

ORDINANCE NO. O-20-4
TOWNSHIP COMMITTEE MEETING DATE – FEBRUARY 11, 2020

ORDINANCE AUTHORIZING THE
ACQUISITION OF DEVELOPMENT RIGHTS
AND DEVELOPMENT EASEMENT FOR OPEN
SPACE AND/OR FARMLAND PRESERVATION
PURPOSES IN THE TOWNSHIP OF FREEHOLD
BY INSTALLMENT PURCHASE;
AUTHORIZING THE ISSUANCE OF
OBLIGATIONS OF THE TOWNSHIP TO
FINANCE SUCH ACQUISITION;
AUTHORIZING THE TOWNSHIP MAYOR AND
TOWNSHIP CLERK TO EXECUTE THE
INSTALLMENT PURCHASE AGREEMENT;
AND PROVIDING FOR OTHER MATTERS
RELATING THERETO

WHEREAS, the Township of Freehold (the "Township") is pursuing various open space and/or farmland preservation programs including the acquisition of development rights and development easements; and,

WHEREAS, the Township has identified approximately 54+ acres of certain land and property (the "Property") located on the Tax Map as Block 44, Lots 4, 5, 6 and 7 and owned by Gibson Farm, LLC, a New Jersey limited liability company (the "Seller"), located in the Township of Freehold as viable open space and/or farmland preservation land, and is desirous of obtaining the Property to preserve and conserve such land; and,

WHEREAS, the Township has, by Ordinance adopted November 26, 2019, heretofore authorized the funding of the acquisition of the Property; and,

WHEREAS, an Installment Purchase Agreement has been negotiated between the Township and the Seller, in order to provide such acquisition (the "Installment Purchase Agreement"); and,

BE IT RESOLVED, as follows:

1. The Township hereby authorizes the acquisition of the Property from the Seller for an amount not to exceed \$2,950,000, with \$750,000 at closing and the remainder pursuant to an Installment Purchase Agreement for said acquisition in an amount not to exceed \$2,200,000.

2. The Township hereby approves the terms and provisions of the Installment Purchase Agreement in the form presented to this meeting, and authorizes the Mayor and Clerk to execute and deliver the Installment Purchase Agreement with such changes as the Mayor, in his or her sole discretion, after consultation with counsel, shall determine, such determination to be conclusively evidenced by the execution of such Installment Purchase Agreement. The interest

payable under the Installment Purchase Agreement shall be 2.10% per annum and the installments under the Installment Purchase Agreement shall be paid over fifteen years from the date of closing, unless Seller demands full payment at an earlier date of the outstanding balance on one hundred eighty (180) days' notice.

3. It is hereby determined that the supplemental debt statement required pursuant to the Local Land and Building Law, N.J.S.A. 40A:12 1 et seq., and the Local Bond Law, N.J.S.A. 40A:2 1 et seq. has been duly filed in the office of the Township Clerk prior to adoption of this Ordinance, that a complete executed duplicate thereof has been duly filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey prior to adoption of this Ordinance, and that Supplemental Debt Statement shows that the gross debt of the Township, as defined in the Local Bond Law, is increased by the authorization hereunder in the amount of \$2,200,000 and that the obligation authorized by this Ordinance is within all the debt limitations prescribed by the Local Bond law.

4. The capital budget of the Township is hereby amended to conform with the provisions of this Ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Clerk of the Township and is available for public inspection.

5. For the punctual payment of the principal of and interest on the obligation authorized to be issued by this Ordinance, the full faith, credit and taxing power of the Township is hereby irrevocably pledged. The obligation shall be a direct, unlimited general obligation of the Township and, unless paid from other sources, the Township shall levy ad valorem taxes upon all taxable property within the Township for the payment of the principal of and interest on the obligation without limitation as to rate or amount.

6. The Township hereby covenants not to take or omit to take any action so as to cause interest on the obligation authorized to be issued by this Ordinance to be no longer exempt from federal income taxes. The Township further covenants that it will not authorize or make any prohibited payment or any investment of any proceeds of the obligation or make any other use of such proceeds which would cause such obligation to be an "arbitrage bond" as such term is defined in the Internal Revenue Code of 1986 as the same may be amended or superseded from time to time and the regulations issued thereunder, and the Township further covenants to rebate to the United States Treasury any excess earnings on the gross proceeds of such obligation, as necessary, and to otherwise comply with said section 148 and said regulations throughout the term of such obligation.

7. The Township Mayor, Chief Financial Officer, the Clerk and the proper officers of the Township are hereby authorized and directed to execute such closing certificates as counsel may approve and to take all such other action as may be necessary or appropriate to effect the delivery of the Installment Purchase Agreement and to carry out the intent and purpose of this Ordinance.

8. This Ordinance shall take effect 20 days after the first publication thereof after final adoption.

NOTICE

The Ordinance published herewith was introduced and passed upon first reading at a meeting of the governing body of the Township Committee of the Township of Freehold, in the County of Monmouth, State of New Jersey, held on February 11, 2020. It will be further considered for final passage after public hearing thereon at a meeting of said governing body to be held at the Municipal Building, One Municipal Plaza, in said Township on March 10, 2020 at 8:00 o'clock p.m. and during the week prior to and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's Office to the members of the general public who shall request the same.

SANABEL ABOUZEINA
TOWNSHIP CLERK

STATEMENT

THE ORDINANCE PUBLISHED HEREWITH HAS BEEN FINALLY ADOPTED ON MARCH 10, 2020 AND THE 20-DAY PERIOD OF LIMITATION WITHIN WHICH A SUIT, ACTION OR PROCEEDING QUESTIONING THE VALIDITY OF SUCH ORDINANCE CAN BE COMMENCED, AS PROVIDED IN THE LOCAL BOND LAW, HAS BEGUN TO RUN FROM THE DATE OF THE FIRST PUBLICATION OF THIS STATEMENT.

SANABEL ABOUZEINA
TOWNSHIP CLERK

ORDINANCE NO. O-02-5

TOWNSHIP MEETING DATE – February 11, 2020

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 190 (LAND USE), ARTICLE II (PLANNING BOARD), SECTION 190-15 (ADDITIONAL VOTING RESTRICTIONS ON CERTAIN MEMBERS), OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF FREEHOLD, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

BE IT ORDAINED by the Township Committee of the Township of Freehold, County of Monmouth, State of New Jersey, as follows (additions are underlined, and deletions are in [brackets]):

I

Chapter 190, Land Use, Article II, Planning Board, Section 190-15, Additional voting restrictions on certain members, is hereby amended to read as follow:

§ 190-15 **Additional voting restrictions on certain members.**

Pursuant to N.J.S.A. 40:55D-25c(2), Class I and Class ~~II~~ III members, as well as any designees or alternates who may be serving in their place, shall not participate in the consideration of applications for development which involve relief pursuant to Subsection d. of N.J.S.A. 40:55D-70.

II

All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

III

If any section, subparagraph, sentence, clause or phrase of this Ordinance shall be held to be invalid, such decision shall not invalidate the remaining portion of this Ordinance.

IV

This Ordinance shall take effect upon adoption and publication according to law and filing with the Monmouth County Planning Board.

EXPLANATORY STATEMENT:

The purpose of this ordinance is to address a technical change with respect to the treatment of applications under N.J.S.A. 40:55D-70(d).



Resolution of the Township of Freehold
Monmouth County, New Jersey

No: R-20-36

Date of Adoption: February 11, 2020

TITLE: RESOLUTION APPROVING CONSOLIDATED BILLS LIST

- - - R E S O L U T I O N - - -

BE IT RESOLVED by the Township Committee of the Township of Freehold that the vouchers listed on the Consolidated Bills List, in the amount of \$14,096,884.06 dated February 11, 2020, as presented by the Township Treasurer/Chief Financial Officer, be paid from existing appropriations subject to adopt of resolution authorizing expenditures.

No. R-20-36

VOTE OF THE TOWNSHIP COMMITTEE							
COMMITTEEMAN	I	S	Y	N	NV	AB	
Mr. Ammiano							
Mr. Cook							
Mrs. Fasano							
Mr. Walker							
Mayor Preston							

I-Introduced By S-Seconded By X- Indicates Vote NV- Not Voting AB- Absent



Resolution of the Township of Freehold

Monmouth County, New Jersey

No: R-20-37

Date of Adoption: February 11, 2020

**TITLE: RESOLUTION JOINING WITH THE TOWNSHIP OF MANALAPAN
IN ITS APPLICATION FOR A LOCAL EFFICIENCY
ACHIEVEMENT PROGRAM (LEAP) CHALLENGE GRANT TO
PURCHASE AN ANIMAL CONTROL TRUCK/VAN**

- - - R E S O L U T I O N - - -

WHEREAS, the State of New Jersey has allocated \$150,000 within each county for a Statewide total of \$3.15 million in Local Efficiency Achievement Program (LEAP) funds to promote innovation among peer local units across New Jersey; and

WHEREAS, the Department of Community Affairs, Division of Local Government Services (DLGS) administers the LEAP Grant Program; and

WHEREAS, the LEAP Challenge Grant exists to challenge municipalities and counties to collaborate on more extensive partnership and collaborations to produce efficiencies through shared services; and

WHEREAS, the Township of Manalapan (Shared Services Agreement with Freehold Township, Freehold Borough and Millstone Township) has determined to apply for a LEAP Challenge Grant through the State of New Jersey Local Efficiency Achievement Program in the amount of \$25,000; and

WHEREAS, the Township of Manalapan has agreed to be the lead agency in this Program; and

WHEREAS, the State of New Jersey has made LEAP Grants available to assist local units to study, develop and implement new shared services initiatives; and

WHEREAS, the purpose of the project submitted in this Grant application is intended to provide benefits to the participant local units' residents through the sharing of an additional animal control truck/van to enhance and make more efficient animal control services in the area;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Township of Freehold does hereby join with the Township of Manalapan in applying for a LEAP challenge grant to support undertaking this endeavor;

BE IT FURTHER RESOLVED that a certified copy of the within Resolution shall be forwarded to Tara L. Lovrich, Administrator, Township of Manalapan; Freehold Township Administrator; Freehold Township Health Officer; and Freehold Township Director of Finance.

No. R-20-37

VOTE OF THE TOWNSHIP COMMITTEE							
COMMITTEEMAN	I	S	Y	N	NV	AB	
Mr. Ammiano							
Mr. Cook							
Mrs. Fasano							
Mr. Walker							
Mayor Preston							

I-Introduced By S-Seconded By X- Indicates Vote NV- Not Voting AB- Absent



Resolution of the Township of Freehold

Monmouth County, New Jersey

No: R-20-38

Date of Adoption: February 11, 2020

**TITLE: RESOLUTION DISBURSING AN OVERPAYMENT OF
WATER/SEWER**

- - - R E S O L U T I O N - - -

WHEREAS, a certain property owner has a credit balance on their account; and,

WHEREAS, the following Taxpayer Schedule includes a 2020 Overpayment of Water/Sewer; applicable to the block and lot and in the amount set forth; and,

WHEREAS, the Tax Collector of the Township of Freehold has certified to the Township Committee of the Township of Freehold that the item designated with the word "REFUND" on Schedule A be refunded to the name appearing below;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Freehold that the refund be made to the taxpayer appearing on Schedule A and the check for the aforesaid refund be issued by the Treasurer;

BE IT FURTHER RESOLVED that the Tax Collector is hereby authorized to make corrections and notations upon the Municipal records as may be necessary to effect this Resolution;

BE IT FURTHER RESOLVED by the Township Committee of the Township of Freehold that the Township Clerk is hereby authorized to forward a certified copy of the within Resolution to the Tax Collector and Treasurer/Director of Finance.

SCHEDULE A
2020 - WATER/SEWER OVERPAYMENT - REFUND

42.03 37 S01	HAZEL GAJEWSKI 14 POE COURT FREEHOLD, NJ 07728	\$ 737.32
	TOTAL	\$ 737.32

TOTAL REFUNDED \$737.32

No. R-20-38

VOTE OF THE TOWNSHIP COMMITTEE							
COMMITTEEMAN	I	S	Y	N	NV	AB	
Mr. Ammiano							
Mr. Cook							
Mrs. Fasano							
Mr. Walker							
Mayor Preston							

I-Introduced By S-Seconded By X- Indicates Vote NV- Not Voting AB- Absent



Resolution of the Township of Freehold

Monmouth County, New Jersey

No: R-20-39

Date of Adoption: February 11, 2020

TITLE: RESOLUTION EXTENDING THE CONTRACT FOR THE FURNISHING AND DELIVERY OF AUTOMOTIVE AND LIGHT DUTY TRUCK PARTS

- - - R E S O L U T I O N - - -

WHEREAS, the Township Committee awarded a Two Year Contract for the Furnishing and Delivery of Automotive and Light Duty Truck Parts to Auto King Parts & Supplies, Brice's Auto Supply, Inc., Chapman Ford Sales, Inc., Freehold Dodge, Freehold Ford, National Parts Supply and Pine Belt Chevrolet on February 13, 2018 by Resolution R-18-49; and,

WHEREAS, National Parts Supply was purchased by Eastern Auto Parts Warehouse effective January 26, 2019, thus rendering their Contract null and void as per the bid specifications; and,

WHEREAS, the Superintendent of Public Works has recommended, by memorandum dated February 5, 2020, that the above Contract be extended for one (1) additional year, due to high quality of supplies and reasonable pricing; and,

WHEREAS, the provisions of N.J.S.A. 40A-11-15(44) of the Local Public Contracts Law allow municipalities to extend a contract for an additional year upon a finding by the Governing Body that the services were performed in an effective and efficient manner; and,

WHEREAS, the Director of Finance has certified with the Township Clerk that funds are available in the following budget accounts, contingent upon the necessary funds being appropriated by the Governing Body in the 2020 and 2021 Municipal Budgets:

0-01-26-315-315-244 and 1-01-26-315-315-244

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Freehold hereby authorizes the above Contract extensions for the Furnishing and Delivery of Automotive and Light Duty Truck Parts in accordance with the bid specifications;

BE IT FURTHER RESOLVED that a certified copy of the within Resolution be forwarded to the Director of Finance, the Superintendent of Public Works, the Purchasing Agent, Auto King Parts & Supplies, Brice's Auto Supply Inc., Chapman Ford Sales, Inc., Freehold Dodge, Freehold Ford and Pine Belt Chevrolet.

No. R-20-39

VOTE OF THE TOWNSHIP COMMITTEE							
COMMITTEEMAN	I	S	Y	N	NV	AB	
Mr. Ammiano							
Mr. Cook							
Mrs. Fasano							
Mr. Walker							
Mayor Preston							

I-Introduced By S-Seconded By X- Indicates Vote NV- Not Voting AB- Absent



Resolution of the Township of Freehold

Monmouth County, New Jersey

No: R-20-40

Date of Adoption: February 11, 2020

TITLE: RESOLUTION EXTENDING CONTRACT FOR THE FREEHOLD TOWNSHIP MUNICIPAL ALLIANCE GOLF OUTING

- - - R E S O L U T I O N - - -

WHEREAS, a contract for the Freehold Township Municipal Alliance Golf Outing was awarded to Battleground Country Club on February 12, 2019 by Resolution R-19-51; and,

WHEREAS, the Health Officer has recommended, by memorandum dated February 5, 2020, that the above named Contract be extended for one (1) additional year, due to high quality and reasonable pricing; and,

WHEREAS, the provisions of N.J.S.A. 40A:11-15 (44) of the Local Public Contracts Law allow municipalities to extend a contract for an additional year upon a finding by the governing body that the services were performed in an effective and efficient manner; and,

WHEREAS, the Director of Finance has certified to the Township Clerk that funds are available in the following 2020 Municipal Alliance Golf Outing Trust Account:

T-22-56-856-000-016

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Freehold hereby authorizes the above named contract extension for the Freehold Township Municipal Alliance Golf Outing in the estimated amount of \$28,637.28, in accordance with the bid specifications;

BE IT FURTHER RESOLVED that certified copies of the within Resolution be forwarded to the Director of Finance, the Health Officer, the Purchasing Agent and Battleground Country Club.

No. R-20-40

VOTE OF THE TOWNSHIP COMMITTEE							
COMMITTEEMAN	I	S	Y	N	NV	AB	
Mr. Ammiano							
Mr. Cook							
Mrs. Fasano							
Mr. Walker							
Mayor Preston							

I-Introduced By S-Seconded By X- Indicates Vote NV- Not Voting AB- Absent



Resolution of the Township of Freehold

Monmouth County, New Jersey

No: R-20-41

Date of Adoption: February 11, 2020

TITLE: RESOLUTION AUTHORIZING EXECUTION OF DEVELOPER'S AGREEMENT FOR 75 BANNARD REALTY CORP. (FREEHOLD HYUNDAI), SITE PLAN NO. 793-3-17, BLOCK 65.01, LOT 16

- - - R E S O L U T I O N - - -

WHEREAS, on April 18, 2019, the Freehold Township Planning Board granted amended preliminary and final site plan approval to 75 Bannard Realty Corp., Site Plan No. 793-3-17, Block 65.01, Lot 16, located on Route 9; and

WHEREAS, in accordance with its Planning Board approval, the Developer is required to enter into a Developer's Agreement with the Township of Freehold; and

WHEREAS, the Township Attorney has prepared a Developer's Agreement for this site plan.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Freehold that the Mayor is hereby authorized to execute and the Township Clerk to attest the Developer's Agreement between the Township of Freehold and the Developer in accordance with the approval granted by the Freehold Township Planning Board.

BE IT FURTHER RESOLVED that a copy of this Resolution certified by the Township Clerk to be a true copy be forwarded to: Township Engineer, Township Attorney, Township Planning Board, Township Construction Official and the Developer.

No. R-20-41

VOTE OF THE TOWNSHIP COMMITTEE							
COMMITTEEMAN	I	S	Y	N	NV	AB	
Mr. Ammiano							
Mr. Cook							
Mrs. Fasano							
Mr. Walker							
Mayor Preston							

I-Introduced By S-Seconded By X- Indicates Vote NV- Not Voting AB- Absent



Resolution of the Township of Freehold
Monmouth County, New Jersey

No: R-20-42

Date of Adoption: February 11, 2020

TITLE: RESOLUTION - TRANSFER OF APPROPRIATION RESERVES

- - - R E S O L U T I O N - - -

WHEREAS, various 2019 bills have been presented for payment this year, which bills represent obligations of the prior year and were not recorded at the time of transfers between the 2019 Municipal Budget in the last two months of 2019; and

WHEREAS, N.J.S. 40A:4-59 provides that all unexpended balances carried forward after the close of the year are available, until lapsed at the close of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding year, and allow transfers to be made from unexpended balances to those which are expected to be insufficient during the first three months of the succeeding year;

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Freehold, in the County of Monmouth, State of New Jersey, (2/3 of the majority of the full membership concurring herein) that the transfers in the amount of \$225.00 be made between the 2019 Budget Appropriation Reserves as follows:

	FROM	TO
Deferred Charges and Statutory Expenditures-Municipal within "CAPS"		
Statutory Expenditures:		
Social Security System (O.A.S.I.)	\$ 225.00	
Defined Contribution Retirement Program		\$ 225.00

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Chief Financial Officer.

No. R-20-42

VOTE OF THE TOWNSHIP COMMITTEE							
COMMITTEEMAN	I	S	Y	N	NV	AB	
Mr. Ammiano							
Mr. Cook							
Mrs. Fasano							
Mr. Walker							
Mayor Preston							

I-Introduced By S-Seconded By X- Indicates Vote NV- Not Voting AB- Absent



Resolution of the Township of Freehold

Monmouth County, New Jersey

No: R-20-B

Date of Adoption: February 11, 2020

TITLE: RESOLUTION - EXECUTIVE SESSION

- - - RESOLUTION - - -

WHEREAS, N.J.S.A. 10:4-13 of the Open Public Meetings Act permits the exclusion of the public from meetings of public bodies in certain circumstances which are set forth in N.J.S.A. 10:4-12 (b); and

WHEREAS, the Township Committee of the Township of Freehold is of the opinion that such circumstances currently exist.

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

1. The public shall be excluded from the discussion of any action upon the hereinafter specified matters.

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

1. LITIGATION

1A. Eminent Domain

2. ATTORNEY-CLIENT PRIVILEGE

2A. Affordable Housing

3. PROPERTY ACQUISITION

3A. Farmland Preservation

3. It is anticipated at this time the above-stated subject matter will be made public in approximately thirty days or at such time as any litigation discussed is resolved.

No. R-20-B

VOTE OF THE TOWNSHIP COMMITTEE							
COMMITTEEMAN	I	S	Y	N	NV	AB	
Mr. Ammiano							
Mr. Cook							
Mrs. Fasano							
Mr. Walker							
Mayor Preston							

I-Introduced By S-Seconded By X- Indicates Vote NV- Not Voting AB- Absent