

RESOLUTION

WHEREAS, on September 5, 2017, the Township Council for the Township of West Orange (the “Township”) adopted Resolution 200-17 authorizing the Township to retain Matrix New World at 26 Columbia Turnpike in Florham Park, New Jersey (“Matrix”) to prepare a Preliminary Assessment and Phase I Environmental Site Assessment for the real property located on Block 176.03, Lot 10 on the Township of West Orange Tax Map, commonly known as 665 Eagle Rock Avenue or 659 Eagle Rock Avenue as designated by the New Jersey Department of Environmental Protection (the “Property”) as part of the Township’s due diligence prior to acquisition of the Property; and

WHEREAS, during Matrix’s investigation, it discovered Sanborn maps from 1939 and 1951, which showed possible underground storage tanks on the Property which were not accounted for in the Department of Environmental Protection (the “DEP”) records nor the records of the Licensed Site Remediation Professional retained a previous owner of the Property, Exxon Mobile, to remediate the Property; and

WHEREAS, on November 21, 2017, the Township Council adopted Resolution 240-17 authorizing the Township to retain Matrix to perform Geophysical Testing on the Property to determine whether there are still unaccounted underground storage tanks on the Property as part of the Township’s due diligence prior to acquisition of the Property; and

WHEREAS, the results of the Geophysical Testing identified “One (1) tank-like GPR anomaly . . . located in the sidewalk area measuring approximately 4’ x 6’,” annexed hereto as Exhibit “A;” and

WHEREAS, Matrix recommends an excavation at the identified anomaly to determine whether the anomaly is an underground storage tank; and

WHEREAS, the Township desires to excavate the anomaly consistent with the recommendation of the results of the Geophysical Testing by utilizing the Department of Public Works with the oversight of Matrix; and

WHEREAS, the owner of the Property has executed a letter agreement to extend the deadline for the due diligence period to January 31, 2018 and the deadline for the closing date to February 28, 2018 to allow for the excavation, annexed hereto as Exhibit “B;” and

WHEREAS, Matrix has submitted a proposal to the Township to oversee the excavation of the anomaly at the Property to be performed by the Department of Public, annexed hereto as Exhibit “C;” and

WHEREAS, Matrix’s proposal fixes the fees and costs for the oversight of the excavation at \$400; and

WHEREAS, the price of the proposal falls below the bid threshold thereby exempting the services from the requirements of the Local Public Contracts Law; and

WHEREAS, the terms set forth in Matrix’s Proposal are agreeable to the Township.

NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, that the Township be and hereby is authorized to direct the Department of Public Works to perform an excavation at the Property the anomaly identified in the results of the Geophysical Testing; and be it further

RESOLVED, that consistent with the Letter Agreement, annexed hereto as Exhibit “B,” the deadline for the due diligence period is extended to January 31, 2018 and the deadline for the closing date for the purchase of the Property is extended to February 28, 2018 to allow for the excavation to occur; and be it further

RESOLVED, that the Township be and hereby is authorized to retain Matrix to the excavation of the anomaly at the Property consistent with the Proposal annexed hereto as Exhibit “C;” and be it further

RESOLVED, that Mayor is authorized to execute all necessary agreements or documents to retain Matrix consistent with the Proposal annexed hereto as Exhibit “**C;**” and be it further

RESOLVED, that the Municipal Clerk be and is hereby authorized to attest to the Mayor’s signature; and be it further

RESOLVED, that a copy of this Resolution shall be made available in the Clerk’s office in accordance with applicable law.

Karen J. Carnevale, R.M.C.
Township Clerk

Susan McCartney
Council President

Adopted: January 9, 2018

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