his recommendations on the reappointment of existing Special Law Enforcement Officers; and,

WHEREAS, funds will be provided in the 2014 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 reappointed as part-time Special Law Enforcement Officers (SLEO) and to perform such other duties as prescribed by the Chief of Police, at an hourly rate as established by prior resolution of the Township Committee:

SLEO Class I – Matthew McDonough, Nicholas Jakelsky, Malcolm Jenkins & Kristen Narciso

SLEO Class II – John Mattia, William Fabian, Matthew Richardson, Darrell Furman, Evan Pollara, Steven Whritenour, Richard Brogley, Casey Crawford, Daniel Savastano, Tyrell Thompson, Marcus Neal, Jeff Force, Timothy Griswold, Edward Homiek and Shane Rowland

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

RESOLUTION #14-458 - 9/22/14

AUTHORIZE THE EXECUTION OF A SUBRECIPIENT GRANT AGREEMENT WITH THE
NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY FOR A
STREETSCAPE REVITALIZATION GRANT FOR WEST LAKE AVENUE

WHEREAS, the Township of Neptune desires to enter into a Subrecipient Grant Agreement with the New Jersey Economic Development Authority for a Streetscape Revitalization Grant for the West Lake Avenue Streetscape,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune does hereby authorize the Mayor and Clerk to execute a Subrecipient Grant Agreement with the New Jersey Economic Development Authority for the West Lake Avenue Streetscape; and also, upon receipt of the fully executed agreement from the Authority, does further authorize the expenditure of funds pursuant to the terms of said agreement between the Township of Neptune and the New Jersey Economic Development Authority; and,

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

RESOLUTION #14-459 - 9/22/14

AUTHORIZE CHANGE ORDER #2 (FINAL) IN CONNECTION WITH REPLACEMENT
OF A PORTION OF THE WESLEY LAKE RETAINING WALL

WHEREAS, a contract was awarded to Precise Construction, Inc. in the amount of \$1,093,000.00 in connection with the replacement of a portion of the Wesley Lake retaining wall; and,

WHEREAS, on July 14, 2014, the Township Committee adopted Resolution #14-459 which authorized Change Order #1 resulting in a net increase of \$15,505.00 in the contract amount; and,

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

WHEREAS, this change has been approved by the Township Engineer,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Mayor and Clerk be and are hereby authorized to execute Change Order #2 (final) in the contract with Precise Construction, Inc. in connection with the replacement of a portion of the Wesley Lake retaining wall resulting in a net decrease of \$1,295.00 revising the total contract to the final amount of \$1,107,210.00; and,

BE IT FURTHER RESOLVED, that by authorization of this Change Order, the Wesley Lake retaining wall project is now considered closed out and completed; and,

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

RESOLUTION #14-460 – 9/22/14

AUTHORIZE SUBMISSION OF A STRATEGIC PLAN FOR THE
NEPTUNE TOWNSHIP MUNICIPAL ALLIANCE GRANT

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; and,

WHEREAS, the Township Committee of the Township of Neptune, County of Monmouth, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the Neptune Township Committee further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Neptune Township Committee has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Monmouth; and,

WHEREAS, this Resolution supercedes and amends the allocation and match amounts authorized by Resolution #14-353 adopted July 14, 2014,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune, County of Monmouth, State of New Jersey hereby recognizes the following:

1. The Neptune Township Committee does hereby authorize submission of a strategic plan for the Neptune Township Municipal Alliance grant for fiscal year July 1, 2014-June 30, 2015 in the amount of:

DEDR	\$	<u>72,390.00</u>
Cash Match	\$	<u>18,097.50</u>
In-Kind	\$	<u>54,292.50</u>

2. The Neptune Township Committee acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

APPROVED: _____
Dr. Michael Brantley, Mayor

CERTIFICATION

I, Richard J. Cuttrell, Municipal Clerk of the Township of Neptune, County of Monmouth, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Neptune Township Committee on this 22nd day of September, 2014.

Richard J. Cuttrell, Municipal Clerk

RESOLUTION #14-461 – 9/22/14

APPROVE REMOVAL OF JASON ALLEN JONES AND RAYMOND HUIZENGA FROM
THE NEPTUNE TOWNSHIP PLANNING BOARD DUE TO ABSENTEEISM
PURSUANT TO N.J.S.A. 40A:9-12.1

WHEREAS, N.J.S.A. 40A:9-12.1 establishes the basis for an office of any person appointed as being deemed vacant; and

WHEREAS, N.J.S.A. 40A:9-12.1(g) establishes that in any case where a member of a board fails to attend and participate at meetings of a public body for a period of eight consecutive weeks, or for four consecutive regular meetings, whichever shall be of a longer duration, the appointing authority may officially remove said member, construe the position as vacant, and fill the position or office for the unexpired term of said member, pursuant to N.J.S.A. 40A:9-12.1(h); and

WHEREAS, Raymond Huizenga has not attended any Planning Board Meetings for year 2014, and Jason Allen Jones has missed four consecutive Planning Board Meetings from May, 2014 through August, 2014, and Jason Allen Jones has only attended one Planning Board Meeting in 2014.

THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune that the governing body hereby finds the positions held by Jason Allen Jones and Raymond Huizenga on the Neptune Township Planning Board vacant pursuant to N.J.S.A. 40A:9-12.1, as a result of the Township Committee's official action in removing Jason Allen Jones and Raymond Huizenga from the Planning Board for failure to attend four or more consecutive meetings in the year 2014 in accordance with N.J.S.A. 40A:9-12.1(g), effective with the adoption of this resolution, and shall separately, after the adoption of this resolution, fill the aforesaid positions for the unexpired terms in the manner prescribed by law; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Administrative Officer to the Planning Board.

RESOLUTION #14-462 - 9/22/14

AUTHORIZE CHANGE ORDER #2 (FINAL) IN CONNECTION WITH THE
RECONSTRUCTION OF A PORTION OF THE OCEAN GROVE BOARDWALK

WHEREAS, a contract was awarded to Epic Management Inc. in the amount of \$1,135,570.00 in connection with the reconstruction of the Ocean Grove Boardwalk; and,

WHEREAS, on June 23, 2014, the Township Committee adopted Resolution #14-340 which authorized Change Order #1 resulting in a net increase of \$18,446.00 in the contract amount; and,

WHEREAS, changes to the contract have been experienced as a result of final as-built quantities at the completion of the project and additional excavation and boardwalk at the flared section near the Ocean Pathway pavilion; and,

WHEREAS, these changes have been approved by the Project Engineer and the Ocean Grove Camp Meeting Association; and,

WHEREAS, funds for this purpose are available in Ordinance No. 14-09 and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Mayor and Clerk be and are hereby authorized to execute Change Order #2 (final) in the contract with Epic Management, Inc. in connection with the Reconstruction of the Ocean Grove Boardwalk resulting in a net increase of \$63,565.00 revising the total contract amount to \$1,217,581.00; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Contractor, Chief Financial Officer; Business Administrator, Township Engineer, Leon S. Avakian, Inc., and Ocean Grove Camp Meeting Association.

RESOLUTION #14-463 - 9/22/14

AWARD FAÇADE IMPROVEMENT LOAN/GRANT
TO BLANCO BROTHERS, 712 ROUTE 35

WHEREAS, the Township Committee created a Façade Improvement Loan/Grant Program by adoption of Ordinance 00-03; and,

WHEREAS, on September 9, 2014, the Façade Review Committee approved an application filed by Blanco Brothers, 712 Route 35, Neptune for a \$15,000 grant and \$15,000 loan (\$5,000 grant/\$5,000 loan for each of the three businesses in the building); and,

WHEREAS, the Township Committee desires to authorize the award of said loan/grant as approved by the Façade Review Committee; and,

WHEREAS, funds will be provided from the U.D.A.G. Reciprocal Loan Account and the Chief Financial Officer has so certified in writing; and,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that an award of \$15,000/grant and \$15,000/loan (\$5,000 grant/\$5,000 loan for each of the three businesses in the building) be and is hereby approved under the Façade Improvement Loan/Grant Program for Blanco Brothers, 712 Route 35, pursuant to the application approved by the Façade Review Committee on September 9, 2014; and,

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

RESOLUTION #14-464 - 9/22/14

AUTHORIZE THE ENDORSEMENT OF THE TAX SALE CERTIFICATE
AFFECTING BLOCK 189, LOT 4 (9 GEORGE STREET)

WHEREAS, all the taxes, costs and interest have been paid on the Tax Title Lien Certificate affecting the property listed below,

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 endorse for cancellation the Tax Title Lien Certificate affecting Block 189, Lot 4 (9 George Street); and,

BE IT FURTHER RESOLVED, that a copy of this resolution and the endorsed Tax Sale Certificate be forwarded to the Tax Collector.

RESOLUTION #14-465 – 9/22/14

AUTHORIZE RELEASE OF ENVIRONMENTAL ESCROW AGREEMENT
IN CONNECTION WITH FORMER RITE AID BUILDING

WHEREAS, the Township of Neptune, (hereinafter referred to as Neptune), entered into an Agreement with Rite Aid of New Jersey, Inc., (hereinafter referred to as Rite Aid) on September 10, 2008, for the purchase of property by Neptune from Rite Aid, commonly known as 1607 Corlies Avenue, Neptune Township, New Jersey, and designated as Lot 8 in Block 272 on the official Tax Map of the Township of Neptune; and

WHEREAS, the aforesaid Agreement was amended on December 2, 2008 and said Agreement, as amended, required the parties to enter into an Escrow Agreement, which was entered into on December 30, 2008, whereby Rite Aid agreed to post a Financial Assurance to secure Rite Aid's obligation for environmental remediation of the site, and for obtaining a No Further Action Letter ("NFA"); and

WHEREAS, the aforesaid Escrow Agreement resulted in Rite Aid posting \$250,000.00 with an Escrow Agent agreed upon, namely the firm of Meislik & Meislik, at 66 Park Street, Montclair, New Jersey 07042, with the closing of title to the property occurring on December 30, 2008; and

WHEREAS, pursuant to the terms of the Purchase Agreement and the Escrow Agreement, Rite Aid has the right to submit to Escrow Agent and to Neptune, a written request to receive the Assurance Funds upon receipt of a No Further Action Letter ("NFA") from the N.J.D.E.P.; and

WHEREAS, the parties acknowledge that the remediation responsibilities were assumed by B.L. Companies, a Licensed Site Remediation Professional ("LSRP") as defined by the Site Remediation Reform Act, N.J.S.A. 58:10C-2 ("LSRP" Statute); and

WHEREAS, as a result of an amendment and change to the Environmental Protection Laws, and in particular the "LSRP" Statute, the N.J.D.E.P. no longer, after the execution of the aforesaid Agreements, produces a "NFA" for remediation of the type of site as the subject site, but instead requires the "LSRP" to issue in lieu thereof, a Response Action Outcome Letter ("RAO") which serves the same purpose as the "NFA" did at the time in which the Purchase Agreement was entered into; and

WHEREAS, an "RAO" has been issued by the designated "LSRP" and dated August 8, 2014, and Rite Aid has now requested through their legal counsel, the release of the Assurance Funds per the aforesaid Agreements,

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey, that the governing body hereby authorizes the execution of the release of the Environmental Escrow Agreement attached hereto as Exhibit "A" as a result of the Response Action Outcome Letter of August 8, 2014, which is attached to the aforesaid Agreement, pursuant to the Purchase of Sale aforesaid and the Escrow Agreement aforesaid, and considering the changes in the Environmental Protection

Laws, requiring the "RAO" to replace and to serve in lieu thereof to the original "NFA" as set forth in the original Purchase Agreement and Escrow Agreement.

BE IT FURTHER RESOLVED, that the Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey, hereby authorizes the Mayor and Clerk to execute the Release of Environmental Escrow Agreement, attached hereto as Exhibit "A," with full knowledge that the execution of the aforesaid Agreement shall result in the release of \$250,000.00; originally held in escrow as Assurance Funds, pending proof of completion of all remediation on the subject property to the extent allowing for the issuance of an "RAO" from the duly appointed "LSRP."

RELEASE OF ENVIRONMENTAL ESCROW

THIS IS A SEPTEMBER __, 2014 RELEASE OF ENVIRONMENTAL ESCROW ("Agreement") made by and among RITE AID OF NEW JERSEY, INC., a New Jersey corporation, having a mailing address of P.O. Box 3165, Harrisburg, PA 17105 ("Seller"); THE TOWNSHIP OF NEPTUNE, a New Jersey municipal corporation, having a mailing address of 25 Neptune Boulevard, Neptune, NJ 07753 ("Buyer"); and MEISLIK & MEISLIK, a New Jersey general partnership, with an office at 66 Park Street, Montclair, New Jersey 07042 ("Escrow Agent").

RECITALS

A. Seller and Buyer entered into a certain September 10, 2008 Agreement for Sale of Real Estate, as amended by that certain December 2, 2008 First Amendment to Agreement for Sale of Real Estate (collectively, "Purchase Agreement"), whereby Seller agreed to sell to Buyer certain real property and improvements located in the Township of Neptune, County of Monmouth, and State of New Jersey, commonly known as 1607 Corlies Avenue, Neptune, New Jersey, and designated as Lot 8 in Block 272 on the Official Tax Map of the Township of Neptune ("Property").

B. Pursuant to the terms of the Purchase Agreement, Seller agreed to post a financial assurance to secure Seller's obligation to obtain a No Further Action Letter ("NFA") from the New Jersey Department of Environmental Protection ("NJDEP") relating to certain areas of concern noted in the preliminary assessment prepared by Buyer's environmental consultant.

C. Closing of title to the Property occurred on December 30, 2008 (the "Closing").

D. At the Closing, Escrow Agent was appointed as escrow agent pursuant to the terms of that certain December 30, 2008 Financial Assurance and Escrow Agreement ("Escrow Agreement") and since then, Escrow Agent has been holding the Assurance Funds (as such term is defined in the Escrow Agreement).

E. Pursuant to the terms of the Purchase Agreement and the Escrow Agreement, Seller has the right to submit to Escrow Agent and Buyer, a written request to receive the Assurance Funds upon receipt of a No Further Action Letter ("NFA") from NJDEP.

F. Seller and Buyer acknowledge that the remediation responsibilities were assumed by BL Companies, which is a Licensed Site Remediation Professional ("LSRP") as defined by the Site Remediation Reform Act, N.J.S.A. 58:10C-2 ("LSRP Statute"), and, at the completion of such remediation, the Seller received a Response Action Outcome ("RAO") from the LSRP in accordance with the LSRP Statute in lieu of receiving an NFA as required by the terms of the Purchase Agreement. A copy of the RAO is attached to this Agreement as Schedule A.

G. Seller hereby requests the release of the Assurance Funds, and Buyer, being satisfied that the conditions for the releasing of the Assurance Funds have been met with the issuance of the RAO, consents to such release.

NOW, THEREFORE, in consideration of the promises and the mutual covenants contained herein, the parties agree as follows:

TERMS

1. Recitals. The Recitals are incorporated into and made part of this Agreement.
2. Release of Assurance Funds. Seller and Buyer agree to the release of all of the Assurance Funds (together with all interest earned thereon) to Seller, and hereby authorize and direct Escrow Agent to release the Assurance Funds (together with all interest earned thereon) to Seller.
3. Termination of Escrow Agreement. Upon Escrow Agent's release of the Assurance Funds (together with all interest earned thereon) to Seller, the Escrow Agreement shall terminate and Escrow Agent shall have no further duties or obligations thereunder.
4. Entire Agreement. The terms and provisions of this Agreement constitute the entire agreement between the parties hereto. This Agreement or any provision hereof may be amended, modified or waived only by written instrument duly signed by the parties hereto or their successors and assigns.
5. Governing Law. The terms and provisions of this Agreement shall be construed or enforced in accordance with the laws of the State of New Jersey without reference to its conflict of laws provisions.
6. Counterparts. This Agreement may be executed by fax and simultaneously in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. "Faxed" signatures or signatures sent electronically in portable document format (PDF) shall have the same legal effect as original "ink" signatures.

[remainder of page intentionally left blank;
signatures to follow on next page]

IN WITNESS WHEREOF, the parties execute this Agreement as of the date first above written.

WITNESS:

Name: _____

WITNESS:

Name: _____

WITNESS:

Name: _____

SELLER:

RITE AID OF NEW JERSEY, INC.,
a New Jersey corporation

By: _____

Name: _____

Title: _____

BUYER:

THE TOWNSHIP OF NEPTUNE,
a New Jersey municipal corporation

By: _____

Name: _____

Title: _____

ESCROW AGENT

MEISLIK & MEISLIK

By: _____

Ira Meislik, Esq.

**Rite Aid of New Jersey, Incorporated
Attn.: David Kelly, Sr. Vice President of Store Development
30 Hunter Lane
Camp Hill, Pennsylvania 17011**

August 8, 2014

Re: Response Action Outcome

Remedial Action Type: Unrestricted Use

Scope of Remediation: Entire Site

Case Name: Former Rite Aid Store No. 2513

Address: 1607 Corlies Avenue

Municipality: Neptune Township

County: Monmouth

Block: 272 Lot: 8

Preferred ID: G000028316

KCSL # 78388

Communication Center # 96-3-26-0908-38, 96-3-27-1122-32, and 08-12-29-1508-56

Well Permit #s: P200901008, E201100195, E201100196, E201205424, and E201205425

Dear: Mr. Kelly

As a Licensed Site Remediation Professional authorized pursuant to N.J.S.A. 58:10C to conduct business in New Jersey, I hereby issue this Response Action Outcome for the remediation of the site specifically referenced above. I directly oversaw and supervised all of the referenced remediation, or personally reviewed and accepted all of the referenced remediation and based upon this work, it is my professional opinion that this remediation has been completed in compliance with the Administrative Requirements for the Remediation of Contaminated Sites (N.J.A.C. 7:26C), that is protective of public health, safety and the environment. Also, full payment has been made for all Department fees and oversight costs pursuant to N.J.A.C. 7:26C-4.

This remediation includes the completion of a Preliminary Assessment, Site Investigation, Remedial Investigation and Remedial Action as defined pursuant to the Technical Requirements for Site Remediation (N.J.A.C. 7:26E).

My decision in this matter is made upon the exercise of reasonable care and diligence and by applying the knowledge and skill ordinarily exercised by licensed site remediation professionals in good standing practicing in the State at the time these professional services are performed.

As required pursuant to N.J.A.C. 7:26C-6.2(b)2ii, a copy of all records related to the remediation that occurred at this location is being simultaneously filed with the New Jersey Department of

Environmental Protection (Department). These records contain all information upon which I based my decision to issue this Response Action Outcome.

By operation of law a Covenant Not to Sue pursuant to N.J.S.A. 58:10B -13.2 applies to this remediation. The Covenant Not to Sue is subject to any conditions and limitations contained herein. The Covenant Not to Sue remains effective only as long as the real property referenced above continues to meet the conditions of this Response Action Outcome.

CONDITIONS

Pursuant to N.J.S.A. 58:10B-12o, Rite Aid of New Jersey, Incorporated and any other person who is liable for the cleanup and removal costs, and remains liable pursuant to the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 et seq. shall inform the Department in writing, on a form available from the Department, within 14 calendar days after its name or address changes. Any notices you submit pursuant to this paragraph shall reference the above case numbers and shall be sent to:

New Jersey Department of Environmental Protection
Bureau of Case Assignment and Initial Notice
Mail Code 401-05H
401 East State Street, 5th floor
PO Box 420
Trenton, New Jersey 08625-0420

NOTICES

Well Decommissioning

Pursuant to N.J.A.C. 7:9D-3, all wells installed as part of this remediation have been properly decommissioned by a New Jersey licensed well driller of the proper class in accordance with the procedures set forth in N.J.A.C. 7:9D and the well driller's well decommissioning report has been submitted to the Bureau of Water Allocation and Well Permitting.

Building Interiors Not Addressed (Non-Child Care)

Please be advised that the remediation that is covered by this Response Action Outcome does not address the remediation of hazardous substances that may exist in building interiors or equipment, including, but not limited to, radon, asbestos and lead. As a result, any risks to human health presented by any building interior or equipment remains. A complete building interior evaluation should be completed before any change in use or re-occupancy is considered.

Contamination Remains On-Site due to Off-site Contamination

Please be advised that contamination in the ground water at this site exists above the Ground Water Quality Standards (N.J.A.C. 7:9C-1.7) which may limit ground water use at this site. Based on completion of a preliminary assessment and site investigation (as applicable), pursuant to N.J.A.C. 7:26E-3, and completion of a background investigation pursuant to N.J.A.C. 7:26E-3.9, there is no onsite contribution to this contamination and I have confirmed the source of this contamination is from offsite. This aspect of the site was reported to the Department and assigned the Department's Hotline incident number 13-10-25-1316-37. This ground water

contamination is being addressed under Department Program Interest #001693. Any redevelopment on this site should take into consideration the potential for vapor intrusion from the ground water contamination.

In concluding that this remediation has been completed, I am offering no opinions concerning whether either primary restoration (restoring natural resources to their pre-discharge condition) or compensatory restoration (compensating the citizens of New Jersey for the lost interim value of the natural resources) has been completed.

Pursuant to N.J.S.A. 58:10C-25, the Department may audit this Response Action Outcome and associated documentation up to three years following issuance. Based on a finding by the Department that a Response Action Outcome is not protective of public health, safety and the environment, the Department can invalidate the Response Action Outcome. Other justifications for the Department's invalidation of this Response Action Outcome are listed in the Administrative Requirements for the Remediation of Contaminated Sites at N.J.A.C. 7:26C-6, including, but not limited to, a Department audit following issuance of this document may be initiated at any time if: a) undiscovered contamination is found that was not addressed by the Response Action Outcome, b) if the Licensed Site Remediation Professional Board conducts an investigation of the Licensed Site Remediation Professional issuing the Response Action Outcome or, c) if the license of that person is suspended or revoked.

Thank you for your attention to these matters. If you have any questions, please contact me at (610) 337-3630.

Sincerely,



Robert W. Good,
Licensed Site Remediation Professional #
574543

c: **Monmouth County Board of Health**
Clerk, Township of Neptune
Mayor, Township of Neptune
Township Committee, Township of Neptune
NJDEP Bureau of Case Assignment and Initial Notice

RESOLUTION #14-466 - 9/22/14

RESCIND RENEWAL OF LIQUOR LICENSE HELD BY TANKS HOSPITALITY, LLC

WHEREAS, on August 11, 2014, the Township Committee adopted Resolution #14-401 which authorized the renewal of Liquor License #1334-33-008-016 issued to Tanks Hospitality, LLC and held in "in-pocket" status for the 2014-2015 licensing year; and,

WHEREAS, the renewal application was received not received by the July 31, 2014 statutory deadline; and,

WHEREAS, because the renewal application was not timely, the State of New Jersey Division of Alcoholic Beverage Control requires the submittal of a Verified Petition by the License Holder seeking the renewal of said inactive license; and,

WHEREAS, the renewal of the license via Resolution #14-404 must be rescinded until such time as the State grants approval,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Resolution #14-404 which authorized the renewal of Liquor License #1334-33-008-016 issued to Tanks Hospitality, LLC for the 2014-2015 licensing year be and is hereby rescinded; and,

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

RESOLUTION #14-467 - 9/22/14

AUTHORIZE TOWNSHIP ENGINEERING CONSULTANT TO PERFORM
ENGINEERING SERVICES FOR GABLES SANITARY SEWER SYSTEM
IMPROVEMENTS – PHASE III

WHEREAS, the Township of Neptune desires to initiate Phase III of Gables Sanitary Sewer System Improvements; and,

WHEREAS, it is necessary for a Township Engineer Consultant from the approved list of 2014 Engineering Consultants appointed via Request for Proposals to perform professional engineering services including preparation of design, plans, specifications, permitting, and construction management in connection with this project; and,

WHEREAS, PS&S has submitted a proposal for this work to the Township Engineer; and,

WHEREAS, funds for this purpose will be provided in Ordinances 07-41 and 12-14, 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 PS&S to perform the services as stated herein as Township Engineering Consultant at an amount not to exceed \$67,400.00 for design, specifications, permitting and bid services; and an amount not to exceed \$58,500.00 for construction management services; said proposal on file in the Office of the Municipal Clerk; and,

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

RESOLUTION #14-468 – 9/22/14

AUTHORIZE THE PAYMENT OF BILLS

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

CURRENT FUND	3,108,655.74
FEDERAL & STATE GRANT FUND	3,887.64
TRUST OTHER	84,753.90
GENERAL CAPITAL FUND	480,659.18
SEWER OPERATING FUND	3,317.96
MARINA OPERATING FUND	3,794.00
UDAG RECIPROCAL TRUST	89.94
BILL LIST TOTAL	\$3,685,158.36

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