1. 07 16 2019 Final Agenda
   Documents:
   07 16 2019 FINAL AGENDA.PDF

2. 07 16 2019 Preliminary Agenda
   Documents:
   07 16 2019 PRELIMINARY AGENDA.PDF

3. 06 11 2019 Minutes For Approval
   Documents:
   06 11 2019 MINUTES FOR APPROVAL.PDF

4. 07 16 2019 Resolutions Rev
   Documents:
   07 16 2019 RESOLUTIONS REV.PDF

5. 07 16 2019 Ordinance Adoption
   Documents:
   07 16 2019 ORDINANCE ADOPTION.PDF

6. 07 16 2019 Ordinance Introduction Rev
   Documents:
   07 16 2019 ORDINANCE INTRODUCTION REV.PDF
FINAL AGENDA

HOWELL TOWNSHIP COUNCIL REGULAR MEETING AGENDA

TUESDAY, JULY 16, 2019
Executive Session 6:30 PM; Regular Session 7:30 PM
Howell Township Municipal Building, Main Meeting Room
4567 Route 9 North, Howell, NJ
(Last updated 7/15/2019 2:00 PM)

This agenda for the next regular meeting of the Howell Township Council, and the resolutions linked to this agenda, reflect the agenda and proposed resolutions to the extent known at the time of posting, pursuant to N.J.S.A. 10:4-8(d). The agenda and resolutions are tentative. They are subject to amendment, additions or deletions prior to the meeting.

Any inquiries concerning the agenda and its contents should be directed to the Township Clerk at 732-938-4500, extension 2150. www.twp.howell.nj.us

1. CALL TO ORDER BY THE MAYOR
2. OPENING STATEMENT AND ROLL CALL
3. EXECUTIVE SESSION
4. PLEDGE OF ALLEGIANCE TO THE FLAG
5. ACCEPTANCE OF MINUTES OF PREVIOUS MEETINGS
   • June 11, 2019 Regular Meeting + Executive Session + Public Release
6. REPORTS OF TOWNSHIP OFFICIALS
   ▪ Recognition – Howell High School Student Shane Reitsma, “Change the Statistics”
   ▪ Public Hearing – Shared Services Agreement for Tax Collector Services
7. DISCUSSION
8. HEARING OF CITIZENS (1 Hour) & PUBLIC COMMENT ON CONSENT AGENDA ITEMS

Please note that each person addressing the Township Council during this section of the meeting shall limit his/her remarks to five minutes pursuant to the Howell Township Council Meeting Protocol Policy.
9. CONSENT AGENDA ITEMS (*)
All matters listed under item Consent Agenda marked with an * will be enacted by one motion.

9A RESOLUTIONS

*R-19-206 9A.1 Authorize Shared Services Agreement with the Borough of Farmingdale for Tax Collection Services
Explanatory Statement:
This Resolution authorizes a Shared Services Agreement with the Borough of Farmingdale for Tax Collection Services and water and sewer collection.

*R-19-207 9A.2 Authorize a Refund of a Certificate of Compliance Application Fee, Salvatore Materia, 406 Brookview Ct, Block 138.01, Lot 24.08, $50.00
Explanatory Statement:
This Resolution authorizes a Refund of a Certificate of Compliance Application Fee, Salvatore Materia, 406 Brookview Ct, Block 138.01, Lot 24.08, $50.00.

*R-19-208 9A.3 Authorize a Refund of a Certificate of Compliance Application Fee, Ann Joy Becker, 1 Marion Ave, Block 89, Lot 1, $50.00
Explanatory Statement:
This Resolution authorizes a Refund of a Certificate of Compliance Application Fee, Ann Joy Becker, 1 Marion Ave, Block 89, Lot 1, $50.00.

*R-19-209 9A.4 Authorize Chapter 159, NJAOC Municipal Court Alcohol Education, Rehabilitation & Enforcement Fund, $964.50
Explanatory Statement:
This Resolution authorizes additional monies for the NJAOC Municipal Court Alcohol Education, Rehabilitation & Enforcement Fund, to be added to the adopted 2019 Budget in the amount of $964.50.

*R-19-210 9A.5 Authorize Chapter 159, ANJEC (Association of New Jersey Environmental Commissions) Grant, $1,000.00
Explanatory Statement:
This Resolution authorizes additional monies for the ANJEC (Association of New Jersey Environmental Commissions) Grant, to be added to the adopted 2019 Budget in the amount of $1,000.00.

Explanatory Statement:
This Resolution authorizes Acceptance of Performance Guarantee, Lidl US Operations, LLC, Lidl Grocery Store, Block 79 Lots 78 & 79, 4250 US Highway 9 South, Case No. SP-1057 CE.
*R-19-212 9A.7 Authorize Initiating Competitive Contracting for Finance Software and Support
Explanatory Statement:
This Resolution authorizes Initiating Competitive Contracting for the acquisition of finance software and support.

*R-19-213 9A.8 Authorize Return of Unused Zoning Board Escrow Funds, EZE Fit Howell LLC, Quail Creek Shopping Center LLC, Quail Creek Plaza (intersection of Newtons Corner Rd and Ramtown Greenville Rd) Block 3 Lot 17.02, Case No. BA19-05, $446.00
Explanatory Statement:
This Resolution authorizes the Return of Unused Zoning Board Escrow Funds, EZE Fit Howell LLC, Quail Creek Shopping Center LLC, Quail Creek Plaza Block 3 Lot 17.02, Case No. BA19-05, in the amount of $446.00.

*R-19-214 9A.9 Authorize Return of Unused COAH Concept Escrow Funds, Yellowbrook Developers LLC, Block 182 Lots 13 through 16, East side of Yellowbrook Rd, Case No. COAH Concept 40011, $1,450.00
Explanatory Statement:
This Resolution authorizes the Return of Unused COAH Concept Escrow Funds, Yellowbrook Developers LLC, Block 182 Lots 13 through 16, East side of Yellowbrook Rd (between Cranberry Rd and Route 33), Case No. COAH Concept 40011, in the amount of $1,450.00 plus interest, if any.

*R-19-215 9A.10 Authorize Return of Unused Engineering Inspection Escrow Funds, Monmouth County Rifle & Pistol Club, Block 223 Lot 16, Birdsall Rd, Case No. BA-06-09, $3,835.38
Explanatory Statement:
This Resolution Authorizes the Return of Unused Engineering Inspection Escrow Funds, Monmouth County Rifle & Pistol Club, Block 223 Lot 16, Birdsall Rd, Case No. BA-06-09, in the amount of $3,835.38.

*R-19-216 9A.11 Authorize Return of Unused Engineering Inspection Escrow Funds, Par Golf, LLC/Birdie Holding Co., LLC, Eagle Oaks Golf Club Addition, Block 185 Lot 40.01, Shore Oaks Drive, Case No. SP-1009, $289.83
Explanatory Statement:
This Resolution Authorizes the Return of Unused Engineering Inspection Escrow Funds, Par Golf, LLC/Birdie Holding Co., LLC, Eagle Oaks Golf Club Addition, Block 185 Lot 40.01, Shore Oaks Drive, Case No. SP-1009, in the amount of $289.83.

*R-19-217 9A.12 Authorize Return of Unused Water and Sanitary Sewer Review Escrow Funds, Par Golf Group, LLC, Eagle Oaks Golf Club Addition, Block 185 Lot 40.01, Shore Oaks Drive, Case No. SP-1009
Explanatory Statement:
This Resolution Authorizes the Return of Unused Water Review Escrow Funds in the amount of $114.35 and Sanitary Sewer Review Escrow Funds in the amount of $0.93, Par Golf, LLC, Eagle Oaks Golf Club Addition, Block 185 Lot 40.01, Shore Oaks Drive, Case No. SP-1009.
9A.13 Authorize Return of Unused Engineering Inspection Escrow Funds, First Financial Federal Credit Union, Block 142 Lot 1.02, Route 9 North (next to Howell Park & Ride), Case Nos. SP-981 & SP-981A (Phases I & II)

Explanatory Statement:
This Resolution authorizes the Return of Unused Engineering Inspection Escrow Funds, First Financial Federal Credit Union, Block 142 Lot 1.02, Route 9 North, Case No. SP-981 (Phase I), in the amount of $358.10, and Case No. SP-981A (Phase II), in the amount of $134.59.

9A.14 Authorize Return of Unused Sanitary Sewer Review and Site Inspection Escrow Funds, K. Hovnanian Holdings NJ, LLC, Greenway Run, Block 139 Lots 12 and 12.01 (off Strickland Road), Case No. SP-934

Explanatory Statement:
This Resolution authorizes the Return of Unused Sanitary Sewer Review Escrow Funds in the amount of $1,583.52, and Unused Site Inspection Escrow Funds in the amount of $204.83, K. Hovnanian Holdings NJ, LLC, Greenway Run, Block 139 Lots 12 and 12.01, Case No. SP-934.

9A.15 Authorize Return of Engineering Pool Permit Review Fee, Stephen and Suzanne West, 6 Duchess Court, Block 151 Lot 9.13, Case No. POOL-18-046, $350.00

Explanatory Statement:
This Resolution authorizes the Return of Engineering Pool Permit Review Fee, Stephen and Suzanne West, 6 Duchess Court, Block 151 Lot 9.13, Case No. POOL-18-046, in the amount of $350.00.

9A.16 Authorize Return of Unused COAH Concept Escrow Funds, Brickyard LLC, Block 224 Lots 10, 17, and 28 through 32, North Side of Birdsall Road (between Lakewood Farmingdale Road and Belmar Boulevard), Case No. COAH Concept 40009, $1,927.21

Explanatory Statement:
This Resolution authorizes the Return of Unused COAH Concept Escrow Funds, Brickyard LLC, Block 224 Lots 10, 17, and 28 through 32, North Side of Birdsall Road, Case No. COAH Concept 40009, in the amount of $1,927.21 plus interest, if any.

9A.17 Authorize Return of Unused Planning Board Escrow Funds, Brickyard LLC – (Solar Farm), Block 224 Lots 10, 17 and 17.02, 80 Birdsall Road (between Lakewood Farmingdale Road and Belmar Boulevard), Case No. 224, $52.43

Explanatory Statement:
This Resolution authorizes the Return of Unused Planning Board Escrow Funds, Brickyard LLC – (Solar Farm), Block 224 Lots 10, 17 and 17.02, 80 Birdsall Road, Case No. 224, in the amount of $52.43.
9A.18 Authorize Return of Unused Planning Board Escrow Funds, Heather Jennings, Block 40 Lots 18 and 18.01, 2977 Lakewood Allenwood Road (between Porter Road and Vienna Road), Case No. SD-2966, $422.06

Explanatory Statement:
This Resolution authorizes the Return of Unused Planning Board Escrow Funds, Heather Jennings, Block 40 Lots 18 and 18.01, 2977 Lakewood Allenwood Road, Case No. SD-2966, in the amount of $422.06.

9A.19 Authorize Refund of Recreation Program Fees

Explanatory Statement:
This Resolution authorizes refunds to people or parents who enrolled themselves or their children into various recreational programs but who have asked for refunds because they or their children will be unable to participate fully in the program.

9A.20 Authorize Refund of Park & Ride Fee

Explanatory Statement:
This Resolution authorizes the Refund of a Park & Ride Fee, Janet Meyerson, in the amount of $104.00.

9A.21 Authorize Transfer of Outstanding Bail Checks, Howell Township Municipal Court, $1,565.00

Explanatory Statement:
This resolution authorizes the Transfer of Outstanding Bail Checks, Howell Township Municipal Court, in the amount of $1,565.00.

9A.22 Authorize the Sale of Surplus Personal Property (Vehicles, Miscellaneous Equipment) no longer needed for public use on an Online Auction Website at USGovBid.com

Explanatory Statement:
This Resolution authorizes the Sale of Surplus Personal Property (Vehicles, Miscellaneous Equipment) no longer needed for public use on an Online Auction Website at USGovBid.com. Auction Date: August 17, 2019 – August 22, 2019.

9A.23 Removed from the Agenda

9A.24 Authorize Award of Required Disclosure Contract for Demolition of 700 Fort Plains Road, John Blewett Inc., Not to Exceed $39,500.00

Explanatory Statement:
This Resolution authorizes the Award of a Required Disclosure Contract for Demolition of 700 Fort Plains Road, John Blewett Inc., for an amount Not to Exceed $39,500.00.
**R-19-230**  
9A.25 Authorize Chapter 159, New Jersey Clean Communities Grant, $12,651.80  
**Explanatory Statement:**  
This Resolution authorizes additional monies for the New Jersey Clean Communities Grant, to be added to the adopted 2019 Budget in the amount of $12,651.80.

**R-19-231**  
9A.26 Authorize Chapter 159, 2019-2020 Alliance (D.E.D.R.) Grant, $45,310.00  
**Explanatory Statement:**  
This Resolution authorizes additional monies for the 2019-2020 Alliance (D.E.D.R.) Grant, to be added to the adopted 2019 Budget in the amount of $45,310.00.

**R-19-232**  
9A.27 Authorize Changing of Text, Title or Amount of a Specific Appropriation appearing in the 2019 Adopted Municipal Budget, Alliance (D.E.D.R.) Grant 2019-2020  
**Explanatory Statement:**  
This Resolution authorizes the Changing of Text, Title or Amount of a Specific Appropriation appearing in the 2019 Adopted Municipal Budget, Alliance (D.E.D.R.) Grant 2019-2020.

**R-19-233**  
9A.28 Authorize Acceptance of Performance Guarantee, Igor Podvorchany / Henry Podvorchany, Podvorchany Subdivision, Block 14, Lot 17 and Block 15, Lot 1.03, Alexander Avenue, Case No. BA-08-14F  
**Explanatory Statement:**  
This Resolution authorizes Acceptance of Performance Guarantee, Igor Podvorchany / Henry Podvorchany, Podvorchany Subdivision, Block 14, Lot 17 and Block 15, Lot 1.03, Alexander Avenue.

**R-19-234**  
9A.29 Authorize renewal of a Shared Service Agreement between the Township of Howell & Farmingdale Borough for Public Works related services, One Year Period effective August 1, 2019  
**Explanatory Statement:**  
This Resolution authorizes the renewal of a Shared Service Agreement between the Township of Howell & Farmingdale Borough for Public Works related services, One Year Period effective August 1, 2019.

**R-19-235**  
9A.30 Authorize Maintenance Guarantee Release, L&L Paving, Block 177, Lots 62 & 64, 89 Yellowbrook Road, Case No. SP-1026  
**Explanatory Statement:**  
This Resolution authorizes Maintenance Guarantee Release, L&L Paving, Block 177, Lots 62 & 64, 89 Yellowbrook Road.

**R-19-236**  
9A.31 Authorize Amendment to the Howell Township Wastewater Management Plan the property known as Lot 7 in Block 49 and commonly known as 289 Squankum Road  
**Explanatory Statement:**  
This Resolution authorizes an Amendment to the Howell Township Wastewater Management Plan the property known as Lot 7 in Block 49 and commonly known as 289 Squankum Road.
9A.32 Authorize Award of Contract, Award of Required Disclosure Contract to Tritech Software Systems for the Police Department’s IMC/CAD Software System, not to exceed $37,778.75

Explanatory Statement:
This Resolution authorizes Award of Contract, Award of Required Disclosure Contract to Tritech Software Systems for the Police Department’s IMC/CAD Software System, not to exceed $37,778.75.

9A.33 Authorize Premiums to Escheat to Township

Explanatory Statement:
This resolution authorizes a list of premiums to escheat to the Township.

9A.34 Authorize Refund of Overpaid Taxes

Explanatory Statement:
This Resolution authorizes a refund of overpaid taxes, various.

9A.35 Authorize execution of an Extension Deposit Agreement with New Jersey American Water Company in aid of the construction of a Water Main and Laterals and related expenses to serve properties located along various streets in Freewood Acres

Explanatory Statement:
This Resolution authorizes the execution and delivery of an Extension Deposit Agreement with New Jersey American Water Company in aid of the construction by said company of a Water Main and Laterals and related expenses to serve properties located along various streets in Freewood Acres.

9A.36 Authorize Relief from a Road Opening Moratorium at 5 Cobblestone Court, Block 84.01 Lot 22 for the purpose of installing a new natural gas service line by New Jersey Natural Gas

Explanatory Statement:
This Resolution authorizes Relief from a Road Opening Moratorium at 5 Cobblestone Court, Block 84.01 Lot 22 for the purpose of installing a new natural gas service line by New Jersey Natural Gas.

9A.37 Authorize Developer’s Agreement for Townhomes @ Eagle Oaks LLC, Block 218, Lots 20.12 – 20.21 and Lots 20.23 – 20.40, Case No. BA 10-17SP

Explanatory Statement:
This Resolution authorizes the Developer’s Agreement for Townhomes @ Eagle Oaks LLC, Block 218, Lots 20.12 – 20.21 and Lots 20.23 – 20.40.

9A.38 Authorize Developer’s Agreement for Podvortchany Major Subdivision, Block 14, Lot 17 - 304 Alexander Avenue and Block 15, Lot 1.03 - 334 Lanes Mill Road, Case No. BA 08-14

Explanatory Statement:
This Resolution authorizes the Developer’s Agreement for Podvortchany Major Subdivision, Block 14, Lot 17 - 304 Alexander Avenue and Block 15, Lot 1.03 - 334 Lanes Mill Road.
9B  MOTIONS

* 9B.1 2019 Renewal, Massage License, Hand & Stone Massage and Facial Spa, 4817 Route 9 North

9B.2 Appoint Member to the Shade Tree Commission, Vacancy – Member – 5 Year Unexpired Term Expiring 12/31/2019
Mayoral Appointment

9B.3 Appoint Member to the Municipal Alliance, 1 Year Unexpired Term Expiring 12/31/2019
Township Council Appointment

10.  PUBLIC HEARINGS ON ORDINANCES

O-19-34  10.1 An Ordinance Creating Chapter 252 Entitled Sewer and Water Article III Entitled Water Service in Freewood Acres
(Introduction on June 11, 2019)
(Public Hearing & Adoption on July 16, 2019)
Explanatory Statement:
This ordinance creates Chapter 252 entitled Sewer and Water Article III entitled Water Service in Freewood Acres.

11.  INTRODUCTION OF ORDINANCES

O-19-35  11.1 Land Use, Repeal Chapter 188-151 Entitled Appeals
(Introduction on July 16, 2019)
(Public Hearing & Adoption on August 13, 2019)
Explanatory Statement:
This ordinance repeals Chapter 188-151 entitled Appeals to remove the right of any interested party to the Township Council any final decision of the Board of Adjustment approving an application for development pursuant to N.J.S.A. 40:55D-70d and complementary provisions of this chapter.

O-19-36  11.2 MCIA, 2019 Capital Equipment Lease Program, Various Equipment
(Introduction on July 16, 2019)
(Public Hearing & Adoption on August 13, 2019)
Explanatory Statement:
This Ordinance authorizes the execution of the Lease and Agreement with the Monmouth County Improvement Authority, various equipment.

O-19-37  11.3 Howell Board of Education Municipal Guaranty, Capital Equipment Lease Revenue Bonds, Series 2019 of the Monmouth County Improvement Authority
(Introduction on July 16, 2019)
(Public Hearing & Adoption on August 13, 2019)
Explanatory Statement:
This Ordinance authorizes the Guaranty by the Township of Howell on the Capital Equipment Lease Revenue Bonds, Series 2019, Township of Howell Board of Education Project, of the Monmouth County Improvement Authority.

O-19-38  11.4 Approve the acquisition of easement rights in portions of the properties located at 669 Casino Drive (Block 144, Lot 128) and 655
Casino Drive (Block 144, Lot 114) by negotiated purchase or eminent domain
(Introduction on July 16, 2019)
(Public Hearing & Adoption on August 13, 2019)
Explanatory Statement:
This Ordinance authorizes the acquisition of easement rights in portions of the properties located at 669 Casino Drive (Block 144, Lot 128) and 655 Casino Drive (Block 144, Lot 114) by negotiated purchase or eminent domain.

12. UNFINISHED BUSINESS

13. INFORMATION

14. MEETING DATES:

    Regular Meeting - Tuesday, August 13, 2019
    Executive Session  6:30 P.M.
    Regular Session    7:30 P.M.

15. ADJOURNMENT  11:00 PM
This agenda for the next regular meeting of the Howell Township Council, and the resolutions linked to this agenda, reflect the agenda and proposed resolutions to the extent known at the time of posting, pursuant to N.J.S.A. 10:4-8(d). The agenda and resolutions are tentative. They are subject to amendment, additions or deletions prior to the meeting.

Any inquiries concerning the agenda and its contents should be directed to the Township Clerk at 732-938-4500, extension 2150.

1. CALL TO ORDER BY THE MAYOR
2. OPENING STATEMENT AND ROLL CALL
3. EXECUTIVE SESSION
4. PLEDGE OF ALLEGIANCE TO THE FLAG
5. ACCEPTANCE OF MINUTES OF PREVIOUS MEETINGS
   • June 11, 2019 Regular Meeting + Executive Session + Public Release
6. REPORTS OF TOWNSHIP OFFICIALS
   ▪ Recognition – Howell High School Student Shane Reitsma, “Change the Statistics”
   ▪ Public Hearing – Shared Services Agreement for Tax Collector Services
7. DISCUSSION
8. HEARING OF CITIZENS (1 Hour) & PUBLIC COMMENT ON CONSENT AGENDA ITEMS
   Please note that each person addressing the Township Council during this section of the meeting shall limit his/her remarks to five minutes pursuant to the Howell Township Council Meeting Protocol Policy.
9. CONSENT AGENDA ITEMS (*)
All matters listed under item Consent Agenda marked with an * will be enacted by one motion.

9A RESOLUTIONS

*R-19-206 9A.1 Authorize Shared Services Agreement with the Borough of Farmingdale for Tax Collection Services
Explanatory Statement:
This Resolution authorizes a Shared Services Agreement with the Borough of Farmingdale for Tax Collection Services and water and sewer collection.

*R-19-207 9A.2 Authorize a Refund of a Certificate of Compliance Application Fee, Salvatore Materia, 406 Brookview Ct, Block 138.01, Lot 24.08, $50.00
Explanatory Statement:
This Resolution authorizes a Refund of a Certificate of Compliance Application Fee, Salvatore Materia, 406 Brookview Ct, Block 138.01, Lot 24.08, $50.00.

*R-19-208 9A.3 Authorize a Refund of a Certificate of Compliance Application Fee, Ann Joy Becker, 1 Marion Ave, Block 89, Lot 1, $50.00
Explanatory Statement:
This Resolution authorizes a Refund of a Certificate of Compliance Application Fee, Ann Joy Becker, 1 Marion Ave, Block 89, Lot 1, $50.00.

*R-19-209 9A.4 Authorize Chapter 159, NJAOC Municipal Court Alcohol Education, Rehabilitation & Enforcement Fund, $964.50
Explanatory Statement:
This Resolution authorizes additional monies for the NJAOC Municipal Court Alcohol Education, Rehabilitation & Enforcement Fund, to be added to the adopted 2019 Budget in the amount of $964.50.

*R-19-210 9A.5 Authorize Chapter 159, ANJEC (Association of New Jersey Environmental Commissions) Grant, $1,000.00
Explanatory Statement:
This Resolution authorizes additional monies for the ANJEC (Association of New Jersey Environmental Commissions) Grant, to be added to the adopted 2019 Budget in the amount of $1,000.00.

Explanatory Statement:
This Resolution authorizes Acceptance of Performance Guarantee, Lidl US Operations, LLC, Lidl Grocery Store, Block 79 Lots 78 & 79, 4250 US Highway 9 South, Case No. SP-1057 CE.
*R-19-212 9A.7  Authorize Initiating Competitive Contracting for Finance Software and Support

Explanatory Statement:
This Resolution authorizes Initiating Competitive Contracting for the acquisition of finance software and support.

*R-19-213 9A.8  Authorize Return of Unused Zoning Board Escrow Funds, EZE Fit Howell LLC, Quail Creek Shopping Center LLC, Quail Creek Plaza (intersection of Newtons Corner Rd and Ramtown Greenville Rd) Block 3 Lot 17.02, Case No. BA19-05, $446.00

Explanatory Statement:
This Resolution authorizes the Return of Unused Zoning Board Escrow Funds, EZE Fit Howell LLC, Quail Creek Shopping Center LLC, Quail Creek Plaza Block 3 Lot 17.02, Case No. BA19-05, in the amount of $446.00.

*R-19-214 9A.9  Authorize Return of Unused COAH Concept Escrow Funds, Yellowbrook Developers LLC, Block 182 Lots 13 through 16, East side of Yellowbrook Rd, Case No. COAH Concept 40011, $1,450.00

Explanatory Statement:
This Resolution authorizes the Return of Unused COAH Concept Escrow Funds, Yellowbrook Developers LLC, Block 182 Lots 13 through 16, East side of Yellowbrook Rd (between Cranberry Rd and Route 33), Case No. COAH Concept 40011, in the amount of $1,450.00 plus interest, if any.

*R-19-215 9A.10  Authorize Return of Unused Engineering Inspection Escrow Funds, Monmouth County Rifle & Pistol Club, Block 223 Lot 16, Birdsell Rd, Case No. BA-06-09, $3,835.38

Explanatory Statement:
This Resolution Authorizes the Return of Unused Engineering Inspection Escrow Funds, Monmouth County Rifle & Pistol Club, Block 223 Lot 16, Birdsell Rd, Case No. BA-06-09, in the amount of $3,835.38.

*R-19-216 9A.11  Authorize Return of Unused Engineering Inspection Escrow Funds, Par Golf, LLC/Birdie Holding Co., LLC, Eagle Oaks Golf Club Addition, Block 185 Lot 40.01, Shore Oaks Drive, Case No. SP-1009, $289.83

Explanatory Statement:
This Resolution Authorizes the Return of Unused Engineering Inspection Escrow Funds, Par Golf, LLC/Birdie Holding Co., LLC, Eagle Oaks Golf Club Addition, Block 185 Lot 40.01, Shore Oaks Drive, Case No. SP-1009, in the amount of $289.83.

*R-19-217 9A.12  Authorize Return of Unused Water and Sanitary Sewer Review Escrow Funds, Par Golf Group, LLC, Eagle Oaks Golf Club Addition, Block 185 Lot 40.01, Shore Oaks Drive, Case No. SP-1009

Explanatory Statement:
This Resolution Authorizes the Return of Unused Water Review Escrow Funds in the amount of $114.35 and Sanitary Sewer Review Escrow Funds in the amount of $0.93, Par Golf, LLC, Eagle Oaks Golf Club Addition, Block 185 Lot 40.01, Shore Oaks Drive, Case No. SP-1009.
9A.13 Authorize Return of Unused Engineering Inspection Escrow Funds, First Financial Federal Credit Union, Block 142 Lot 1.02, Route 9 North (next to Howell Park & Ride), Case Nos. SP-981 & SP-981A (Phases I & II)

Explanatory Statement:
This Resolution authorizes the Return of Unused Engineering Inspection Escrow Funds, First Financial Federal Credit Union, Block 142 Lot 1.02, Route 9 North, Case No. SP-981 (Phase I), in the amount of $358.10, and Case No. SP-981A (Phase II), in the amount of $134.59.

9A.14 Authorize Return of Unused Sanitary Sewer Review and Site Inspection Escrow Funds, K. Hovnanian Holdings NJ, LLC, Greenway Run, Block 139 Lots 12 and 12.01 (off Strickland Road), Case No. SP-934

Explanatory Statement:
This Resolution authorizes the Return of Unused Sanitary Sewer Review Escrow Funds in the amount of $1,583.52, and Unused Site Inspection Escrow Funds in the amount of $204.83, K. Hovnanian Holdings NJ, LLC, Greenway Run, Block 139 Lots 12 and 12.01, Case No. SP-934.

9A.15 Authorize Return of Engineering Pool Permit Review Fee, Stephen and Suzanne West, 6 Duchess Court, Block 151 Lot 9.13, Case No. POOL-18-046, $350.00

Explanatory Statement:
This Resolution authorizes the Return of Engineering Pool Permit Review Fee, Stephen and Suzanne West, 6 Duchess Court, Block 151 Lot 9.13, Case No. POOL-18-046, in the amount of $350.00.

9A.16 Authorize Return of Unused COAH Concept Escrow Funds, Brickyard LLC, Block 224 Lots 10, 17, and 28 through 32, North Side of Birdsall Road (between Lakewood Farmingdale Road and Belmar Boulevard), Case No. COAH Concept 40009, $1,927.21

Explanatory Statement:
This Resolution authorizes the Return of Unused COAH Concept Escrow Funds, Brickyard LLC, Block 224 Lots 10, 17, and 28 through 32, North Side of Birdsall Road, Case No. COAH Concept 40009, in the amount of $1,927.21 plus interest, if any.

9A.17 Authorize Return of Unused Planning Board Escrow Funds, Brickyard LLC – (Solar Farm), Block 224 Lots 10, 17 and 17.02, 80 Birdsall Road (between Lakewood Farmingdale Road and Belmar Boulevard), Case No. 224, $52.43

Explanatory Statement:
This Resolution authorizes the Return of Unused Planning Board Escrow Funds, Brickyard LLC – (Solar Farm), Block 224 Lots 10, 17 and 17.02, 80 Birdsall Road, Case No. 224, in the amount of $52.43.
*R-19-223 9A.18 Authorize Return of Unused Planning Board Escrow Funds, Heather Jennings, Block 40 Lots 18 and 18.01, 2977 Lakewood Allenwood Road (between Porter Road and Vienna Road), Case No. SD-2966, $422.06

Explanatory Statement:
This Resolution authorizes the Return of Unused Planning Board Escrow Funds, Heather Jennings, Block 40 Lots 18 and 18.01, 2977 Lakewood Allenwood Road, Case No. SD-2966, in the amount of $422.06.

*R-19-224 9A.19 Authorize Refund of Recreation Program Fees

Explanatory Statement:
This Resolution authorizes refunds to people or parents who enrolled themselves or their children into various recreational programs but who have asked for refunds because they or their children will be unable to participate fully in the program.

*R-19-225 9A.20 Authorize Refund of Park & Ride Fee

Explanatory Statement:
This Resolution authorizes the Refund of a Park & Ride Fee, Janet Meyerson, in the amount of $104.00.

*R-19-226 9A.21 Authorize Transfer of Outstanding Bail Checks, Howell Township Municipal Court, $1,565.00

Explanatory Statement:
This resolution authorizes the Transfer of Outstanding Bail Checks, Howell Township Municipal Court, in the amount of $1,565.00.

*R-19-227 9A.22 Authorize the Sale of Surplus Personal Property (Vehicles, Miscellaneous Equipment) no longer needed for public use on an Online Auction Website at USGovBid.com

Explanatory Statement:
This Resolution authorizes the Sale of Surplus Personal Property (Vehicles, Miscellaneous Equipment) no longer needed for public use on an Online Auction Website at USGovBid.com. Auction Date: August 17, 2019 – August 22, 2019.

*R-19-228 9A.23 Authorize Award of Contract, Brush Grinding and Wood Chip Removal

Explanatory Statement:
This Resolution authorizes Award of Contract, Brush Grinding and Wood Chip Removal.

*R-19-229 9A.24 Authorize Award of Required Disclosure Contract for Demolition of 700 Fort Plains Road, John Blewett Inc., Not to Exceed $39,500.00

Explanatory Statement:
This Resolution authorizes the Award of a Required Disclosure Contract for Demolition of 700 Fort Plains Road, John Blewett Inc., for an amount Not to Exceed $39,500.00.
*R-19-230  9A.25 Authorize Chapter 159, New Jersey Clean Communities Grant, $12,651.80

Explanatory Statement:
This Resolution authorizes additional monies for the New Jersey Clean Communities Grant, to be added to the adopted 2019 Budget in the amount of $12,651.80.

*R-19-231  9A.26 Authorize Chapter 159, 2019-2020 Alliance (D.E.D.R.) Grant, $45,310.00

Explanatory Statement:
This Resolution authorizes additional monies for the 2019-2020 Alliance (D.E.D.R.) Grant, to be added to the adopted 2019 Budget in the amount of $45,310.00.


Explanatory Statement:
This Resolution authorizes the Changing of Text, Title or Amount of a Specific Appropriation appearing in the 2019 Adopted Municipal Budget, Alliance (D.E.D.R.) Grant 2019-2020.

*R-19-233  9A.28 Authorize Acceptance of Performance Guarantee, Igor Podvorchanyy / Henry Podvorchanyy, Podvorchanyy Subdivision, Block 14, Lot 17 and Block 15, Lot 1.03, Alexander Avenue, Case No. BA-08-14F

Explanatory Statement:
This Resolution authorizes Acceptance of Performance Guarantee, Igor Podvorchanyy / Henry Podvorchanyy, Podvorchanyy Subdivision, Block 14, Lot 17 and Block 15, Lot 1.03, Alexander Avenue.

*R-19-234  9A.29 Authorize renewal of a Shared Service Agreement between the Township of Howell & Farmingdale Borough for Public Works related services, One Year Period effective August 1, 2019

Explanatory Statement:
This Resolution authorizes the renewal of a Shared Service Agreement between the Township of Howell & Farmingdale Borough for Public Works related services, One Year Period effective August 1, 2019.

*R-19-235  9A.30 Authorize Maintenance Guarantee Release, L&L Paving, Block 177, Lots 62 & 64, 89 Yellowbrook Road, Case No. SP-1026

Explanatory Statement:
This Resolution authorizes Maintenance Guarantee Release, L&L Paving, Block 177, Lots 62 & 64, 89 Yellowbrook Road.

*R-19-236  9A.31 Authorize Amendment to the Howell Township Wastewater Management Plan the property known as Lot 7 in Block 49 and commonly known as 289 Squankum Road

Explanatory Statement:
This Resolution authorizes an Amendment to the Howell Township Wastewater Management Plan the property known as Lot 7 in Block 49 and commonly known as 289 Squankum Road.
9A.32 Authorize Award of Contract, Award of Required Disclosure Contract to Tritech Software Systems for the Police Department’s IMC/CAD Software System, not to exceed $37,778.75

Explanatory Statement:
This Resolution authorizes Award of Contract, Award of Required Disclosure Contract to Tritech Software Systems for the Police Department’s IMC/CAD Software System, not to exceed $37,778.75.

9A.33 Authorize Premiums to Escheat to Township

Explanatory Statement:
This resolution authorizes a list of premiums to escheat to the Township.

9A.34 Authorize Refund of Overpaid Taxes

Explanatory Statement:
This Resolution authorizes a refund of overpaid taxes, various.

9A.35 Authorize execution of an Extension Deposit Agreement with New Jersey American Water Company in aid of the construction of a Water Main and Laterals and related expenses to serve properties located along various streets in Freewood Acres

Explanatory Statement:
This Resolution authorizes the execution and delivery of an Extension Deposit Agreement with New Jersey American Water Company in aid of the construction by said company of a Water Main and Laterals and related expenses to serve properties located along various streets in Freewood Acres.

9A.36 Authorize Relief from a Road Opening Moratorium at 5 Cobblestone Court, Block 84.01 Lot 22 for the purpose of installing a new natural gas service line by New Jersey Natural Gas

Explanatory Statement:
This Resolution authorizes Relief from a Road Opening Moratorium at 5 Cobblestone Court, Block 84.01 Lot 22 for the purpose of installing a new natural gas service line by New Jersey Natural Gas.

9B MOTIONS

9B.1 2019 Renewal, Massage License, Hand & Stone Massage and Facial Spa, 4817 Route 9 North

9B.2 Appoint Member to the Shade Tree Commission, Vacancy – Member – 5 Year Unexpired Term Expiring 12/31/2019
   Mayoral Appointment

9B.3 Appoint Member to the Municipal Alliance, 1 Year Unexpired Term Expiring 12/31/2019
   Township Council Appointment
10. PUBLIC HEARINGS ON ORDINANCES

O-19-34 10.1 An Ordinance Creating Chapter 252 Entitled Sewer and Water Article III Entitled Water Service in Freewood Acres
(Introduction on June 11, 2019)
(Public Hearing & Adoption on July 16, 2019)
Explanatory Statement:
This ordinance creates Chapter 252 entitled Sewer and Water Article III entitled Water Service in Freewood Acres.

11. INTRODUCTION OF ORDINANCES

O-19-35 11.1 Land Use, Repeal Chapter 188-151 Entitled Appeals
(Introduction on July 16, 2019)
(Public Hearing & Adoption on August 13, 2019)
Explanatory Statement:
This ordinance repeals Chapter 188-151 entitled Appeals to remove the right of any interested party to the Township Council any final decision of the Board of Adjustment approving an application for development pursuant to N.J.S.A. 40:55D-70d and complementary provisions of this chapter.

O-19-36 11.2 MCIA, 2019 Capital Equipment Lease Program, Various Equipment
(Introduction on July 16, 2019)
(Public Hearing & Adoption on August 13, 2019)
Explanatory Statement:
This Ordinance authorizes the execution of the Lease and Agreement with the Monmouth County Improvement Authority, various equipment.

O-19-37 11.3 Howell Board of Education Municipal Guaranty, Capital Equipment Lease Revenue Bonds, Series 2019 of the Monmouth County Improvement Authority
(Introduction on July 16, 2019)
(Public Hearing & Adoption on August 13, 2019)
Explanatory Statement:
This Ordinance authorizes the Guaranty by the Township of Howell on the Capital Equipment Lease Revenue Bonds, Series 2019, Township of Howell Board of Education Project, of the Monmouth County Improvement Authority.

12. UNFINISHED BUSINESS

13. INFORMATION

14. MEETING DATES:

    Regular Meeting - Tuesday, August 13, 2019
    Executive Session  6:30 P.M.
    Regular Session  7:30 P.M.

15. ADJOURNMENT  11:00 PM
1. Meeting Called to Order
Deputy Mayor O’Donnell called this meeting to order at 5:33 PM.

2. Opening Statement and Roll Call
Deputy Township Clerk Ciranni read the opening statement. Adequate notice of the holding of this meeting of the Howell Township Council was provided for in the following manner: (1) By the posting of a copy of said notice upon the bulletin board in the Township Municipal Building on May 10, 2019. (2) By copy of said notice to the Tri Town News and Star Ledger for information and publication on May 10, 2019. (3) By the filing of a copy of said form of notice in the Township Clerk’s office on May 10, 2019. The public will be allowed to attend and will be allowed to participate pursuant to the Open Public Meetings Law. The public is reminded that civility and decorum will be maintained during the meeting. Any contracts awarded at this meeting, or between now and the next meeting will be required to comply with the requirements of Public Law 1975 Chapter 127 (NJAC 17:27).

Roll Call:  Present:  Mayor Theresa Berger (6:43 PM), Deputy Mayor Evelyn O’Donnell, Councilman John Bonevich (6:34 PM), Councilwoman Pamela Richmond, Councilman Thomas Russo. Also present: Township Manager Brian Geoghegan, Chief Financial Officer Louis Palazzo (7:30 PM), Community Development Director James Herrman, Township Attorney Joseph Clark, Assistant Finance Officer Alexis Caufield (7:30 PM), Township Clerk Penny Wollman, Deputy Township Clerk Allison Ciranni.

- **ABC Hearing.** The purpose of said Hearing is for Council to hear the objection filed against an ABC Place to Place Transfer Application for License Holder Rijeeth, LLC, t/a Wine O Land.

Sean Gertner, of Gertner & Gertner, LLC, Attorney for the Objector, addressed the Governing Body. Mr. Gertner explained the Objector is concerned there is an undisclosed interest that will provide an unfair advantage to the Applicant and Saker ShopRite. Mr. Gertner stated that Saker ShopRite is not the landlord but rather a sub-landlord, subletting to the Applicant. He went on to say Saker ShopRite already owns two liquor licenses and cannot own another in Howell. Objector is concerned that an undisclosed interest and unfair advantage will devalue other liquor licenses in Howell, including his own. Objector’s attorney requested that upon review, if Council is so inclined to grant the transfer, that they include conditions on the license that Applicant provide a roadmap to enforcement personnel that there is no joint advertising, that there are separate entrances to ShopRite and Applicant’s store, and that there is no commingling of assets to create an unfair advantage.

Jason Michael Ross, of Stone Mandia, LLC, Attorney for the Applicant. Mr. Ross stated that the place to place transfer should be based on the suitability of the site. ShopRite is a tenant that is a sub-landlord, leasing the space to the Applicant. Only rent is being received. Mr. Ross stated that the objection should be disregarded. Regarding the statement about special conditions, the store has a separate entrance from ShopRite and there should be no special conditions on the license
Mr. Ross stated that the objector has no right to see the lease of a competitor. He also stated that his client would not enter into arrangement that would jeopardize licenses including his own.

Councilman Russo asked Mr. Ross if his client is associated with ShopRite. Mr. Ross responded that he is not associated with ShopRite except as a tenant. Township Attorney Clark asked Mr. Ross if the Applicant’s lease with Saker ShopRite is for a fixed amount per month. Mr. Ross responded in the affirmative. Attorney Clark then asked if it is required for a fixed sum rental lease to be disclosed to which Mr. Ross responded that it is not.

Mr. Gertner presented his rebuttal. He stated that the Governing Body should have a copy of the lease on file and that the resolution should contain certain conditions. He continued that there should also be representation that there is no other arrangement such as a trade name, joint advertising, etc. Mr. Gertner stated that the Township should do due diligence that there are no undisclosed interests.

Mr. Ross presented his rebuttal. He stated that the objection is based on speculation and special conditions would be overreaching. Mr. Ross also stated that his client knows his obligations to the ABC in the state of New Jersey and that the objection is without merit.

Township Attorney Clark stated that all documents have been read, arguments have been heard, and feels the Applicant has done what was required of him. Fixed rent leases need not be disclosed and allow less chance of inappropriate actions. Mr. Clark stated that the response by the Applicant was very thorough; Council can act this evening to approve.

Councilwoman Richmond made a motion to approve the Application for ABC Place to Place Transfer, Rijeeth, LLC, t/a Wine O’Land, 4586, Route 9, seconded by Councilman Russo. Roll Call: Ayes: Councilwoman Richmond, Councilman Russo, Deputy Mayor O’Donnell.

Mr. Gertner asked if this resolution is without any conditions, which Attorney Clark confirmed.

3. Executive Session
There is a need to go into executive session for subjects to be discussed per N.J.S.A. 10:4-12, specifically under Personnel and Attorney Client Privilege. The Township Council will reconvene in public session at 7:30 PM. Councilwoman Richmond made a motion, seconded by Councilman Russo. Roll Call: Ayes: Councilwoman Richmond, Councilman Russo, Deputy Mayor O’Donnell. Meeting reconvened 7:30 PM.

Mayor Berger announced that the Executive Session Minutes from tonight’s meeting can be disclosed to the public at the next Regular Meeting, providing the need for confidentiality no longer exists.

4. Pledge of Allegiance to the Flag
5. **Acceptance of Minutes of Previous Meetings**
   - May 21, 2019  
     Regular Meeting + Executive Session + Public Release

Councilman Russo made a motion to accept the above minutes, seconded by Councilman Bonevich. Roll Call: Ayes: Councilman Bonevich, Councilwoman Richmond, Councilman Russo, Deputy Mayor O’Donnell, Mayor Berger.

6. **Reports of Township Officials**

   - **Recognition** – Howell First Aid

Recognition of first responders involved in saving the life of Patricia Sinquett on May 30, 2018. Honored this evening were: Zack Peras, Anthony DeMatteo, Gloria Abbas-Zedah, Shlomo Stern, Yehuda Spiegel, Michael Foran Sr., Brett Kyle, Robert Ortenzi and David Gilliland.

   - **Presentation** – Howell Chamber of Commerce

Chamber of Commerce President Tom Comer announced the Howell Business Expo which will be held Tuesday, July 16, 2019 from 4-8 PM at the former Barnes & Noble store in the Lanes Mill Marketplace shopping center. The purpose is to promote business in Howell. Admission is free, however, the Taste of Howell Food Tasting costs $5.00 per person. There will be giveaways and prizes including a grand prize of 20 tickets to a Blue Claws luxury suite. Winner will need to be present for drawing of grand prize.

   - **Presentation** – Monmouth County Community Development Block Grant Program (Kathi Novak, CDBG Citizens Committee Chairperson)

Kathi Novak, CDBG Citizens Participation Committee Chairperson, presented the Fiscal Year 2019 Community Development Block Grant application known as “Resurfacing a Portion of Havens Bridge Road.”

On May 9, 2019, the Citizens Participation Committee met to discuss several potential projects for this year’s application. After much discussion, the Committee determined that the resurfacing of Havens Bridge Road would best qualify for funding and therefore would be pursued under this year’s funding request.

This project will consist of milling and repaving a portion of Havens Bridge Road between Adelphia-Farmingdale Road, Monmouth County Route 524 and the Manasquan River bridge. Under the Township’s Master Plan, Havens Bridge Road is designated as a collector street, which are roadways that provide links between our local residential streets and primary arterials. This CDBG application is for approximately a half mile of the roadway and includes the portion adjacent to Griebling Elementary School.
The intent of the project is to surface mill the roadway, repair any failed sub-base, and install a 2” minimum thick top course of pavement. Any damaged concrete curb will be replaced as necessary to support the new roadway.

In anticipation of continuing with the recommendation of the Citizen’s Participation Committee, the Department of Community Development created a rough cost estimate for the project. Based on this estimate, we are requesting the maximum grant amount of $200,000 from the County. The Department anticipates preparing the engineering plans and specifications utilizing in-house staff.

If the Council agrees with our presentation, the CDBG rules require a quick straw poll vote of the Council members to approve or deny the application. No formal resolution is required. The meeting will also be opened to the public for comments. No comments.

The Township Council supported the submission of the Fiscal Year 2019 Community Development Block Grant application known as “Resurfacing a Portion of Havens Bridge Road.”

Deputy Township Clerk Ciranni stated that changes on the agenda from Preliminary to Final Agenda include:

**Removed from the Agenda**

Resolution:
R-19-107  9A.9 Authorize Developer’s Agreement for Townhomes @ Eagle Oaks LLC, Block 218, Lots 20.12 – 20.21 and Lots 20.23 – 20.40, Case No. BA 10-17SP
R-19-190  9A.11 Support of Path to Progress Recommendations made by New Jersey Economic and Fiscal Policy Workgroup

**7. Discussion**
None

**8. Hearing of Citizens & Public Comment on Consent Agenda Items**

Tina Smilek, 33 Charles Street. Ms. Smilek thanked the Governing Body for providing the final agenda to the public the day before the meeting. Ms. Smilek questioned various agenda items; Township professionals responded.

Sondra Solly, Birdsall Road. Ms. Solly questioned the Howell Pop Warner and American Youth Football and Cheer lease. Manager Geoghegan responded.

Mark Parisi, 2 Castle Court. Mr. Parisi read a prepared statement from Barbara Dixel that he agreed to read because she could not attend the meeting.
Jerry Barron, 37 Danella Way. Mr. Barron inquired as to the status of a farmers market ordinance; Attorney Clark stated that he is looking into it.

Close Hearing of Citizens

9. Consent Agenda
Council reviewed and discussed the Consent Agenda. Councilman Bonevich made a motion to approve the Consent Agenda with the exception of Items 9A.9 and 9A.11, seconded by Councilwoman Richmond. Roll Call: Ayes: Councilman Bonevich, Councilwoman Richmond, Councilman Russo, Deputy Mayor O’Donnell, Mayor Berger.

Resolutions
R-19-180 9A.1 Authorize Renewal of 2019/2020 Alcoholic Beverage Control Licenses
R-19-181 9A.2 Authorize Amendment to the 2019 Temporary Budget
R-19-182 9A.3 Authorize a Permit for Fireworks Display at Festival Da Cultura Portuguesa (Festival of Portuguese Culture) on July 7, 2019
R-19-183 9A.4 Authorize Refund of Overpaid Taxes, Various
R-19-184 9A.5 Authorize Refund of Unused Planning Board Escrow Fees, Chet Atkins (Jersey Outdoor Media), Block 144, Lots 100 & 101, US Highway 9 North, (between West Farms and Casino Road), $360.11, Case No. SP-967
R-19-185 9A.6 Authorize Return of Unused Zoning Board Escrow Fees, Amerco Real Estate Company, Block 144, Lot 95.01, US Highway 9 North, (between West Farms and Casino Road), $2,251.85, Case No. BA16-03
R-19-186 9A.7 Authorize Additional Not-To-Exceed Limitation to Andrew Bayer, Esq. with regard to duties as Affordable Housing Counsel, $15,000.00
R-19-187 9A.8 Authorize Use of Educational Services Commission of NJ, Turn Key Generator Install at the Senior Center and Monopole, Foley Power Systems, in the amount of $161,920.00
R-19-188 9A.9 Removed from agenda.
R-19-189 9A.10 Confirm the purchase price of land known as Block 42, Lot 88, adjacent to Deerwood Park on Lakewood-Allenwood Road, in the amount of $450,000.00
R-19-190 9A.11 Removed from agenda.
R-19-191 9A.12 Authorize Renewal of a Lease Agreement between the Township of Howell and Howell Pop Warner and Howell American Youth Football and Cheer for a portion of property at Block 51.01, Lot 18, Old Tavern Road
R-19-192 9A.13 Authorize Acceptance of a Certified List from the Farmingdale-Howell First Aid Squad, Howell First Aid & Rescue Squad #1, and Ramtown First Aid Squad for eligibility in Length Of Service Awards Program (LOSAP) for the service year of 2018 pursuant to the requirement of N.J.A.C 5:30-14.10(b)
R-19-193 9A.14 Authorize Award of Contract with Public Safety Corporation – Cry Wolf for Alarm Billing Services, One (1) Year Contract, not to exceed $24,000.00
R-19-194 9A.15 Authorize a Refund of Unused Park & Ride Fees, Stacey Robinson, $134.00
R-19-195 9A.16 Authorize Refund of Recreation Program Fees
R-19-196 9A.17 Authorize Release of Performance Guarantee, Developer’s Agreement, Unused Planning Board Escrow Funds and Unused Inspection Escrow Funds,
Middlesex Development Group, Inc., Reservoir Woods, Block 155, Lots 6, 7, 8; Casino Drive, Case No. SD-2433A
R-19-197  9A.18 Authorize Release of Maintenance Guarantee, DeVirgilio Subdivision, Block 79.09, Lot 70 (New Lots 70.01 & 70.02), Friendship Road, Sanitary Sewer Improvements, Case No. SD-2918
R-19-198  9A.19 Authorize Release of Maintenance Guarantee, TAL Holdings 1, LLC, Block 175, Lot 34, Route 33 & Brickyard Road, Case No. BA-14-07A
R-19-199  9A.20 Authorize Relief from a Road Opening Moratorium at 116 Waverly Place, Block 22, Lot 16.01, Permit #RO-19-083 for the purpose of installing a new natural gas service line by New Jersey Natural Gas
R-19-200  9A.21 Authorize Relief from a Road Opening Moratorium at 16 Nantucket Court, Block 84.01, Lot 50, Permit #RO-19-047 for the purpose of installing a new natural gas service line by New Jersey Natural Gas
R-19-201  9A.22 Authorize Award of Contract, E-Citation Software and Support, Police Department, Contract No. 19-08, Mobizent, LLC, $31,164.60
R-19-203  9A.24 Authorize Acceptance of Performance, John D. Pittenger Builder, Inc., Sanitary Sewer Connection, Block 78.06, Lot 42.05, 4 Sweet Gum Road, Case No. APP-01-335

Motions
9B.1 Accept resignation of Zoning Board Member Michael Sanclimenti, Term Expires 12/31/2019 and appoint new member

Deputy Mayor O’Donnell made a motion to accept the resignation of Zoning Board Member Michael Sanclimenti and made the following appointments, seconded by Councilman Russo. Roll Call: Ayes: Councilwoman Richmond, Councilman Russo, Deputy Mayor O’Donnell. Nays: Councilman Bonevich, Mayor Berger.
• Member, Term Expires 12/31/2019, Paul Sayah
• Alternate I Member, Term Expires 12/31/2020, James Moretti
• Alternate II Member, Term Expires 12/31/2019, Glenn Cantor

10. Public Hearing on Ordinances
10.1 O-19-32 2019 Assignment of Van Schoick Deed from MCF to Howell – Sale and Purchase of Real Property, $10,800.00

Mayor Berger read Ordinance Adoption Statement. Ordinance No. O-19-32 introduced and passed on first reading on 5/21/19 and published, according to law, is now being taken up for further consideration and public hearing. Affidavit of publication of this ordinance in the Asbury Park Press on 5/10/19 and is submitted and it is noted that a copy of the ordinance has been posted on the bulletin board in the municipal building and that copies were available to the general public upon request.

Deputy Township Clerk Ciranni read title of ordinance. ORDINANCE AUTHORIZING THE ACQUISITION OF LANDS FROM MONMOUTH CONSERVATION FOUNDATION FOR OPEN SPACE IN THE TOWNSHIP OF HOWELL KNOWN AS BLOCK 51 LOT 36.04 (VAN SCHOICK PROPERTY) APPROXIMATELY 4 ACRES ON PREVENTORIUM ROAD

Public Hearing on Ordinance O-19-32
No public comment.

Councilman Bonevich made a motion to adopt Ordinance O-19-32 and that notice of its passage and adoption be published in the 6/14/19 issue of the Asbury Park Press, seconded by Councilwoman Richmond. Roll Call: Ayes: Councilman Bonevich, Councilwoman Richmond, Councilman Russo, Deputy Mayor O'Donnell, Mayor Berger.

10.2 O-19-33 Salary Ordinance – Township Manager

Mayor Berger read Ordinance Adoption Statement. Ordinance No. O-19-33 introduced and passed on first reading on 5/7/19 and published, according to law, is now being taken up for further consideration and public hearing. Affidavit of publication of this ordinance in the Asbury Park Press on 5/10/19 and is submitted and it is noted that a copy of the ordinance has been posted on the bulletin board in the municipal building and that copies were available to the general public upon request.

Township Clerk Wollman read title of ordinance. AN ORDINANCE SETTING FORTH AND AMENDING AND SUPPLEMENTING THE SALARY RANGE SCHEDULE FOR THE TOWNSHIP MANAGER OF THE TOWNSHIP OF HOWELL

Public Hearing on Ordinance O-19-33
Tina Smilek, 33 Charles Street. Ms. Smilek spoke against adopting this ordinance.
Deputy Mayor O’Donnell stated that this contract has been signed and is already in effect. Councilwoman Richmond added that Council forgets this is about an ordinance memorializing a contract that was signed last year. Councilman Bonevich stated that Council is dealing with a contract that was signed prior to some of them. Council discussion. Councilman Russo addressed questions to Township Attorney Clark. He asked if the contract conditions save the Township money; Attorney Clark explained his interpretation. Councilman Russo also asked if the stipend portion of contract were found to be invalid would it void contract in its entirety. Attorney Clark responded that it would not; contract is signed, valid and enforceable. Remedy to avoid litigation discussed.

Deputy Mayor O’Donnell made a motion to adopt Ordinance O-19-33 and that notice of its passage and adoption be published in the 6/14/19 issue of the Asbury Park Press, seconded by Councilwoman Richmond. Roll Call: Ayes: Councilwoman Richmond, Councilman Russo, Deputy Mayor O’Donnell. Nays: Councilman Bonevich, Mayor Berger.

11. Introduction of Ordinances
11.1 O-19-34 An Ordinance Creating Chapter 252 Entitled Sewer and Water Article III Entitled Water Service in Freewood Acres
Councilman Bonevich read Ordinance Introduction Statement. Motion to introduce Ordinance No. O-19-34 on first reading by title and to order the same to be published in the 6/14/19 issue of the Asbury Park Press together with notice of its introduction and passage on first reading by title only, and that it will be further considered for final passage after public hearing at a meeting of the Township Council to be held on 7/16/19 at 7:30 PM, prevailing time, in the Municipal Building. Councilwoman Richmond seconded the motion.

Deputy Township Clerk Ciranni read title of ordinance. AN ORDINANCE OF THE TOWNSHIP OF HOWELL, MONMOUTH COUNTY, NEW JERSEY CREATING CHAPTER 252 ENTITLED SEWER AND WATER ARTICLE III ENTITLED WATER SERVICE IN FREEDOW ACRES OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF HOWELL

Roll Call: Ayes: Councilman Bonevich, Councilwoman Richmond, Councilman Russo, Deputy Mayor O’Donnell, Mayor Berger.

2019 Municipal Budget
Resolution R-19-204 Adoption of the 2019 Municipal Budget

12. Unfinished Business
13. Information

- Municipal Offices Closed Thursday, July 4, 2019 observance of Independence Day

14. Meeting Dates

<table>
<thead>
<tr>
<th>Regular Meeting</th>
<th>- Tuesday, July 16, 2019</th>
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<tbody>
<tr>
<td>Executive Session</td>
<td>6:30 P.M.</td>
</tr>
<tr>
<td>Regular Session</td>
<td>7:30 P.M.</td>
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15. Adjournment
Councilman Bonevich made a motion to adjourn the meeting, seconded by Councilwoman Richmond. Roll Call: Ayes: Councilman Bonevich, Councilwoman Richmond, Councilman Russo, Deputy Mayor O’Donnell, Mayor Berger. Meeting adjourned at 8:40 PM.

Respectfully submitted,

Allison Ciranni
Deputy Township Clerk
Township of Howell
TOWNSHIP OF HOWELL

RESOLUTION COVER PAGE

REGULAR MEETING DATE

July 16, 2019

AGENDA ITEM NUMBER

9A.1
Mr(s). __________ offered the following Resolution for adoption seconded by Mr(s). ______

Resolution No: R-19-206

RESOLUTION

RESOLUTION AUTHORIZING SHARED SERVICES AGREEMENT WITH THE BOROUGH OF FARMINGDALE FOR TAX COLLECTION SERVICES

WHEREAS, the “Uniform Shared Services and Consolidation Act” N.J.S.A. 40A:65-1 through 40A:65-35 (the “Act”), authorizes local units of this State to enter into a contract with any other local unit or units for the joint provision within their several jurisdictions of any service which any party to the agreement is empowered to render within its own jurisdiction; and

WHEREAS, the Township of Howell and the Borough of Farmingdale (together, the “Parties”) have identified an area where working together through shared services will result in positive outcomes for both municipalities; and

WHEREAS, the Parties now wish to enter into a Shared Services Agreement (“Agreement”) for Tax Collection Services; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Howell in the County of Monmouth, State of New Jersey that it hereby authorizes and directs the Mayor to execute a Shared Services Agreement in a form substantially similar to the Agreement attached hereto and made part hereof with the Borough of Farmingdale for Tax Collection services, and water and sewer collection.

VOTE: AYES NAYS ABSTAIN ABSENT DISQUALIFY

Mr. Bonevich
Ms. Richmond
Mr. Russo
Mrs. O’Donnell
Mayor Berger

This is to certify that the foregoing Resolution was adopted by the Township Council of the Township of Howell during a regular meeting held on July 16, 2019.

PENNY WOLLMAN, TOWNSHIP CLERK
NEGOTIATED SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF HOWELL & THE BOROUGH OF FARMINGDALE FOR TAX COLLECTOR SERVICES

WITNESSETH:

WHEREAS, the Tax Collector for the Township of Howell, County of Monmouth, State of New Jersey, with its offices located at 4567 Route 9 North, Howell, New Jersey (07731) (hereinafter referred to as “Township”) recently announced her retirement; and

WHEREAS, the Township desires to retain the services of a Tax Collector through a Shared Services Agreement;

WHEREAS, the Borough of Farmingdale, County of Monmouth, State of New Jersey, State of New Jersey with a business office located at 11 Asbury Avenue, Farmingdale, New Jersey (07727) (hereinafter referred to as “Borough”) is interested in providing Tax Collector services through a Shared Services Agreement; and

WHEREAS, the Township and the Borough (hereinafter referenced as “Borough”) are both pilot municipalities within the County of Monmouth as recognized within N.J.S.A. 40A:65-1, et seq.; and

WHEREAS, the Township and the Borough have negotiated a Shared Services Agreement pursuant to the provisions of N.J.S.A. 40A:65-1, et seq. whereby the Township would pay to the Borough for providing Tax Collector services to the Township so that the Township may meet its statutory obligations, and to provide better service to the residents and taxpayers of the Township, and for reasons of economy and efficiency.

NOW, THEREFORE, BE IT AGREED, this 24th day of July, 2019, by and between the Township and the Borough (hereinafter collectively referenced as “Parties”), as follows:

1. The Parties hereby agree to enter in a Shared Services Agreement (Agreement) in accordance with the provisions of N.J.S.A. 40A:65-1, et seq. as described herein below.

2. The Parties hereby agree that, through this Shared Services Agreement, the Borough’s Tax Collector shall serve as the Tax Collector for the Township pursuant to the terms of this Agreement.

3. The Borough’s Tax Collector will continue to be an employee of the Borough,
will receive all salary, compensation, benefits and emoluments of employment from the Borough, which is the Tax Collector’s employer. Tenure shall only issue through and with the Borough. The Borough shall pay all salary, compensation, all employment benefits and entitlements of any form or nature (hereinafter Compensation and Benefits), including but not limited to health insurance coverage, pension payments, FICA, taxes, and retirement benefits for the Tax Collector. During the term of this Agreement, all terms and conditions and any obligations or liabilities in connection with the Tax Collector shall be established and borne by the Borough. Upon termination of this Agreement by either party for any reason, the Township shall not be obligated to the Tax Collector or the Borough in any way except for any outstanding quarterly payment provided within this Agreement. The Borough agrees to indemnify and hold harmless the Township, its elected and appointed officials, officers, employees and agents, from any and all claims by or on behalf of the Borough’s Tax Collector for Compensation and Benefits, as well as any action by the Borough for discipline, removal or its alleged violation of the Tax Collector’s rights.

4. The Parties agree that during any time of the Agreement period, the Agreement may be terminated by either party upon one hundred and eighty (180) days advance written notice. This Agreement may be terminated immediately where Tax Collector services for the Township are seriously and negatively affected or there is a failure to perform necessary services on a timely basis. Notice of Immediate Termination must be provided in writing, state the reasons for such cancellation and allow for discussion among the administration of both Parties to attempt to resolve the problem. Aside from the above, the “Duration of the Agreement; Notice of Non-Renewal” provision of this Agreement shall apply.

5. Professional liability coverage is provided through the Joint Insurance Fund for each municipality. Each municipality shall provide professional liability coverage for the services which are specifically performed for the respective municipality.

6. In the event that this Agreement shall be invalidated by a Court of competent jurisdiction then, at the option of the Township, the Borough shall continue to provide the services herein on an interim or emergency basis for a period not to exceed one hundred and eighty (180) days.

7. All notices under this Shared Services Agreement shall be in writing and shall be
sent Certified Mail, Return Receipt Requested to the Municipal Clerk of each municipality at the address indicated above.

8. The Parties acknowledge that it is in the best interests of their respective taxpayers and its citizens to avoid litigation if at all possible. Therefore, the Parties agree to non-binding mediation of any and all issues pertaining to this Shared Services Agreement, including issues that may have not been specifically provided for in this Agreement. The mediator shall be selected by mutual agreement of the Parties.

9. The Parties agree that if any personnel issue arises involving an employee of the Borough performing services for the Township, the Borough Administrator and Township Administrator shall meet and use their best efforts to resolve the issue amicably prior to mediation. Unresolved issues should be jointly investigated as soon as possible while remaining mindful of an employee’s actual employer.

10. Each party to this Agreement represents and warrants to the other that all municipal action necessary for the Township and the Borough to enter into and perform all obligations required by this Agreement have been validly undertaken and that the undersigned are authorized to execute this Agreement.

11. Miscellaneous. The following provisions shall apply to this Agreement:

A. **DELEGATION OF TASK.**

1. **Nature and Extent of Services.** The Borough grants to Township and Township accepts from the Borough authority to utilize the Borough’s Tax Collector. The terms of delegation are limited to this Agreement.

B. **PROVISION OF SERVICES.**

1. **Description of Services.** The services to be provided by the Tax Collector shall be as generally described as for collection of municipal taxes under the laws of the State of New Jersey and shall also include collection of water/sewer bills. In addition, the Borough’s Tax Collector shall oversee, coordinate, organize and delegate the duties, assignments and responsibilities of subordinate positions within the Township’s Tax Collector’s office. The Borough’s Tax Collector shall not have authority to hire, fire, or discipline employees of the Township, but shall cooperate with any such action taken by the Township. All such issues will
be addressed to the Township’s Manager. Similarly, the Borough’s Tax Collector shall not enter into contracts nor retain services, or obtain goods or supplies without specific advance authorization.

2. **Specific Services.** The Borough shall allow its Collector to be utilized by Township as municipal Tax Collector for an average of 35 hours to 38 hours each week, between 7:00 AM and 5:00 PM, Monday to Friday, at the Township’s Tax Collector’s Office, as mutually agreed upon by the Parties.

3. **Payment from Township to Borough.** The Township shall pay to the Borough a yearly flat rate of $82,287, plus Benefits, Taxes, and Pension amounts. The Borough agrees to contribute an additional $1,500 per year. Total payment to the Collector by the Borough shall therefore be $83,787, plus Benefits, Taxes, and Pension amounts. Payment shall be made by the Township to the Borough in four (4) equal quarterly installments on the 1st day of each quarter of this Agreement provided that a prorated amount for the first quarter immediately following execution of this agreement may be made with the second quarter payment. No payments shall be made by the Township directly to the Borough’s Tax Collector.

4. **Reimbursement to the Borough by the Township for Mileage.** For travel other than to/from the Township for performance of Tax Collector services itself, the Township shall reimburse the Borough for mileage associated with performance of other Tax Collector services provided to the Township such as travel to/from hearings or meetings outside of the Township. The reimbursement rate shall be consistent with rates established by the Internal Revenue Service. In the event the Township makes one of its fleet vehicles available for the Tax Collector’s travel to/from hearings or meetings outside of the Township, then no mileage payment shall be made.

C. **LIMITATION OF DELEGATION.** To the extent that this Agreement constitutes a delegation of authority by either, this Agreement shall not be construed to delegate any authority other than as specifically set forth herein. Neither the Township of Howell, nor the Borough of Farmingdale intends to create an agency relationship other than that which may be specifically required by this Agreement or required by law. This Agreement is limited to Tax Collector services.

D. **NO PERSONAL LIABILITY.** No covenant, condition or provision contained
within this Agreement shall be deemed to be that of a past or present official, officer, employee or agent of either party in his or her individual capacity, nor shall any such person be liable personally by reason of executing this Agreement in their official capacity as authorized by that party’s governing body.

E. **ESTIMATED COSTS.** Consistent with the requirements of N.J.S.A. 40A:65-4, *et seq.*, the cost of services shall be as set forth herein.

F. **DURATION OF AGREEMENT; NOTICE OF NON-RENEWAL.** This Agreement shall be effective from July 24, 2019 through July 24, 2023. This Agreement is not automatically renewable, but may be extended by resolution to continue with the Shared Services Agreement by each municipality. On or before April 24, 2023, the Borough shall provide written notice to the Township of its intent not to renew this Agreement. If the Borough fails to provide such notice, at the Township’s option, this Agreement shall extend for one hundred and ten (180) days beyond the expiration date in order for the Township to take appropriate action in connection with retaining Tax Collector services.

G. **GOVERNING LAW.** The terms of this Shared Services Agreement shall be governed by and construed, interpreted and enforced in accordance with the laws of the State of New Jersey, including all matters of enforcement, validity and performance.

H. **SEVERABILITY AND MODIFICATION.** In the event that any portion of this Agreement shall be made inoperative by reason of judicial, administrative or other ruling, the remainder of this Agreement shall remain in full force and effect.

I. **AMENDMENTS.** This Agreement may not be amended, altered or modified in any manner except in writing signed by the Parties thereto.

J. **HEADINGS.** This section and any other headings contained in this Agreement are for reference only and shall not affect the meaning and interpretation of this Agreement.

K. **AVAILABILITY OF AGREEMENT.** A copy of this Agreement shall be on file and open to public inspection at the Municipal Clerk’s office of the Township and the Borough no less than two (2) weeks prior to its adoption by each municipality and continuing thereafter.

L. **ENTIRE AGREEMENT.** This Agreement shall consist of the entire Agreement of the Parties and it is acknowledged that there is no side or oral Agreement or understanding
relating to the undertakings as set forth.

M. **NO ASSIGNMENT.** This Agreement and all rights, duties and obligations contained herein may not be assigned by either party without the other party’s prior written permission.

N. **WAIVER.** It is understood and agreed by the Parties that failure or delay in the enforcement of any of the provisions of this Agreement by either of the Parties shall not be construed as a waiver of those provisions.

O. **NO PRESUMPTION AGAINST DRAFTER.** The Parties acknowledge that this Agreement was reviewed by their respective legal counsel, and therefore, no presumption shall arise against the drafter of this Agreement.

P. **EXECUTION OF COUNTERPARTS.** This Agreement may be executed in several counterparts, each of which shall be deemed an original and all of which shall constitute but one and the same instrument.

IN WITNESS WHEREOF, the Parties have hereunto set their hands and seals the day and year first above written:

**Attest:**

**TOWNSHIP OF HOWELL**

__________________________ , Clerk  

__________________________ , Mayor

**BOROUGH OF FARMINGDALE**

__________________________ , Clerk  

__________________________ , Mayor
TOWNSHIP OF HOWELL

RESOLUTION COVER PAGE

REGULAR MEETING DATE

July 16, 2019

AGENDA ITEM NUMBER

9A.2
RESOLUTION AUTHORIZING A REFUND OF A CERTIFICATE OF COMPLIANCE APPLICATION FEE

____________________offered the following Resolution and moved its adoption seconded by ______________________.

WHEREAS, Salvatore Materia, applicant/seller for 406 Brookview Court, Block 138.01, Lot 24.08 completed an application for a Certificate of Compliance Inspection and paid a fee of $50.00 check #205; and

WHEREAS, the applicant/seller decided not to sell the property but instead rent the unit. The applicant in turn applied for a Certificate of Compliance for a Rental, which is applied for through the Housing Department and therefore has requested a refund; and

WHEREAS, the Fire Bureau Chief Official has recommended the refund; and

WHEREAS, it is now the desire of this governing body to act upon said recommendation.

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Howell that a refund in the amount of $50.00 be authorized to be paid to Salvatore Materia, 43 Windham Way, Englishtown, NJ 07726.

BE IT FURTHER RESOLVED, that upon the adoption of this resolution, the Clerk is authorized and directed to forward a copy of same to the Township Chief Financial Officer and Salvatore Materia.
BE IF FURTHER RESOLVED that the refund is to be charged to # 01-1920-08-10500

<table>
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<tr>
<th>VOTE</th>
<th>AYES</th>
<th>NAYS</th>
<th>ABSTAIN</th>
<th>ABSENT</th>
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<tbody>
<tr>
<td>Mrs. O’Donnell</td>
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<td>Mrs. Richmond</td>
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<td>Mr. Bonevich</td>
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<td>Mr. Russo</td>
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<tr>
<td>Mayor Berger</td>
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This is to certify that the Township Council of the Township of Howell adopted the foregoing Resolution during a regular meeting held by that body on July 16, 2019

____________________________
Penny Wollman, Township Clerk
REGULAR MEETING DATE  

July 16, 2019

AGENDA ITEM NUMBER 9A.3
RESOLUTION AUTHORIZING A REFUND OF A CERTIFICATE OF COMPLIANCE APPLICATION FEE

____________________offered the following Resolution and moved its adoption seconded by ______________________.

WHEREAS, Ann Joy Becker, applicant/seller for 1 Marion Ave, Block 89, Lot 1 completed an application for a Certificate of Compliance Inspection and paid a fee of $50.00 check #1327; and

WHEREAS, the applicant/seller decided not to sell her home and therefore has requested a refund; and

WHEREAS, the Fire Bureau Chief Official has recommended the refund; and

WHEREAS, it is now the desire of this governing body to act upon said recommendation.

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Howell that a refund in the amount of $50.00 be authorized to be paid to Ann Joy Becker, 1 Marion Ave, Howell, NJ 07731.

BE IT FURTHER RESOLVED, that upon the adoption of this resolution, the Clerk is authorized and directed to forward a copy of same to the Township Chief Financial Officer and Ann Joy Becker.
BE IF FURTHER RESOLVED that the refund is to be charged to # 01-1920-08-10500

VOTE AYES NAYS ABSTAIN ABSENT
Mrs. O’Donnell
Mrs. Richmond
Mr. Bonevich
Mr. Russo
Mayor Berger

This is to certify that the Township Council of the Township of Howell adopted the foregoing Resolution during a regular meeting held by that body on July 16, 2019.

____________________________
Penny Wollmann, Township Clerk
R-19-209

_________________________ offered the following resolution, seconded by
_________________________.

RESOLUTION OF THE TOWNSHIP OF HOWELL, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, PROVIDING FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE 2019 BUDGET OF THE TOWNSHIP OF HOWELL PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159, P.L. 1948)

WHEREAS, N.J.S.A. 40A:4-87 permits the Director of the Division of Local Government Services to approve the insertion of any special item of revenue in the Municipal Budget when such item shall have been made available by law and the amount thereof shall not have been determined at the time of the adoption of the budget, and

WHEREAS, the Council of the Township of Howell has been awarded a total of $964.50 from the New Jersey Administrative Office of the Courts for the Municipal Court Alcohol Education, Rehabilitation, and Enforcement Fund for the fiscal year 2019; and

WHEREAS, The Council wishes to increase its anticipated revenues by $964.50 to account for the additional funds the New Jersey Administrative Office of the Courts has authorized to the Township of Howell; and

WHEREAS, The Council of the Township of Howell wishes to appropriate the funds in accordance with the grant requirements,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Howell (not less than two-thirds of all the members thereof affirmatively concurring) that application is hereby made to the Director, Division of Local Government Services for an increase of a special item of revenue in the 2019 budget entitled:

<table>
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<tr>
<th>Miscellaneous Revenues - Section F:</th>
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<tbody>
<tr>
<td>Public and Private Revenues Offset with Appropriations;</td>
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<tr>
<td>New Jersey Administrative Office of the Courts—</td>
</tr>
<tr>
<td>2019 Alcohol Education, Rehabilitation, and Enforcement Fund Grant</td>
</tr>
</tbody>
</table>

BE IT FURTHER RESOLVED that the application is hereby made for the insertion of a like amount of increase to the appropriation entitled:

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<tr>
<th>Operations - Excluded from &quot;CAPS&quot;</th>
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<tbody>
<tr>
<td>Public and Private Programs Offset by Revenues</td>
</tr>
<tr>
<td>New Jersey Administrative Office of the Courts—</td>
</tr>
<tr>
<td>2019 Alcohol Education, Rehabilitation, and Enforcement Fund Grant</td>
</tr>
<tr>
<td>Other Expenses</td>
</tr>
</tbody>
</table>

BE IT FURTHER RESOLVED that one certified copy of this resolution be electronically forwarded to the Director, Division of Local Government Services with a copy of the award letter for his approval.

ROLL CALL:

VOTE: AYES NAYS ABSTAIN ABSENT

Mr. Bonevich
Ms. Richmond
Mr. Russo
Mrs. O’Donnell
Mayor Berger

I, Penny Wollman, Clerk of the Township of Howell, County of Monmouth, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council at a meeting of said Township Council held on July 16, 2019.

Penny Wollman, Township Clerk
TOWNSHIP OF HOWELL

RESOLUTION COVER PAGE

REGULAR MEETING DATE    July 16, 2019

AGENDA ITEM NUMBER        9A.5
RESOLUTION OF THE TOWNSHIP OF HOWELL, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, PROVIDING FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE 2019 BUDGET OF THE TOWNSHIP OF HOWELL PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159, P.L. 1948)

WHEREAS, N.J.S.A. 40A:4-87 permits the Director of the Division of Local Government Services to approve the insertion of any special item of revenue in the Municipal Budget when such item shall have been made available by law and the amount thereof shall not have been determined at the time of the adoption of the budget, and

WHEREAS, the Council of the Township of Howell has been awarded a total of $1,000.00 from Association of New Jersey Environmental Commissions for the fiscal year 2019; and

WHEREAS, The Council wishes to increase its anticipated revenues by $1,000.00 to account for the additional funds the Association of New Jersey Environmental Commissions has authorized to the Township of Howell; and

WHEREAS, The Council of the Township of Howell wishes to appropriate the funds in accordance with the grant requirements,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Howell (not less than two-thirds of all the members thereof affirmatively concurring) that application is hereby made to the Director, Division of Local Government Services for an increase of a special item of revenue in the 2019 budget entitled:

Miscellaneous Revenues - Section F:
Public and Private Revenues Offset with Appropriations;
Association of New Jersey Environmental Commissions—
2019 ANJEC Grant $ 1,000.00

BE IT FURTHER RESOLVED that the application is hereby made for the insertion of a like amount of increase to the appropriation entitled:

Operations - Excluded from "CAPS"
Public and Private Programs Offset by Revenues
Association of New Jersey Environmental Commissions—
2019 ANJEC Grant
Other Expenses $ 1,000.00

BE IT FURTHER RESOLVED that one certified copy of this resolution be electronically forwarded to the Director, Division of Local Government Services with a copy of the award letter for his approval.

ROLL CALL:

VOTE: AYES NAYS ABSTAIN ABSENT

Mr. Bonevich
Ms. Richmond
Mr. Russo
Mrs. O’Donnell
Mayor Berger

I, Penny Wollman, Clerk of the Township of Howell, County of Monmouth, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council at a meeting of said Township Council held on July 16, 2019.

Penny Wollman, Township Clerk
TOWNSHIP OF HOWELL

RESOLUTION COVER PAGE

REGULAR MEETING DATE
July 16, 2019

AGENDA ITEM NUMBER
9A.6
Mr(s) ________________________ offered the following Resolution for adoption seconded by Mr(s) ________________________

Resolution No. R-19-211

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HOWELL FOR ACCEPTANCE OF PERFORMANCE GUARANTEE

DEVELOPER:  LIDL US OPERATIONS, LLC
PROJECT:  LIDL GROCERY STORE
           BLOCK 79  LOTS 78 & 79
           4250 US HIGHWAY 9 SOUTH
CASE NO.:  SP-1057 CE

WHEREAS, the above-named developer of the above-named land use project located on property known as block 79 lots 78 & 79 is posting as a condition of the Department of Community Development Approval, and in accordance with the requirements of the Township, for the development of said property, a performance guarantee to ensure proper construction of real property improvements therein; and

WHEREAS, as a condition of the Department of Community Development Approval, the above-named developer is required to post with the Township of Howell certain performance guarantees; and

WHEREAS, the Division of Engineering has computed the amount of the performance guarantee required to be posted by the developer with the Township of Howell in accordance with the aforementioned approval.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of Howell, County of Monmouth as follows:

1. The Township Council hereby accepts the following performance guarantee posted by the developer with the Township of Howell in accordance with the approval previously granted by the Department of Community Development and the Division of Engineering’s Performance Guarantee Estimate dated 5/20/19:
   a. Check No. 53922932-8 in the amount of $23,072.40 representing 100% of the Performance Guarantee.

2. The Township Clerk is hereby directed to forward a duly certified copy of this Resolution to the following:
   a. Division of Engineering
   b. Guarantees Coordinator
   c. Chief Financial Officer
   d. Lidl US Operations, LLC, 3500 S. Clark Street, Arlington, VA 22202

VOTE  AYES  NAYS  ABSTAIN  ABSENT  DISQUALIFY

Mr. Bonevich
Ms. Richmond
Mr. Russo
Mrs. O’Donnell
Mayor Berger

This is to certify that the foregoing Resolution was adopted by the Township council of the Township of Howell at a public business meeting held on July 16, 2019.

PENNY A. WOLLMAN, TOWNSHIP CLERK
TOWNSHIP OF HOWELL

RESOLUTION COVER PAGE

REGULAR MEETING DATE July 16, 2019

AGENDA ITEM NUMBER 9A.7

_____________________________

Mr(s)._______________________offered the following Resolution and moved its adoption seconded by Mr(s).______________________________.

RESOLUTION R-19-212

WHEREAS, PL 1999 c.440 amended the Local Public Contracts Law and created a new category of contracting called Competitive Contracting; and

WHEREAS, 40A:11-4.3(a) stipulates that in order to initiate competitive contracting, the governing body shall pass a resolution authorizing the use of competitive contracting each time specialized goods or services enumerated in 40A:11-1 are desired to be contracted; and

WHEREAS, 40A:11-4.3(b) requires that the competitive contracting process shall be administered by a purchasing agent qualified pursuant to 40A:11-9, or, by legal counsel of the contracting unit, or by an administrator of the contracting unit;

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Howell that the Township of Howell Purchasing Agent be and is hereby authorized to initiate competitive contracting for the acquisition of finance software and support.

VOTE AYES NAYS ABSTAIN ABSENT
Mr. Bonevich
Mrs. O’Donnell
Ms. Richmond
Mr. Russo
Mayor Berger

This is to certify that the foregoing Resolution was adopted by the Township Council of the Township of Howell during a regular meeting held by that body on July 16, 2019.

_________________________
Penny A. Wollman, Township Clerk
Mr.(s)____________________________________ offered the following Resolution for adoption seconded by Mr.(s)_________________________________________

Resolution No.: R-19-213

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HOWELL AUTHORIZING THE RETURN OF UNUSED ZONING BOARD ESCROW FUNDS

MATTER REFUND Quail Creek Shopping Center LLC
6 Cooper Street
Burlington, NJ 08016

CASE NO. BA19-05 – EZE Fit Howell LLC

BLOCK 3

LOT 17.02

PROJECT ADDRESS Quail Creek Plaza
(At the intersection of Newtons Corner Road and Ramtown Greenville Road)

WHEREAS, the above named applicant requested the return of any unused Zoning Board escrow funds previously posted pursuant to the provisions of the Municipal Land Use Law (40:55D-53.2) and Township Ordinances, Escrow Fees for professional services to assure proper reviews; and

WHEREAS, the applicant requested an accounting of their Escrow Account; and

WHEREAS, the Zoning Board Office recommends the return of the unused Escrow Fees in the amount of $446.00

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Howell as follows:

1. That the Township Finance Office is hereby authorized to return to the applicant the unused escrow fee in the amount of $446.00, plus interest if any, from the applicant’s Escrow Account No. 36-2080-00-01905-025.

2. A certified copy of this Resolution shall be provided by the Township Clerk to each of the following:

DIVISION OF ENGINEERING
TOWNSHIP TREASURER
ADMINISTRATIVE OFFICER – ZONING BOARD
PROPERTY DEVELOPER
VOTE

AYES  NAYS  ABSTAIN  ABSENT  DISQUALIFY

Mr. Bonevich
Ms. Richmond
Mr. Russo
Deputy Mayor O’Donnell
Mayor Berger

This is to certify that the foregoing Resolution was adopted by the Township Council of the Township of Howell at a public business meeting held on July 16, 2019.

PENNY A. WOLLMAN – TOWNSHIP CLERK
TOWNSHIP OF HOWELL

RESOLUTION COVER PAGE

REGULAR MEETING DATE

July 16, 2019

AGENDA ITEM NUMBER

9A.9
Mr.(s)____________________________________ offered the following Resolution for adoption seconded by Mr.(s)_________________________________________

Resolution No. R-19-214

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HOWELL AUTHORIZING THE RETURN OF UNUSED COAH CONCEPT ESCROW FUNDS

MATTER REFUND       Yellowbrook Developers LLC
                      242 Route 79
                      Suite 9
                      Morganville, NJ 07751

CASE NO.             COAH Concept 40011
BLOCK                182
LOTS                 13 through 16
PROJECT              East Side of Yellowbrook Road
                      (Between Cranberry Road and Route 33)

WHEREAS, the above named applicant requested the return of any unused COAH Concept escrow funds previously posted pursuant to the provisions of the Municipal Land Use Law (40:55D-53.2) and Township Ordinances, Escrow Fees for professional services to assure proper reviews; and

WHEREAS, the applicant requested an accounting of their Escrow Account; and

WHEREAS, the Planning Board Office recommends the return of the unused Escrow Fees in the amount of $1,450.00

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Howell as follows:

1. That the Township Finance Office is hereby authorized to return to the applicant the unused COAH escrow fees in the amount of $1,450.00 plus interest if any, from the applicant’s Escrow Account No. 37-2102-00-40011-003.
2. A certified copy of this Resolution shall be provided by the Township Clerk to each of the following:

   DIVISION OF ENGINEERING
   TOWNSHIP TREASURER
   ADMINISTRATIVE OFFICER – PLANNING BOARD
   PROPERTY DEVELOPER
VOTE                    AYES    NAYS    ABSTAIN    ABSENT    DISQUALIFY

Mr. Bonevich
Ms. Richmond
Mr. Russo
Deputy Mayor O'Donnell
Mayor Berger

This is to certify that the foregoing Resolution was adopted by the Township Council of the Township of Howell at a public business meeting held on July 16, 2019.

__________________________________________
PENNY A. WOLLMAN – TOWNSHIP CLERK
Mr(s) ______________________________________ offered the following Resolution for adoption seconded by Mr(s) ________________________________________.

Resolution No. R-19-215

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HOWELL AUTHORIZING THE RETURN OF UNUSED ENGINEERING INSPECTION ESCROW FUNDS

DEVELOPER: MONMOUTH COUNTY RIFLE & PISTOL CLUB
PROJECT: BLOCK 223 LOT 16
BIRDSALL ROAD
CASE NO.: BA-06-09

WHEREAS, the above-named developer of the above-named land use development previously posted pursuant to the provisions of the Municipal Land Use Law (40:55D-53-h) and Township Ordinances, engineering inspection escrow funds for professional services to assure proper inspections of improvements being constructed by the developer in relation to said development; and

WHEREAS, this project has been completed and released from the performance guarantee with a waiver of maintenance guarantee; and

WHEREAS, by memorandum May 21, 2019, the Division of Engineering recommends the return of unused engineering inspection escrow funds in the amount of $3,835.38.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Howell as follows:

1. That the Township Finance Office be and is hereby authorized to return to the developer unused engineering inspection escrow funds in the amount of $3,835.38, plus interest if any, said funds to be returned from escrow account 36-2080-00-00609-008.

2. A certified copy of this Resolution shall be provided by the Township Clerk to each of the following:
   a. Division of Engineering
   b. Chief Financial Officer
   c. Guarantees Coordinator
   d. Monmouth County Rifle & Pistol Club, P.O. Box 2219, Farmingdale, NJ 07727

VOTE AYES NAYS ABSTAIN ABSENT DISQUALIFY

Mr. Bonevich
Ms. Richmond
Mr. Russo
Mrs. O’Donnell
Mayor Berger

This is to certify that the foregoing Resolution was adopted by the Township Council of the Township of Howell at a public business meeting held on July 16, 2019.

PENNY A. WOLLMAN, TOWNSHIP CLERK
TOWNSHIP OF HOWELL

RESOLUTION COVER PAGE

REGULAR MEETING DATE

July 16, 2019

AGENDA ITEM NUMBER

9A.11
Resolution No. R-19-216

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HOWELL AUTHORIZING THE RETURN OF UNUSED ENGINEERING INSPECTION ESCROW FUNDS

DEVELOPER: PAR GOLF, LLC/BIRDIE HOLDING CO., LLC
PROJECT: EAGLE OAKS GOLF CLUB ADDITION
BLOCK 185 LOT 40.01
SHORE OAKS DRIVE
CASE NO.: SP-1009

WHEREAS, the above named developer of the above named land use development previously posted pursuant to the provisions of the Municipal Land Use Law (40:55D-53-h) and Township Ordinances, engineering inspection escrow funds for professional services to assure proper inspections of improvements being constructed by the developer in relation to said development; and

WHEREAS, this project has been completed and released from the performance guarantee with a waiver of maintenance guarantee; and

WHEREAS, by memorandum May 21, 2019, the Division of Engineering recommends the return of unused engineering inspection escrow funds in the amount of $289.83.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Howell as follows:

1. That the Township Finance Office be and is hereby authorized to return to the developer unused engineering inspection escrow funds in the amount of $289.83, plus interest if any, said funds to be returned from escrow account 36-2080-00-11009-008.

2. A certified copy of this Resolution shall be provided by the Township Clerk to each of the following:
   a. Division of Engineering
   b. Chief Financial Officer
   c. Guarantees Coordinator
   d. Par Golf, LLC/Birdie Holding Co., LLC, 20 Shore Oaks Drive, Farmingdale, NJ 07727

VOTE

AYES NAYS ABSTAIN ABSENT DISQUALIFY

Mr. Bonevich
Ms. Richmond
Mr. Russo
Mrs. O’Donnell
Mayor Berger

This is to certify that the foregoing Resolution was adopted by the Township Council of the Township of Howell at a public business meeting held on July 16, 2019.

PENNY A. WOLLMAN, TOWNSHIP CLERK
Mr(s) ______________________________________ offered the following Resolution for adoption seconded by Mr(s) ______________________________________.

Resolution No. R-19-217

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HOWELL AUTHORIZING THE RETURN OF UNUSED WATER AND SANITARY SEWER REVIEW ESCROW FUNDS

DEVELOPER: PAR GOLF GROUP, LLC
PROJECT: EAGLE OAKS GOLF CLUB ADDITION
BLOCK 185 LOT 40.01
SHORE OAKS DRIVE

CASE NO.: SP-1009

WHEREAS, the above named applicant of the above named land use development previously posted pursuant to the provisions of the Municipal Land Use Law (40:55D-53-h) and Township Ordinances, water review escrow funds and sanitary sewer review escrow funds for professional services to insure proper reviews; and

WHEREAS, this project has been completed and released from the performance guarantee with a waiver of maintenance guarantee; and

WHEREAS, by memorandum dated May 21, 2019, the Division of Engineering recommends the return of unused water review escrow funds in the amount of $114.35 and sanitary sewer review escrow funds in the amount of $0.93.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Howell as follows:

1. That the Township Finance Office be and is hereby authorized to return to the developer water review escrow funds in the amount of $114.35, plus interest if any, said funds to be returned to the developer from account 38-2080-00-91009-005 and sanitary sewer review escrow funds in the amount of $0.93, plus interest if any, said funds to be returned to the developer from escrow account 38-2080-00-91009-006.

2. A certified copy of this Resolution shall be provided by the Township Clerk to each of the following:
   a. Division Of Engineering
   b. Chief Financial Officer
   c. Guarantees Coordinator
   d. Par Golf Group, LLC, 20 Shore Oaks Drive, Farmingdale, NJ 07727

VOTE

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<td>Mayor Berger</td>
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This is to certify that the foregoing Resolution was adopted by the Township Council of the Township of Howell at a public business meeting held on July 16, 2019.

PENNY A. WOLLMAN, TOWNSHIP CLERK
Resolution No. R-19-218

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HOWELL AUTHORIZING THE RETURN OF UNUSED ENGINEERING INSPECTION ESCROW FUNDS

DEVELOPER: FIRST FINANCIAL FEDERAL CREDIT UNION
PROJECT: FIRST FINANCIAL FEDERAL CREDIT UNION
BLOCK 142 LOT 1.02
ROUTE 9 NORTH (NEXT TO HOWELL PARK & RIDE)
CASE NO.: SP-981 & SP-981A (PHASES I & II)

WHEREAS, the above named developer of the above named land use development previously posted pursuant to the provisions of the Municipal Land Use Law (40:55D-53-h) and Township Ordinances, engineering inspection escrow funds for professional services to assure proper inspections of improvements being constructed by the developer in relation to said development; and

WHEREAS, this project has been completed and released from the maintenance guarantee; and

WHEREAS, by memorandum dated May 21, 2019, the Division of Engineering recommends the return of unused engineering inspection escrow funds for SP-981 (Phase I) in the amount of $358.10 and for SP-981A (Phase II) in the amount of $134.59.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Howell as follows:

1. That the Township Finance Office be and is hereby authorized to return to the developer unused engineering inspection escrow funds as follows:
   a. SP-981 (Phase I) in the amount of $358.10, plus interest if any, said funds to be returned from escrow account 36-2080-00-00981-008
   b. SP-981A (Phase II) in the amount of $134.59, plus interest if any, said funds to be returned from escrow account 36-2080-00-00981-208

2. A certified copy of this Resolution shall be provided by the Township Clerk to each of the following:
   a. Division of Engineering
   b. Chief Financial Officer
   c. Guarantees Coordinator
   d. First Financial FCU, 391 Route 9 North, Freehold, NJ 07728

VOTE

AYES
NAYS
ABSTAIN
ABSENT
DISQUALIFY

Mr. Bonevich
Ms. Richmond
Mr. Russo
Mrs. O’Donnell
Mayor Berger

This is to certify that the foregoing Resolution was adopted by the Township Council of the Township of Howell at a public business meeting held on July 16, 2019.

PENNY A. WOLLMAN, TOWNSHIP CLERK
TOWNSHIP OF HOWELL

RESOLUTION COVER PAGE

REGULAR MEETING DATE

July 16, 2019

AGENDA ITEM NUMBER

9A.14
Mr(s) _________________________________ offered the following Resolution for adoption seconded by Mr(s) _______________________________.

Resolution No. R-19-219

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HOWELL AUTHORIZING THE RETURN OF UNUSED SANITARY SEWER REVIEW AND SITE INSPECTION ESCROW FUNDS

DEVELOPER:  K. HOVNANIAN HOLDINGS NJ, LLC
PROJECT:   GREENWAY RUN
       BLOCK 139 LOTS 12 & 12.01
       OFF STRICKLAND ROAD
CASE NO.:   SP-934

WHEREAS, the above-named developer of the above-named land use development previously posted pursuant to the provisions of the Municipal Land Use Law (40:55D-53-h) and Township Ordinances, sanitary sewer review and site inspection escrow funds for professional services to assure proper review and inspections of improvements being constructed by the developer in relation to said development; and

WHEREAS, this project has been completed and released from the maintenance guarantee; and

WHEREAS, by memorandum dated May 21, 2019, the Division of Engineering recommends the return of unused sanitary sewer review escrow funds in the amount of $1,583.52 and site inspection escrow funds in the amount of $204.83.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Howell as follows:

1. That the Township Finance Office be and is hereby authorized to return to the developer the following:
   a. Unused sanitary sewer review escrow funds in the amount of $1,583.52, plus interest if any, said funds to be returned from escrow account 38-2080-00-20934-006
   b. Unused site inspection escrow funds in the amount of $204.83, plus interest if any, said funds to be returned from escrow account 36-2080-00-20934-108

2. A certified copy of this Resolution shall be provided by the Township Clerk to each of the following:
   a. Division of Engineering
   b. Chief Financial Officer
   c. Guarantees Coordinator
   d. K. Hovnanian Holdings NJ, LLC, 110 Fieldcrest Avenue, Edison, NJ 08837

VOTE  AYES  NAYS  ABSTAIN  ABSENT  DISQUALIFY

Mr. Bonevich
Ms. Richmond
Mr. Russo
Mrs. O’Donnell
Mayor Berger

This is to certify that the foregoing Resolution was adopted by the Township Council of the Township of Howell at a public business meeting held on July 16, 2019.

PENNY A. WOLLMAN, TOWNSHIP CLERK
TOWNSHIP OF HOWELL

RESOLUTION COVER PAGE

REGULAR MEETING DATE

July 16, 2019

AGENDA ITEM NUMBER

9A.15
Resolution No. R-19-220

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HOWELL
AUTHORIZING THE RETURN OF AN ENGINEERING POOL PERMIT REVIEW FEE

APPLICANT: STEPHEN & SUZANNE WEST
PROJECT: 6 DUCHESS COURT
         BLOCK 151 LOT 9.13
CASE NO.: POOL-18-046

WHEREAS, the above-named applicant applied for an in-ground pool permit and paid an engineering review fee for said permit in the amount of $350.00; and

WHEREAS, the applicant is requesting a refund of the engineering review fee due to cancellation/abandonment of the in-ground pool project; and

WHEREAS, the Division of Engineering recommends the return of the engineering review fee for the in-ground pool permit in the amount of $350.00.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Howell as follows:

1. That the Township Finance Office be and is hereby authorized to return to the applicant the engineering review fee for the in-ground pool permit in the amount of $350.00, said funds to be returned from account 01-1920-08-10500.

2. A certified copy of this Resolution shall be provided by the Township Clerk to each of the following:
   a. Division of Engineering
   b. Chief Financial Officer
   c. Guarantees Coordinator
   d. Stephen & Suzanne West, 745 Hulses Corner Road, Howell, NJ 07731

VOTE AYES NAYS ABSTAIN ABSENT DISQUALIFY

Mr. Bonevich
Ms. Richmond
Mr. Russo
Mrs. O’Donnell
Mayor Berger

This is to certify that the foregoing Resolution was adopted by the Township Council of the Township of Howell at a public business meeting held on July 16, 2019.

PENNY A. WOLLMAN, TOWNSHIP CLERK
TOWNSHIP OF HOWELL

RESOLUTION COVER PAGE

REGULAR MEETING DATE        July 16, 2019

AGENDA ITEM NUMBER          9A.16
Mr.(s)____________________________________ offered the following Resolution for adoption seconded by Mr.(s)_________________________________________

Resolution No. R-19-221

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HOWELL
AUTHORIZING THE RETURN OF UNUSED COAH CONCEPT ESCROW FUNDS

MATTER REFUND        Brickyard LLC  
                      556 A State Highway 35  
                      Red Bank, NJ 07701

CASE NO.              COAH Concept 40009

BLOCK                224

LOTS                 10, 17 and 28 through 32

PROJECT
                     North Side of Birdsall Road
                     (Between Lakewood Farmingdale Road and Belmar Boulevard)

WHEREAS, the above named applicant requested the return of any unused COAH Concept escrow funds previously posted pursuant to the provisions of the Municipal Land Use Law (40:55D-53.2) and Township Ordinances, Escrow Fees for professional services to assure proper reviews; and

WHEREAS, the applicant requested an accounting of their Escrow Account; and

WHEREAS, the Planning Board Office recommends the return of the unused Escrow Fees in the amount of $1,927.21

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Howell as follows:

1. That the Township Finance Office is hereby authorized to return to the applicant the unused COAH escrow fees in the amount of $1,927.21 plus interest if any, from the applicant’s Escrow Account No. 37-2102-00-40009-003.
2. A certified copy of this Resolution shall be provided by the Township Clerk to each of the following:

   DIVISION OF ENGINEERING
   TOWNSHIP TREASURER
   ADMINISTRATIVE OFFICER – PLANNING BOARD
   PROPERTY DEVELOPER
VOTE

AYES  NAYS  ABSTAIN  ABSENT  DISQUALIFY

Mr. Bonevich
Ms. Richmond
Mr. Russo
Deputy Mayor O’Donnell
Mayor Berger

This is to certify that the foregoing Resolution was adopted by the Township Council of the Township of Howell at a public business meeting held on July 16, 2019.

__________________________________________
PENNY A. WOLLMAN – TOWNSHIP CLERK
TOWNSHIP OF HOWELL

RESOLUTION COVER PAGE

REGULAR MEETING DATE

July 16, 2019

AGENDA ITEM NUMBER

9A.17
Resolution No. R-19-222

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HOWELL
AUTHORIZING THE RETURN OF UNUSED PLANNING BOARD ESCROW FUNDS

MATTER REFUND Brickyard LLC – (Solar Farm)
566A State Highway 35
Red Bank, NJ 07701

CASE NO. SP-957
BLOCK 224
LOT 10, 17 & 17.02
PROJECT 80 Birdsall Road
(Between Lakewood Farmingdale Road and Belmar Boulevard)

WHEREAS, the above named applicant requested the return of any unused Planning Board escrow funds previously posted pursuant to the provisions of the Municipal Land Use Law (40:55D-53.2) and Township Ordinances, Escrow Fees for professional services to assure proper reviews; and

WHEREAS, the applicant requested an accounting of their Escrow Account; and

WHEREAS, the Planning Board Office recommends the return of the unused Escrow Fees in the amount of $52.43

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Howell as follows:

1. That the Township Finance Office is hereby authorized to return to the applicant the unused escrow fee in the amount of $52.43 plus interest if any, from the applicant’s Escrow Account No. 36-2080-00-00957-001.
2. A certified copy of this Resolution shall be provided by the Township Clerk to each of the following:

   DIVISION OF ENGINEERING
   TOWNSHIP TREASURER
   ADMINISTRATIVE OFFICER – PLANNING BOARD
   PROPERTY DEVELOPER
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This is to certify that the foregoing Resolution was adopted by the Township Council of the Township of Howell at a public business meeting held on July 16, 2019.

__________________________________________

PENNY A. WOLLMAN – TOWNSHIP CLERK
Mr.(s)____________________________________ offered the following Resolution for adoption seconded by Mr.(s)_________________________________________

Resolution No. R-19-223

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HOWELL
AUTHORIZING THE RETURN OF UNUSED PLANNING BOARD ESCROW FUNDS

MATTER REFUND
Heather Jennings
2977 Lakewood Allenwood Road
Howell, NJ  07731

CASE NO.
SD-2966

BLOCK
40

LOTS
18 & 18.01

PROJECT
2977 Lakewood Allenwood Road
(Between Porter Road and Vienna Road)

WHEREAS, the above named applicant requested the return of any unused Planning Board escrow funds previously posted pursuant to the provisions of the Municipal Land Use Law (40:55D-53.2) and Township Ordinances, Escrow Fees for professional services to assure proper reviews; and

WHEREAS, the applicant requested an accounting of their Escrow Account; and

WHEREAS, the Planning Board Office recommends the return of the unused Escrow Fees in the amount of $422.06

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Howell as follows:

1. That the Township Finance Office is hereby authorized to return to the applicant the unused escrow fee in the amount of $422.06, plus interest if any, from the applicant’s Escrow Account No. 36-2080-00-02966-002.

2. A certified copy of this Resolution shall be provided by the Township Clerk to each of the following:

   DIVISION OF ENGINEERING
   TOWNSHIP TREASURER
   ADMINISTRATIVE OFFICER – PLANNING BOARD
   PROPERTY DEVELOPER
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This is to certify that the foregoing Resolution was adopted by the Township Council of the Township of Howell at a public business meeting held on July 16, 2019.

PENNY A. WOLLMAN – TOWNSHIP CLERK
TOWNSHIP OF HOWELL

RESOLUTION COVER PAGE

REGULAR MEETING DATE
July 16, 2019

AGENDA ITEM NUMBER
9A.19
Resolution No: R-19-224

RESOLUTION

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HOWELL
AUTHORIZING A REFUND OF RECREATIONAL PROGRAM FEES

WHEREAS, the following individuals have requested a refund for recreation program fees;

1. Amy Carpenter – in the amount of $350.00 for camp that her son couldn’t attend.
2. Peter Christopher Gresko – in the amount of $42.30 for a trip that his child couldn’t attend.

NOW, THEREFORE BE IT RESOLVED: The above individuals are hereby refunded for recreation program fees.

VOTE: AYES ___ NAYS ___ ABSTAIN ___ ABSENT ___

Mr. Bonevich  
Ms. Richmond  
Mr. Russo  
Deputy Mayor O’Donnell  
Mayor Berger

This is to certify that the foregoing Resolution was adopted by the Township Council of the Township of Howell during a regular meeting held by that body on July 16, 2019.

PENNY A. WOLLMAN, TOWNSHIP CLERK
TOWNSHIP OF HOWELL

RESOLUTION COVER PAGE

REGULAR MEETING DATE       July 16, 2019

AGENDA ITEM NUMBER         9A.20
RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HOWELL AUTHORIZING A REFUND OF UNUSED PARK & RIDE FEE.

WHEREAS, Janet M. Meyerson, 1 Hialeah Court, Howell, NJ 07731 previously paid $200.00 for a Park & Ride Permit on December 4, 2018.

AND WHEREAS Ms. Meyerson retired on June 28, 2019; she will no longer be commuting, therefore will no longer require the use of the Aldrich Park & Ride Permit;

NOW THEREFORE, BE IT RESOLVED, the above named individual is hereby refunded $104.00 for the unused portion of the Park & Ride fee.

VOTE: AYES NAYS ABSTAIN ABSENT DISQUALIFY

Mr. Bonevich
Ms. Richmond
Mr. Russo
Mrs. O'Donnell
Mayor Berger

This is to certify that the foregoing Resolution was adopted by the Township Council of the Township of Howell during a regular meeting held on July 16, 2019.

___________________________________
Penny A. Wollman, Township Clerk
TOWNSHIP OF HOWELL

RESOLUTION COVER PAGE

REGULAR MEETING DATE

July 16, 2019

AGENDA ITEM NUMBER

9A.21
Mr(s). _______ offered the following Resolution for adoption seconded by Mr(s). _________.

Resolution No. R-19-226

WHEREAS, there exist various outstanding checks on the books of Howell Township; and

WHEREAS, the various contracts creating these outstanding checks have been investigated and it has been determined that these checks should be canceled;

NOW, THEREFORE, BE IT RESOLVED that the following list of outstanding checks in the total amount of $1,565.00 be and are hereby canceled:

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<td>Frank Tramontano</td>
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<td>Joseph Brendel</td>
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<td>5/24/18</td>
<td>Nyasia Reyes</td>
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<td>Meir Lapides</td>
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<td>Zhanell Jackson</td>
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<td>Stephan Timmer</td>
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TOTAL $1565.00

VOTE    AYES    NAYS    ABSTAIN    ABSENT

Mr. Bonevich
Ms. Richmond
Mr. Russo
Dep. Mayor O’Donnell
Mayor Berger

This is to certify that the foregoing Resolution was adopted by the Township Council of the Township of Howell at a public business meeting held on July 16, 2019.

PENNY A. WOLLMAN, TOWNSHIP CLERK
TOWNSHIP OF HOWELL

RESOLUTION COVER PAGE

REGULAR MEETING DATE

July 16, 2019

AGENDA ITEM NUMBER

9A.22
Mr(s). __________ offered the following resolution, seconded by Mr(s). __________.

Resolution No. R-19-227

A RESOLUTION OF THE TOWNSHIP OF HOWELL AUTHORIZING THE SALE OF SURPLUS PERSONAL PROPERTY NO LONGER NEEDED FOR PUBLIC USE ON AN ONLINE AUCTION WEBSITE

WHEREAS, the Township of Howell has determined that the property described on Schedule A attached hereto and incorporated herein is no longer needed for public use; and

WHEREAS, these items include vehicles and miscellaneous equipment for which it would be difficult to establish a fair market value prior to advertisement and public sale, and

WHEREAS, the State of New Jersey, Department of Community Affairs has authorized and approved the on-line sale of surplus property which will comply with N.J.S.A. 40A:14-157; and,

WHEREAS, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) authorizes the sale of surplus personal property no longer needed for public use through the use of an online auction service; and

WHEREAS, it is the desire of the Township Council of the Township of Howell to use USGovBid (Auction Liquidation Services), located at USGovBid.com to conduct the auctions, which company has been approved by the Department of Community Affairs;

WHEREAS, the sales are being conducted pursuant to the Division of Local Government Services’ Local Finance Notice 2008-9;

WHEREAS, the Township of Howell has contracted with USGovBids (Auction Liquidation Services), located at USGovBid.com to bring surplus vehicle(s) and miscellaneous equipment to auction on Saturday, August 17, 2019 at 9:00 AM and close on Thursday, August 22, 2019 at 7:00 PM and that the terms and conditions of the agreement entered into with the vendor are available on the vendor’s website and available in the Township Clerk’s Office; Vehicles and Equipment may be inspected on Tuesday, August 20 and Wednesday, August 21, 2019 from 9:00 AM to 2:00 PM at the Department of Public Works, 278 Old Tavern Road, Howell Township, New Jersey or online at www.usgovbid.com.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Howell, County of Monmouth, State of New Jersey as follows:

1. The Township of Howell is authorized to dispose of surplus vehicle(s) and miscellaneous equipment through the process of public auction; and

2. The Public Works Department is hereby authorized to forward the attached list of surplus vehicle(s) and miscellaneous equipment to USGovBid.com, for an on-line auction.
3. That notice of the sale shall be published at least once in a newspaper circulating in the Township of Howell not less than 7 or more than 14 days prior to the sale.

4. That a copy of this Resolution be forwarded to the Township Manager, Public Works Department, USGovBids (Auction Liquidation Services) and the Division of Local Government Services, NJ DCA, 101 South Broad Street, PO Box 803, Trenton, NJ 08625-0803.

VOTE: AYES NAYS ABSTAIN ABSENT DISQUALIFY

Mr. Bonevich
Ms. Richmond
Mr. Russo
Mrs. O'Donnell
Mayor Berger

This is to certify that the foregoing Resolution was adopted by the Township Council of the Township of Howell at a public business meeting held on July 16, 2019.

______________________________
PENNY A. WOLLMAN, TOWNSHIP CLERK
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<tr>
<td>3</td>
<td>3 - pallets of misc. plumbing</td>
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<td>4</td>
<td>2 - pallets of fertilizer</td>
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<td>5</td>
<td>1 - pallet of car electronics</td>
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<td>6</td>
<td>1 - pallet of misc. electrical</td>
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<td>7</td>
<td>1 - well mclain furnace jacket</td>
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<td>8</td>
<td>1 - pallet door closer and locks</td>
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<td>9</td>
<td>1 - pallet roof coating</td>
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<tr>
<td>10</td>
<td>1 - ice machine</td>
<td></td>
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<tr>
<td>11</td>
<td>4 - Blinking school lights</td>
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<tr>
<td>12</td>
<td>1 - rigid pipe cutter</td>
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<tr>
<td>13</td>
<td>assorted conduit</td>
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<tr>
<td>14</td>
<td>assorted copper pipe</td>
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<tr>
<td>15</td>
<td>4 - pallets and 6 spools of assorted electrical wire</td>
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<td>16</td>
<td>1 - pallet of high hats</td>
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<td>17</td>
<td>misc. scaffolding</td>
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<td>18</td>
<td>1 - foosball table</td>
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<tr>
<td>19</td>
<td>assorted kids games</td>
<td></td>
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<td>20</td>
<td>2 - misc. water pumps</td>
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<tr>
<td>1</td>
<td>5-generators</td>
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<tr>
<td>2</td>
<td>1-20yd. dumpster</td>
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<td>3</td>
<td>1-40yd. dumpster</td>
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<tr>
<td>4</td>
<td>2-Gledhill plows 11ft.</td>
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<tr>
<td>5</td>
<td>1-2 to 3yd. rugby dump body</td>
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<td>6</td>
<td>1-cardboard compactor</td>
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<td>7</td>
<td>assorted large pipe fittings</td>
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<td>1-plow pusher</td>
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<td>9</td>
<td>1-fuel tank and trailer</td>
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<td>10</td>
<td>1 set of forks for backhoe</td>
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<td>2 military water tanks</td>
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<td>2 pallets of used tires</td>
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<td>13</td>
<td>used tool boxes 2 pallets</td>
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<td>14</td>
<td>oman generator</td>
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<td>15</td>
<td>snap on tire machine</td>
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AGENDA ITEM NUMBER

REGULAR MEETING DATE

July 16, 2019

9A.23
TOWNSHIP OF HOWELL

RESOLUTION COVER PAGE

REGULAR MEETING DATE

July 16, 2019

AGENDA ITEM NUMBER

9A.24
Mr(s). offered the following Resolution for adoption, seconded by Mr(s).

RESOLUTION R-19-229

AUTHORIZING THE AWARD OF A REQUIRED DISCLOSURE CONTRACT TO JOHN BLEWETT INC. FOR THE DEMOLITION OF 700 FORT PLAINS ROAD

WHEREAS, the Township of Howell has a need for demolition of the house and outbuildings at 700 Fort Plains Road, through John Blewett Inc., with offices at 246 Herbertsville Road, Howell, NJ 07731, as a required disclosure contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and,

WHEREAS, the Purchasing Officer has determined and certified in writing that the value of the work will exceed $17,500; and,

WHEREAS, John Blewett Inc., in the aggregate is expected to receive in excess of the pay to play threshold of $17,500.00; and

WHEREAS, John Blewett Inc., has completed and submitted a Business Entity Disclosure Certification and a Personal Contribution Disclosure form, which certifies that John Blewett Inc., has not made any reportable contributions to a political or candidate committee in the Township of Howell in the previous one year, and that the contract will prohibit John Blewett Inc. from making any reportable contributions through the term of the contract.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Township of Howell authorizes the Township Manager to enter into a contract with John Blewett Inc. for the demolition of the house and outbuildings at 700 Fort Plains Road, and that the Business Disclosure Entity Certification and Personal Contribution Disclosure form, and Determination of Value be placed on file with this resolution.
BE IT FURTHER RESOLVED that the appropriations to be charged are line items 04-2150-55-01414-016 entitled Improvements to Buildings in the amount of $26,311.31 and 04-2150-55-01520-016 entitled Improvements to Buildings in the amount of $13,188.69.

VOTE

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<td>Mr. Bonevich</td>
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<td>Mr. Russo</td>
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<td>Mayor Berger</td>
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This is to certify that the foregoing Resolution was adopted by the Township Council of the Township of Howell during a regular meeting held by that body on July 16, 2019.

Penny A. Wollman, Township Clerk
TOWNSHIP OF HOWELL

RESOLUTION COVER PAGE

REGULAR MEETING DATE  July 16, 2019

AGENDA ITEM NUMBER  9A.25
Resolution No. R-19-230

_________________________ offered the following resolution, seconded by _____________________.

RESOLUTION OF THE TOWNSHIP OF HOWELL, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, PROVIDING FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE 2019 BUDGET OF THE TOWNSHIP OF HOWELL PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159, P.L. 1948)

WHEREAS, N.J.S.A. 40A:4-87 permits the Director of the Division of Local Government Services to approve the insertion of any special item of revenue in the Municipal Budget when such item shall have been made available by law and the amount thereof shall not have been determined at the time of the adoption of the budget, and

WHEREAS, the Council of the Township of Howell has been awarded a total of $122,123.80 from New Jersey Clean Communities for the fiscal year 2019; and

WHEREAS, The Council has previously adopted a $109,472 item of revenue and budget appropriation for the New Jersey Clean Communities Grant in the 2019 Municipal Budget on June 11, 2019; and

WHEREAS, The Council wishes to increase its anticipated revenues by $12,651.80 to account for the additional funds New Jersey Clean Communities has authorized to the Township of Howell; and

WHEREAS, The Council of the Township of Howell wishes to appropriate the funds in accordance with the grant requirements,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Howell (not less than two-thirds of all the members thereof affirmatively concurring) that application is hereby made to the Director, Division of Local Government Services for an increase of a special item of revenue in the 2019 budget entitled:

Miscellaneous Revenues - Section F: Public and Private Revenues Offset with Appropriations; New Jersey Clean Communities——

| 2019 Clean Communities Grant | $ 12,651.80 |

BE IT FURTHER RESOLVED that the application is hereby made for the insertion of a like amount of increase to the appropriation entitled:

Operations - Excluded from "CAPS" Public and Private Programs Offset by Revenues

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<th>New Jersey Clean Communities——</th>
<th>2019 Clean Communities Grant</th>
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<td>Other Expenses</td>
<td>$ 12,651.80</td>
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BE IT FURTHER RESOLVED that one certified copy of this resolution be electronically forwarded to the Director, Division of Local Government Services with a copy of the award letter for his approval.

ROLL CALL:

VOTE: AYES NAYS ABSTAIN ABSENT

Mr. Bonevich
Ms. Richmond
Mr. Russo
Mrs. O'Donnell
Mayor Berger

I, Penny Wollman, Clerk of the Township of Howell, County of Monmouth, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council at a meeting of said Township Council held on July 16, 2019.

Penelope Wollman, Township Clerk
TOWNSHIP OF HOWELL

RESOLUTION COVER PAGE

REGULAR MEETING DATE

July 16, 2019

AGENDA ITEM NUMBER

9A.26

WHEREAS, N.J.S.A. 40A:4-87 permits the Director of the Division of Local Government Services to approve the insertion of any special item of revenue in the Municipal Budget when such item shall have been made available by law and the amount thereof shall not have been determined at the time of the adoption of the budget, and;

WHEREAS, the Council of the Township of Howell has been awarded a “2019-2020 Alliance (DEDR)” Grant in the amount of $45,310.00 from the Monmouth County Alliance on Alcohol and Drug Abuse via the Monmouth County Board of Chosen Freeholders, and;

WHEREAS, the Council of the Township of Howell wishes to appropriate the funds in accordance with the grant requirements,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Howell that application is hereby made to the Director, Division of Local Government Services for an increase of a special item of revenue entitled:

Miscellaneous Revenues - Section F:
Public and Private Revenues Offset with Appropriations;
Monmouth County Alliance on Alcoholism & Drug Abuse--
2019 Alliance (D.E.D.R.) Grant $45,310.00

BE IT FURTHER RESOLVED that the application is hereby made for the insertion of a like amount of increase to the appropriation entitled:

Operations - Excluded from "CAPS"
Public and Private Revenues Offset with Appropriations;
Monmouth County Alliance on Alcoholism & Drug Abuse--
2019 Alliance (D.E.D.R) Grant $45,310.00

BE IT FURTHER RESOLVED that two certified copies of this resolution be forwarded to the Director, Division of Local Government Services with a copy of the award letter for his approval.

ROLL CALL:

VOTE: AYES NAYS ABSTAIN ABSENT

Mr. Bonevich
Ms. Richmond
Mr. Russo
Mrs. O’Donnell
Mayor Berger

I, Penny Wollman, Clerk of the Township of Howell, County of Monmouth, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council at a meeting of said Township Council held on July 16, 2019.

PENNY WOLLMAN, TOWNSHIP CLERK
TOWNSHIP OF HOWELL

RESOLUTION COVER PAGE

REGULAR MEETING DATE

July 16, 2019

AGENDA ITEM NUMBER

9A.27
Resolution No. R-19-232

______________________ offered the following resolution, seconded by _____________________.


WHEREAS, N.J.S.A. 40A:4-85 permits the Director of the Division of Local Government Services to make correction of the text, title or amount of any item of appropriation appearing in the adopted budget only as shall be necessary to make said item of appropriation available for the specific purpose or purposes required by the local unit, and

WHEREAS, the Council of the Township of Howell has been awarded a 2019-2020 Alliance (D.E.D.R) Grant from the Monmouth County Alliance on Alcoholism and Drug Abuse in the amount of $45,310.00, and

WHEREAS, the grant requires that the Township provide a 25% cash match, and

WHEREAS, the Township has appropriated funds in an account entitled “Match for Future Grants –Other Expenses” for such purposes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Howell that application is hereby made to the Director, Division of Local Government Services for a change in text, title or amount for grant match in the amount of $11,327.50 as listed below:

Operations - Excluded from “CAPS"

Public and Private Programs Offset by Revenues

Match for Future Grants – Other Expenses

| Original Appropriation | $13,328.00 |
| Correction to amount     | -11,327.50 |
| Remaining Appropriation  | $  2,000.50 |

Operations - Excluded from “CAPS"

Public and Private Programs Offset by Revenues

Municipal Alliance on Alcoholism and Drug Abuse - Grant Match-Other Expenses

| Original Appropriation | $     0.00 |
| Correction to amount   | 11,327.50  |
| Corrected Appropriation| $ 11,327.50 |

BE IT FURTHER RESOLVED that one certified copy of this resolution be electronically forwarded to the Director, Division of Local Government Services with a copy of the award letter for approval.

ROLL CALL:

VOTE: AYES NAYS ABSTAIN ABSENT

Mr. Bonevich
Ms. Richmond
Mr. Russo
Mrs. O’Donnell
Mayor Berger

I, Penny Wollman, Clerk of the Township of Howell, County of Monmouth, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council at a meeting of said Township Council held on July 16, 2019.
RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HOWELL FOR ACCEPTANCE OF PERFORMANCE GUARANTEE

DEVELOPER: IGOR PODVORCHANYY/HENRY PODVORCHANYY
PROJECT: PODVORCHANYY SUBDIVISION
BLOCK 14 LOT 17
BLOCK 15 LOT 1.03
ALEXANDER AVENUE & ORCHARD ROAD
CASE NO.: BA-08-14F

WHEREAS, the above-named developer of the above-named land use project located on property known as block 14 lot 17 and block 15 lot 1.03 is posting as a condition of the Zoning Board Approval, and in accordance with the requirements of the Township, for the development of said property, a performance guarantee to ensure proper construction of real property improvements therein; and

WHEREAS, as a condition of the Howell Township Zoning Board Approval, the above-named developer is required to post with the Township of Howell certain performance guarantees; and

WHEREAS, the Division of Engineering has computed the amount of the performance guarantee required to be posted by the developer with the Township of Howell in accordance with the aforementioned Board approval.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of Howell, County of Monmouth as follows:

1. The Township Council hereby accepts the following performance guarantee posted by the developer with the Township of Howell in accordance with the approval previously granted by the Howell Township Zoning Board and the Division of Engineering’s Performance Guarantee Estimate dated 8/23/18:
   a. Check No. 6767801300 in the amount of $183,311.75 representing 100% of the Performance Guarantee.

2. The Township Clerk is hereby directed to forward a duly certified copy of this Resolution to the following:
   a. Division of Engineering
   b. Guarantees Coordinator
   c. Chief Financial Officer
   d. Igor Podvorchanyy, 304 Alexander Avenue, Howell, NJ 07731

VOTE

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<th>DISQUALIFY</th>
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Mr. Bonevich
Ms. Richmond
Mr. Russo
Mrs. O’Donnell
Mayor Berger

This is to certify that the foregoing Resolution was adopted by the Township council of the Township of Howell at a public business meeting held on July 16, 2019.

PENNY A. WOLLMAN, TOWNSHIP CLERK
RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HOWELL
AUTHORIZING EXECUTION OF A SHARED SERVICE AGREEMENT BETWEEN THE
TOWNSHIP OF HOWELL & FARMINGDALE BOROUGH FOR PUBLIC WORKS RELATED
SERVICES

WHEREAS, Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq., (the “Act”) permits units of local government to share services for a particular purposes and to effectuate agreements for any service or circumstance that will aid and encourage a reduction of local expenses; and

WHEREAS, the Township Howell and the Borough of Farmingdale are public bodies corporate and politic of the State of New Jersey and are authorized under New Jersey law to enter into a Shared Services Agreement pursuant to the Act; and

WHEREAS, the Township of Howell and the Borough of Farmingdale entered into a shared services agreement for the utilization of public works related equipment and services, a copy of which is annexed hereto as Exhibit A, and the terms of which are incorporated into this resolution as if set forth at length herein; and

WHEREAS, the Township Council of the Township of Howell finds it would be in the best interest of the residents and taxpayers of the Township to authorize the renewal of the Shared Services Agreement with the Borough of Farmingdale in substantially the form annexed hereto and made a part hereof;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of Howell, County of Monmouth, as follows:

1. That the Shared Services Agreement with the Borough of Farmingdale for the use of public works equipment and services annexed hereto and made a part hereof is renewed for a one year period;

2. The Township Clerk is hereby directed to forward a duly certified copy of this Resolution to the Township Manager, Director of Public Works and the Borough of Farmingdale.

VOTE AYES NAYS ABSTAIN ABSENT DISQUALIFY

Mr. Bonevich
Ms. Richmond
Mr. Russo
Mrs. O’Donnell
Mayor Berger

This is to certify that the foregoing Resolution was adopted by the Township Council of the Township of Howell during a regular meeting held on July 16, 2019.

PENNY WOLLMAN, TOWNSHIP CLERK
SHARED SERVICES AGREEMENT
BETWEEN HOWELL TOWNSHIP & FARMINGDALE BOROUGH
PUBLIC WORKS RELATED SERVICES

THIS SHARED SERVICES AGREEMENT is effective the between
TOWNSHIP OF HOWELL, a municipal corporation of the State of New Jersey and
BOROUGH OF FARMINGDALE, a municipal corporation of the State of New Jersey;

The purpose of this Agreement is for Howell Township to provide as-needed
Public Works related goods and services to Farmingdale Borough according to the
following terms:

1. This Agreement shall take effect August 15, 2017 and shall be renew annually
until such time as either party notifies the other of the termination of the Agreement with
thirty (30) days written notice.

2. Howell Township shall provide Public Works related services to the Borough of
Farmingdale according to the terms and conditions set forth below.

3. Howell Township shall charge Farmingdale Borough for the above goods and/or
services as follows:

   A. Farmingdale Borough shall pay to the Township of Howell a sum
calculated at the current employee daily rate for each day worked for
public works services/equipment and payment for the anticipated use shall
be made within (30) thirty business days from the date of service.

4. Howell Township shall provide Farmingdale with the use of one of its department
of public works trucks and a driver a maximum of three consecutive days in a calendar
year.

IN WITNESS WHEREOF, parties have hereunto caused this instrument to be
signed by the proper authorized parties and have caused their proper seals to be affixed
hereto as of the date and year first above written.

TOWNSHIP OF HOWELL

Theresa Berger, Mayor

Jeffrey Mayfield
Township Manager

BOROUGH OF FARMINGDALE

Jim Daly, Mayor

Corinne DiCorcia
Borough Clerk
TOWNSHIP OF HOWELL

RESOLUTION COVER PAGE

REGULAR MEETING DATE

July 16, 2019

AGENDA ITEM NUMBER

9A.30
Resolution No. R-19-235

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HOWELL AUTHORIZING RELEASE OF THE MAINTENANCE GUARANTEE

WHEREAS, the above-named developer of the above-named land use development located at property known as block 177 lots 62 & 64 posted a maintenance guarantee in the form of Maintenance Bond No. RNS 127653 issued by RLI Insurance Company in the amount of $33,612.83; and

WHEREAS, said developer requested the return of said maintenance guarantee; and

WHEREAS, the Engineering Division reviewed the site and determined by maintenance guarantee release report dated July 9, 2019 that said maintenance guarantee should be returned.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Howell as follows:

1. The Township Council of the Township of Howell hereby formally authorizes the return of the maintenance guarantee in the form of Maintenance Bond Number RNS 127653 issued by RLI Insurance Company in the amount of $33,612.83 to the developer of the site.

2. Said release of the maintenance guarantee is specifically contingent upon the developer reimbursing the Township for the cost of any and all outstanding construction inspection fees and the cost of any and all charges as per Township Ordinance for the release of said maintenance guarantee.

3. Upon the adoption of the within resolution, the Clerk is authorized and directed to forward a certified copy of it to the following:

   a. Division of Engineering
   b. Guarantees Coordinator
   c. Chief Financial Officer
   d. L&L Paving Co., Inc., 89 Yellowbrook Road, Farmingdale, NJ 07727

VOTE AYES NAYS ABSTAIN ABSENT DISQUALIFY

Mr. Bonevich
Ms. Richmond
Mr. Russo
Mrs. O’Donnell
Mayor Berger

This is to certify that the foregoing Resolution was adopted by the Township council of the Township of Howell at a public business meeting held on July 16, 2019.

PENNY A. WOLLMAN, TOWNSHIP CLERK
TOWNSHIP OF HOWELL

RESOLUTION COVER PAGE

REGULAR MEETING DATE

July 16, 2019

AGENDA ITEM NUMBER

9A.31
Mr(s). ____________ offered the following Resolution for adoption seconded by Mr(s). _______

Resolution No: R-19-236

RESOLUTION

WHEREAS, the Township of Howell has adopted the Howell Township Wastewater Management Plan identifying those areas of the Township approved for service by public sanitary sewer; and

WHEREAS, a request has been received from Smith Family Properties, LLC the owners of Lot 7 in Block 49 commonly known as 289 Squankum Road, Howell, New Jersey that this property be included in an area found to be suitable for the installation of public sanitary sewer; and

WHEREAS, Mayor and Council have considered the request and found same to be in furtherance of the best interests and general welfare of the citizens of Howell Township; and

WHEREAS, Mayor and Council desire to indicate to the County of Monmouth and the New Jersey Department of Environmental Protection its inclusion of the subject lot in the municipal Wastewater Management Plan.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Howell as follows:

1. There is hereby including in the Howell Township Wastewater Management Plan the property known as Lot 7 in Block 49 and commonly known as 289 Squankum Road.

2. This Resolution shall serve as a letter of no objection to the inclusion of the subject premises subject to the Manasquan Regional Sewerage Authority, Monmouth County, Ocean County Utilities Authority and New Jersey Department of Environmental Protection Wastewater Management Plans.

BE IT FURTHER RESOLVED that a copy of this Resolution certified by the Clerk of the Township to be a true copy be forwarded to the County of Monmouth, State of New Jersey Department of Environmental Protection, the Ocean County Utilities Authority.

VOTE AYES NAYS ABSTAIN ABSENT DISQUALIFY

Mr. Bonevich
Ms. Richmond
Mr. Russo
Mrs. O’Donnell
Mayor Berger

This is to certify that the foregoing Resolution was adopted by the Township Council of the Township of Howell during a regular meeting held on July 16, 2019.

PENNY WOLLMAN, TOWNSHIP CLERK
RESOLUTION 19-237

AUTHORIZING THE AWARD OF A REQUIRED DISCLOSURE CONTRACT TO TRITECH SOFTWARE SYSTEMS FOR THE POLICE DEPARTMENT’S IMC/CAD SOFTWARE SYSTEM

WHEREAS, the Township of Howell has a need for computer aided dispatch and records software, through Tritech Software Systems, a subsidiary of CentralSquare, with offices at 1000 Business Center Drive, Lake Mary, Fl 32746, as a required disclosure contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and,

WHEREAS, the Purchasing Officer has determined and certified in writing that the value of the acquisition will exceed $17,500; and,

WHEREAS, the anticipated term of this contract is for one (1) year; and

WHEREAS, Tritech Software Systems, in the aggregate is expected to receive in excess of the pay to play threshold of $17,500.00; and

WHEREAS, Tritech Software Systems, has completed and submitted a Business Entity Disclosure Certification and a Personal Contribution Disclosure form, which certifies that Tritech Software Systems, has not made any reportable contributions to a political or candidate committee in the Township of Howell in the previous one year, and that the contract will prohibit Tritech Software Systems from making any reportable contributions through the term of the contract.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Township of Howell authorizes the Township Manager to enter into a contract with Tritech Software Systems for computer aided dispatch and records software, and that the Business Disclosure
Entity Certification and Personal Contribution Disclosure form, and Determination of Value be placed on file with this resolution.

**BE IT FURTHER RESOLVED** that the appropriation to be charged is line item #01-2010-25-02402-433 entitled Police – Communications Maintenance in the amount of $37,778.75.

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<tr>
<td>Mr. Russo</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mayor Berger</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

This is to certify that the foregoing Resolution was adopted by the Township Council of the Township of Howell during a regular meeting held by that body on **July 16th, 2019.**

________________________________

Penny A. Wollman, Township Clerk
Mr. ____________________ offered the following resolution for adoption:
seconded by Mr _____________.

R-19-238

RESOLUTION

WHEREAS, tax sales were held in the Township of Howell and which premiums were bid and paid by successful bidders and held in a trust account in the Township of Howell

AND WHEREAS, per NJSA 54:5-33, such premiums shall escheat after five years of non-redemption and be turned over to the treasurer of the municipality and become part of the funds of the municipality

AND WHEREAS, the Foreclosure of the listed property was reversed by the Courts, the Lien and associates Premium reverses. Premium listed below was by resolution R18-210 transferred to Township Current Fund, the funds are to be transferred back to the Premium Account.

NOW THEREFORE, BE IT RESOLVED by the Township Council of the Township of Howell that the Chief Financial Officer, Louis Palazzo is hereby authorized to forward the below listed funds to the Tax Collector’s Premium Account.

<table>
<thead>
<tr>
<th>CERT #</th>
<th>Block</th>
<th>Lot</th>
<th>Qual</th>
<th>Amount</th>
<th>Stale date or Foreclosed</th>
</tr>
</thead>
<tbody>
<tr>
<td>20140144</td>
<td>178.06</td>
<td>14</td>
<td>9,100.00</td>
<td>COURT REVERSED F-5280-17</td>
<td></td>
</tr>
</tbody>
</table>

VOTE: AYES NAYS ABSTAIN ABSENT DISQUALIFY

Mr. Bonevich
Ms. Richmond
Mr. Russo
Mrs. O’Donnell
Mayor Berger

This is to certify that the foregoing RESOLUTION was adopted by the Howell Township Council during a regular meeting held by that body on July 16, 2019.

PENNY WOLLMAN, TOWNSHIP CLERK
TOWNSHIP OF HOWELL

RESOLUTION COVER PAGE

REGULAR MEETING DATE: July 16, 2019

AGENDA ITEM NUMBER: 9A.34
Mr(s) ________________________________ offered the following Resolution for adoption seconded by Mr(s) ________________________________.

R-19-239

RESOLUTION

WHEREAS, the following taxpayers have overpaid their taxes and are entitled to a refund,

NOW THEREFORE, BE IT RESOLVED on this 16th day of July, 2019, by the Township Council of the Township of Howell, the County of Monmouth, that the Township Treasurer be and hereby is authorized to draw a check to the following list of Taxpayers and Sewer Ratepayers in the amount stated, and that the Tax Collector is charged with the duty of seeing that said refunds are paid to said persons.

<table>
<thead>
<tr>
<th>Block</th>
<th>Lot</th>
<th>Qualifier</th>
<th>Owner Name</th>
<th>REASON</th>
<th>REFUND</th>
</tr>
</thead>
<tbody>
<tr>
<td>35.02</td>
<td>112</td>
<td></td>
<td>CAMPESE, CHRISTIAN &amp; ILANA</td>
<td>OVERPAID 2019 2ND QTR</td>
<td>$2,176.24</td>
</tr>
</tbody>
</table>

VOTE: AYES NAYS ABSTAIN ABSENT DISQUALIFY

Mr. Bonevich
Ms. Richmond
Mr. Russo
Mrs. O’Donnell
Mayor Berger

This is to certify that the foregoing RESOLUTION was adopted by the Howell Township Council during a regular meeting held by that body on July 16, 2019.

PENNY WOLLMAN, TOWNSHIP CLERK
TOWNSHIP OF HOWELL

RESOLUTION COVER PAGE

REGULAR MEETING DATE: July 16, 2019

AGENDA ITEM NUMBER: 9A.35
Mr(s)._______________________offered the following Resolution and moved its adoption seconded by Mr(s).______________________________.

Resolution No. R-19-240

RESOLUTION OF THE TOWNSHIP OF HOWELL, IN THE COUNTY OF MONMOUTH, NEW JERSEY, AUTHORIZING THE EXECUTION AND DELIVERY OF AN EXTENSION DEPOSIT AGREEMENT WITH NEW JERSEY-AMERICAN WATER COMPANY, INC. IN AID OF THE CONSTRUCTION BY SAID COMPANY OF A WATER MAIN AND LATERALS AND RELATED EXPENSES TO SERVE PROPERTIES LOCATED ALONG VARIOUS STREETS IN THE FREEWOOD ACRES SECTION OF THE TOWNSHIP

WHEREAS, New Jersey-American Water Company, Inc. ("NJ American"), a regulated public utility corporation engaged in the production, treatment and distribution of water within its defined service territory within the State of New Jersey, has agreed to construct a water line extension within the Township of Howell (the "Township") as hereinafter described, but only on the condition that the Township bear the cost thereof; and

WHEREAS, the Township has determined that the public health, safety and welfare can best be assured by the construction of said water line extension, and has agreed to pay the cost thereof, as requested by NJ American; and

WHEREAS, pursuant to N.J.S.A. 40A:31-21, a municipality in which water supply facilities are furnished by a private water company may provide for the construction of an extension to an existing water supply system of a private water company for the purpose of supplying water services for the public and private uses of the municipality and its inhabitants, the cost of which may be financed from the tax revenues of the municipality or by the issuance of general obligation bonds of the municipality; and

WHEREAS, by Ordinance No. O-19-3 finally adopted on February 19, 2019 (the “Bond Ordinance”), the Township has heretofore appropriated the sum of $3,500,000 to make a capital
contribution to NJ American in aid of the construction by NJ American of a water main and laterals (including property connections) to serve properties located along various streets in the Freewood Acres section of the Township, specifically on both the easterly (Northbound) and westerly (Southbound) sides of U.S. Route 9 in the Township between approximately Interstate Route 195 and approximately Sunnyside Road, all as more specifically identified in the Bond Ordinance, including the opening and repaving of roadways and all work and materials, equipment, labor and appurtenances necessary therefor or incidental thereto (the “Extension”); and

WHEREAS, NJ American has agreed to contribute approximately $1,400,000 toward the expense of undertaking an ancillary capital project related to the Extension consisting of approximately 8,000 linear feet of water mains and related appurtenances (the “Looping Project”); and

WHEREAS, the Municipal Manager has negotiated the terms of an Extension Deposit Agreement with NJ American, providing for the Township’s capital contribution in aid of the construction of the Extension by NJ American, and the Township Council desires to authorize the execution and delivery of same; and

WHEREAS, pursuant to said Extension Deposit Agreement, the Township will agree to make an initial deposit with NJ American in the amount of $3,357,363.57 (the “Initial Deposit”) toward the cost of the Extension, provided that additional deposit(s) by the Township may be required after construction bids are received and until the final costs have been determined by NJ American, up to a maximum aggregate deposit amount of $3,500,000 as appropriated by the Bond Ordinance; and
WHEREAS, pursuant to said Extension Deposit Agreement, the Township will agree to adopt an ordinance (the "Mandatory Hook-Up Ordinance") requiring the owners of all houses, buildings and properties located in the areas to be served by the Extension and the Looping Project (the "New Service Area") to connect all potable water and other plumbing facilities directly to the proper public water system (i.e., the system operated by NJ American); and

WHEREAS, pursuant to said Extension Deposit Agreement, upon execution thereof and the adoption of the Mandatory Hook-Up Ordinance, an initial refund in the amount of $1,044,225.84, as estimated by NJ American (the "Initial Refund"), will be applied as a partial credit against the Initial Deposit paid by the Township to NJ American, provided that (i) the Township shall be eligible for additional refund(s) to the extent that additional deposit(s) (in addition to the Initial Deposit) are made by the Township after construction bids are received and until the final costs have been determined by NJ American, and (ii) all or a portion of the Initial Refund shall be subject to recapture by, and repayment, to NJ American (the "Recaptured Refund") to the extent that, notwithstanding the adoption of the Mandatory Hook-Up Ordinance, any houses, buildings or properties located in the New Service Area fail to initiate water service from NJ American within two (2) years following the completion of the Extension; and

WHEREAS, the Mandatory Hook-Up Ordinance is expected to contain financial penalties for non-compliance that are expected to partially offset any required Township payments to NJAW in respect of the Recaptured Refund;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HOWELL, IN THE COUNTY OF MONMOUTH, NEW JERSEY, as follows:

Section 1. The Mayor and the Chief Financial Officer (including their designees, each an "Authorized Officer"), are each hereby authorized and directed, in consultation with
counsel to the Township, to execute and deliver the Extension Deposit Agreement with NJ American in the form set forth in Exhibit A attached hereto, with such additions, modifications or deletions recommended by counsel to the Township and agreed to by the respective parties to the Extension Deposit Agreement. The Township Clerk is hereby authorized to attest to the execution of the Extension Deposit Agreement, and where necessary, affix the seal of the Township onto same. Each Authorized Officer is hereby authorized and directed to take any and all action deemed necessary, useful or convenient, and to execute any document, certificate or agreement necessary to effectuate the purposes of this resolution and the transactions contemplated by the Extension Deposit Agreement.

Section 2. This resolution shall take effect in the manner provided by law.

VOTE   AYES   NAYS   ABSTAIN   ABSENT   DISQUALIFY

Mr. Bonevich
Ms. Richmond
Mr. Russo
Mrs. O’Donnell
Mayor Berger

This is to certify that the foregoing Resolution was adopted by the Township Council of the Township of Howell at a public business meeting held on July 16, 2019.

PENNY A. WOLLMAN, TOWNSHIP CLERK
EXTENSION DEPOSIT AGREEMENT

THIS AGREEMENT ("Agreement"), entered into this __ day of __________, 2019, by and between New Jersey-American Water Company, Inc., a New Jersey public utility corporation having its principal offices located at 1025 Laurel Oak Road, Voorhees, NJ 08043 (the "Company"), and Township of Howell having its principal address located at 4567 Route 9 North, Howell, NJ 07731 ("Depositor").

BACKGROUND

A. The Depositor represents that it has previously made an application for water service and/or sewer service and has requested that the Company extend its facilities as more fully described below;

B. The Company, a regulated public utility corporation engaged in the production, treatment and distribution of water within its defined service territory within the State of New Jersey, has agreed to construct a water line extension within the Township of Howell as hereinafter described, but only on the condition that the Depositor bear the cost thereof;

C. The Depositor has determined that the public health, safety and welfare can best be assured by the construction of said water line extension, and has agreed to pay the cost thereof, as requested by the Company;

D. Pursuant to N.J.S.A. 40A:31-21, a municipality in which water supply facilities are furnished by a private water company may provide for the construction of an extension to an existing water supply system of a private water company for the purpose of supplying water services for the public and private uses of the municipality and its inhabitants, the cost of which may be financed from the tax revenues of the municipality or by the issuance of general obligation bonds of the municipality;

E. By Ordinance No. O-19-3 finally adopted on February 19, 2019 (the "Bond Ordinance"), the Depositor has heretofore appropriated the sum of $3,500,000 to make a capital contribution to the Company in aid of the construction by the Company of a water main and laterals (including property connections) to serve properties located along various streets in the Freewood Acres section of the Township of Howell, specifically on both the easterly (Northbound) and westerly (Southbound) sides of U.S. Route 9 in the Township of Howell between approximately Interstate Route 195 and approximately Sunny Side Road, all as more specifically identified in the Bond Ordinance, including the opening and repaving of roadways and all work and materials, equipment, labor and appurtenances necessary therefor or incidental thereto, as more fully described below as the “Extension”;
F. As more fully described below, upon completion of the Extension and service activation by the benefitted properties, the Depositor will be eligible for potential refunds in the amount of $1,915.81 per connection ($676.08 (average revenue) x 2.5 (multiplier) = $1,690.02 x 1.1336 (tax gross up)) to the Extension, payable as set forth herein; provided however, that if Depositor enacts an ordinance in a form reasonably satisfactory to the Company by August 1, 2019 requiring each benefitted property in the Township to connect to the Extension and the Looping Project (as defined herein) (the “Must Connect Ordinance”), the Depositor will be eligible for refunds in the amount of $1,044,225.84, as estimated by the Company, and payable to the Depositor no later than sixty (60) days after the later of (i) final enactment of the Must Connect Ordinance and (ii) payment by the Depositor of the Initial Total Estimated Cost; and

G. The Company has agreed to make the extensions on the terms and conditions set forth in this Agreement and pursuant to the extension rules set out in N.J.A.C. 14:3-8.1 to -8.13 et seq.

TERMS

In consideration of the mutual covenants and agreements contained herein and intending to be legally bound, the parties hereto agree as follows:

1. Description of Extension. On and subject to the terms and conditions contained in this Agreement, the Company will install the extension and appurtenances, as shown on the plans approved by the Company during the application review. A general description and location of the extension is as follows:

Freewood Acres Water Main Extensions, Howell NJ - 2018041

Install approximately 28.364 LF of 4, 6, 8 and 12” DICL distribution main, in existing public roads along with 24 new public hydrants and 545 new services and meter pits to service lots as shown on plans prepared by Maser dated December 2015, last revised 8/10/2018.

As used in this Agreement, for extensions installed for water service, the term “Extension” shall include, without limitation, all water mains, services, appurtenances, meters and any required water system facilities (e.g., sources of supply, production, storage, and treatment) to be owned by the Company necessary to support the extension. In the case of sewer extensions, the term “Extension” shall also mean, without limitation, all sewer mains, laterals, appurtenances and any sewer system facilities to be owned by the Company necessary to support the sewer extension. The Company Contribution (as defined herein) shall not be used to fund the costs of the Extension, which costs shall be funded by the Township.

The Company reserves the right in its sole judgment to install larger facilities than indicated in either the approved plans or the descriptions of the Extension contained in this Agreement. In such a case, the Company will pay the incremental difference in any increased cost related thereto.
Attached as **Exhibit A** is a detailed materials cost estimate for the Extension.

2. **Company Contribution.** In consideration for the Depositor’s contribution toward the cost of the Extension as described in Section 3 below, the Company hereby agrees to (a) make the Company Contribution, at the time, in the amount and in the manner described in this Paragraph 2, and (b) pay to the Depositor the refunds, at the time(s), in the amount(s) and in the manner described in Section 9 below.

The Company hereby agrees to contribute the approximate amount of $1,400,000.00 from its own funds (the “Company Contribution”) toward the expense of undertaking an ancillary capital project related to the Extension consisting of approximately 8,000 linear feet of water mains and related appurtenances (the “Looping Project”), subject to possible increase as provided below. The Company Contribution shall not be used to pay the costs of the Extension and shall be applied solely to the following expenses or such other expenses as determined by the Company:

The cost of approximately 2,715 linear feet of 8” main on Smith Street and W. 3rd Street, and approximately 5,480 linear feet of 12” main on Hulses Corner Road, Windeler Road, Frederick Avenue and E. 4th Street, along with six (6) hydrants and approximately 151 service connections.

The Company may contribute more than the required Company Contribution toward the expense of undertaking the Looping Project, but no such excess contribution by the Company shall result in any increase in the amount of the deposit(s) required under Section 3 hereof.

3. **Deposits.** The parties acknowledge that prior to the date of this Agreement the Depositor may have been required to submit an application fee (the “Application Fee”). The Application Fee is to compensate the Company for its costs in reviewing the application of the Depositor. The Application Fee shall be $0.

The Company has determined that the total estimated cost for the Extension described herein (inclusive of the Tax Adjustment (as defined herein)) to be $3,357,363.57 (the “Initial Total Estimated Cost”). The Depositor hereby agrees to deposit with the Company the Initial Total Estimated Cost of the Extension, provided, however, that the Company, at its sole discretion, may waive the requirement for a deposit of the full Initial Total Estimated Cost and may instead elect to receive a partial deposit, in the sole discretion of the Company (such deposit, the “Initial Deposit”).

After the Initial Total Estimated Cost or, in the sole discretion of the Company, the Initial Deposit has been made, the project will be sent out for bid. After bid, the Company will provide a revised estimate of the total cost of the Extension inclusive of the Tax Adjustment (the “Revised Total Estimated Cost”). The Revised Total Estimated Cost may be higher or lower than the Initial Total Estimated Cost. Upon receipt of a notice of the Revised Total Estimated Cost, the Depositor needs to deposit the Revised Total Estimated Cost (including any allocable Tax Adjustment) with the Company. Work on
the Extension will not progress further until the entire Revised Total Estimated Cost has been deposited with the Company.

The Revised Total Estimated Cost is still an estimate and the cost of the Extension may change at any time during the construction of the Extension. If, at any time, including during the installation and construction phase of the Extension, the Company’s estimated cost of the Extension exceeds the deposits received by the Company, the Company will request additional deposits (including any allocable Tax Adjustment) to cover the estimated increased cost. The Company reserves the right to suspend any and all activities on the Extension if a deposit has not been received by the Company on the date required for such deposit to be made. The Depositor agrees to hold the Company harmless from any damages that might result from such suspension of activities.

Notwithstanding the foregoing, under no circumstances shall the total amount of deposits payable hereunder by the Depositor exceed $3,500,000.00 (the “Appropriation Cap”) which is the amount the Depositor has appropriated for such purpose under the Bond Ordinance.

4. **Conditions to Installation of Extension.** The Company will commence installation of the Extension only after the Company has determined that the Depositor has:

   a) paid in full all deposits requested by the Company and any applicable adjustments thereto;

   b) executed and delivered to the Company a perpetual and recordable easement or easements in a form specified by the Company granting the Company the right to install, operate, maintain and relocate such Extension; and properly staked all applicable easements for construction; and

   c) provided to the Company final Lot and Block Numbers and final street names and address numbers.

In the event that the Depositor has not met conditions (a) through (c) set forth in this Section 4 within one (1) year from the date of this Agreement, the Company shall have the right to terminate this Agreement and return any deposits paid by the Depositor less the expenses incurred by the Company in connection with the Extension as determined by the Company in its reasonable discretion and any amounts retained by the Company pursuant to Section 8. In addition, upon any termination of this Agreement, the Company will revoke and reallocate all of the regulated water capacity committed for the Extension.

5. **Hold Harmless.** After Depositor has satisfied all conditions set forth in this Agreement, the Company will proceed to install the Extension in a timely fashion. However, the Company makes no representation as to the amount of time necessary to complete installation of the Extension. In addition, Depositor agrees to hold the Company and its officers, directors, employees, contractors, agents and Affiliates harmless for any and all damages, losses, and claims, specifically including but not limited to lost profits, (a) incurred by the Depositor or any other person or entity as a result of or in connection with
any delays in completing the installation of the Extension, and (b) incurred by the Company as a result of damage to the Extension prior to acceptance of the street by the municipality, other than damage caused solely by the Company or its authorized contractors.

6. **Reserved.**

7. **Statement of Actual Cost and Project Close.** Within one hundred twenty (120) days after the final costs of the Extension have been incurred and are available, the Company will furnish to the Depositor a statement setting forth the actual cost of the Extension, such statement will include the total actual cost of labor and material for such installation plus administrative and overhead costs and the Tax Adjustment (the “Actual Cost”). If no setoff as described below in Section 8 has occurred and the Actual Cost of the Extension is less the sum of all deposits paid by the Depositor to the Company, then the Company will reimburse the difference to the Depositor, provided that no reimbursement will be made if the Depositor or any Affiliate of the Depositor owes amounts to the Company which are unpaid or past due. In that case, any such amount will be retained by the Company pursuant to the terms and conditions of Section 8.

If the Actual Cost exceeds the total sum of all deposits made under this Agreement less any setoffs taken as set forth in Section 8 below, the Depositor will deposit the difference with the Company within thirty (30) days after the Depositor receives the statement described above. If Depositor fails to pay the difference within such thirty (30) day period, Depositor forfeits all rights to refunds due under this Agreement and the Company will deny and/or suspend all water and/or sewer service to the Extension until the difference is fully paid. After the end of the thirty (30) day period, Depositor shall pay interest on the unpaid difference between the Actual Cost and the sum of all deposits made by the Depositor at the highest rate allowed by law. Any such interest shall be immediately due and payable.

Notwithstanding the foregoing, and subject to amounts due from Depositor pursuant to Sections 5, 9, 10 and 19 hereof which are not limited by the Appropriation Cap, under no circumstances shall the total amount payable by the Depositor under this Agreement exceed the Appropriation Cap.

8. **Past Due Amounts and Setoff.**

Regardless of any deposits made to the Company for any Extension, the Company will not commence work on the Extension if the Depositor or any Affiliate of the Depositor owes amounts to the Company that are unpaid or past due under this or any other agreement.

In addition, the Company has the right to set off against any deposit or reimbursement of a deposit made under this Agreement, any amount owed by the Depositor or any Affiliate of the Depositor to the Company under this or any other agreement. In addition, the Depositor agrees that the Company will have the right to set off against any refund due to Depositor under this Agreement or any other agreement between the Company or any
Affiliate of the Company any amounts owed by Depositor or any Affiliate of Depositor to the Company or any Affiliate of the Company.

The term “Affiliate” shall mean with respect to either party, any individual, partnership (whether general, limited or limited liability), firm, corporation, limited liability company or corporation, association, trust, unincorporated organization or other entity, as well as any syndicate or group, that directly, or indirectly through one or more intermediaries controls, is controlled by, or is under common control with, such party. The term “Affiliate” under this definition will specifically include entities that share a common General Partner or Managing Member or whose General Partners or Managing Members are Affiliates, regardless of the ownership structure of such entities.

9. Refunds.

Definitions:

The following definitions will be used in this Section 9:

“Bona Fide Customer” is a residential or non-residential customer who: (i) has entered into an agreement for service with the Company, if applicable, (ii) receives water on a permanent basis; and, (iii) whose service lines where installed under this Agreement. Bona Fide Customers are classified as Category I or Category II according to the following guidelines:

Category I: A Bona Fide Customer receiving domestic water and/or sewer service for detached one family residences, duplexes, townhomes, condominiums or apartments, where the service line is either a one (1) inch line for water service or a four (4) inch line for sewer service; and

Category II: A Bona Fide Customer receiving private fire protection or water service and/or sewer service not meeting the standards for Category I.

Whether a customer qualifies as a Bona Fide Customer will be determined by the Company in its sole discretion.

“Revenue” is defined differently for Category I and Category II Bona Fide Customers as follows:

Category I: Average estimated annual revenue per residential customer reflected in the Company’s last approved rate order for customers in the same service area; and

Category II: Actual revenues generated by such customer between the 13th and the 24th month of actual service following service activation.

Determination of Refunds:
Provided the Depositor has fully complied with Section 7 above, the total amount eligible for refunds will be the Actual Cost of the Extension. The Company and Depositor fully recognize that the Actual Cost of the Extension may not be fully refundable.

The Company will refund to the Depositor a onetime payment for each Bona Fide Customer (Category I or Category II) directly served by infrastructure installed as part of the Extension in an amount equal to the multiplier set forth in N.J.A.C. 14:3-8.10, times the Revenue from such Bona Fide Customer.

**Payment of Refunds:**

- **Category I:** Payments shall be made annually if the Depositor is eligible for refund, on or about the anniversary date of this Agreement.

- **Category II:** Payments shall be made approximately thirty (30) months following service activation, if the Depositor is eligible for refund.

Notwithstanding any other provision of this Agreement, if the Depositor does not enact the Must Connect Ordinance, any amounts otherwise payable as refunds to the Depositor shall be held by the Company on behalf of the Depositor and applied to pay the amount by which the Revised Total Estimated Cost and/or the Actual Cost of the Extension exceeds all deposits paid hereunder by the Company. Once the Actual Cost is fully paid (which Actual Cost may exceed the Appropriation Cap) from such refunds, any remaining refunds shall be paid to the Depositor.

**No Refunds Based Upon Other Main Extension:**

Notwithstanding any other provisions of this Agreement, the Company shall have the absolute right at any time to construct and install other main extensions and appurtenants facilities connection to the main extension. Neither the connection of any other main extension nor any service furnished by or from another main extension shall be subject to or in any manner affect this Agreement, and no party hereunder shall be entitled to any refund of all or portion of the deposit made hereunder by reason of the connection of such other main extensions or connections for service therefrom provided.

**Conclusion of Refunds:**

The payment of refunds will end ten (10) years after the date of execution of this Agreement. At the end of this period, any such excess remaining amounts shall become the property of the Company. In no event shall the sum of refunds made by the Company to the Depositor exceed the Actual Cost of the Extension, nor shall any part of the Actual Cost of the Extension that has not been refunded ten (10) years after the date of this Agreement be returned to the Depositor under any circumstances.

If the Depositor enacts the Must Connect Ordinance, refunds will be paid by the Company to the Depositor no later than sixty (60) days after the later of (i) final enactment of the Must Connect Ordinance and (ii) payment by the Depositor of the Initial Total Estimated Cost. If within two (2) years of completion of the Extension, all
benefitted properties included in the Must Connect Ordinance have not activated service, Depositor shall be responsible to pay immediately to the Company $1,915.81 per connection for each non-activating benefitted property. If the Must Connect Ordinance is repealed or is no longer in full force and effect, the Depositor will forfeit the refunds previously received by it and shall return them promptly to the Company, excluding any refunds generated by bona fide connections to the Extension. To the extent amounts due from the Depositor to the Company under this Section 9 exceed the Appropriation Cap, the Depositor shall promptly seek appropriations in amounts sufficient to pay such amounts.

10. **Relocation of Facilities.** Any relocation, raising or lowering of any of the Company’s facilities due to any variation in the final street lines or grade of such proposed public rights-of-way and/or easements prior to acceptance of the street by the municipality, shall be performed by the Company or its authorized contractors at the sole cost and expense of the Depositor.

Any of the Company’s facilities damaged by Depositor, its agents, employees or contractors, shall be repaired or replaced by the Company or its authorized contractors at the Depositor’s expense. The Depositor agrees the Company has the right to deduct the cost of such repair, replacement, relocation, raising or lowering from any amounts due Depositor under this Agreement or otherwise.

11. **Ownership of Facilities on the Extension.** The Company and its successors and assigns shall be the owner and have all rights, title and interest in the Extension installed pursuant to this Agreement whether in private property or public right-of-way.

This Agreement does not confer upon the Depositor any right to operate the Extension or to obtain water from the Extension. If any of the facilities installed on this Extension need to be operated in connection with Depositor’s activities, Depositor shall contact the Company. If Depositor requires a supply of water, Depositor shall apply to the Company for water service in accordance with the Company’s Tariff in effect at such time. Theft of water shall be reported to local law enforcement.

12. **Tax Matters.** The Company acknowledges that all, or substantially all, of the amounts paid by the Depositor to the Company under this Agreement will be derived from proceeds of Depositor notes and/or bonds issued pursuant to the Bond Ordinance (the “Township Obligations”). The Company hereby agrees and undertakes that all amounts so paid by the Depositor to the Company shall, upon receipt, be used solely for the payment of costs of the Extension, consisting of either (i) payments to contractors for the building of the Extension (the “Capital Costs”) and/or (ii) payments to the Company to adjust for the federal income tax treatment to the Company of receiving the Depositor’s contributions in respect of Capital Costs (the “Tax Adjustment”). The Company represents that the Initial Total Estimated Cost consists of $2,961,682.75 in Capital Costs and $395,680.82 in Tax Adjustment. Whenever under Section 3 above the Company calculates the Revised Total Estimated Cost or the final cost of the Extension, the Company shall promptly notify the Depositor of the allocation thereof as between Capital Costs and Tax Adjustment.
The amounts paid by the Depositor to the Company under this Agreement for the capital cost of the contract work on the Extension will be held in a non-interest bearing account with other Company funds until expended or reimbursed to the Depositor. The Company shall maintain books and records documenting the expenditure of amounts held under this Agreement for the capital cost of the contract work on the Extension by date, amount and payee. Within sixty days following completion of the Extension, the Company shall certify to the Depositor the total amount that has been expended, together with an itemized list of all such expenditures.

13. **Execution by the Company.** This Agreement shall be valid and binding upon the Company only at the time it is executed by its duly authorized representative and the form of this Agreement can be altered, changed, replaced or superseded at any time prior thereto, and the fact that Company has provided the Depositor with a draft of this Agreement prior to that time shall have no binding or legal effect on the Company. This Agreement shall be considered invalid if not executed by both parties on or before **Feb 1, 2020.**

14. **Successors & Assigns.** This Agreement shall inure to benefit of, and be binding upon, the parties hereto and their respective heirs, executors, administrators, and permitted successors and assigns. No assignment of this Agreement or any rights or obligations hereunder may be made by Depositor without the prior written consent of the Company.

15. **Notices.** All notices and other communications under this Agreement shall be in writing and shall be deemed received when delivered personally, on the second business day after mailed by registered mail, return receipt requested, on the next business day after delivery to a recognized overnight courier service or when sent by telecopy at the following addresses (or to such other address as a party may have specified by notice given to the other party pursuant to this provision):

If to the Company, to: 

New Jersey-American Water Company, Inc.  
1025 Laurel Oak Road  
Voorhees, New Jersey 08043  
**Attn: Legal Department**

AND:

New Jersey-American Water Company, Inc.  
1025 Laurel Oak Road  
Voorhees, New Jersey 08043  
**Attn: Developer Services**

If to the Depositor, to:

Howell Township  
4567 Route 9 North  
Howell, NJ 07731  
**Attn: Business Administrator**

16. **Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of New Jersey.
17. **Separability.** If any provision of this Agreement is determined by a court of competent jurisdiction to be invalid or unenforceable, such determination of invalidity or unenforceability shall not render the balance of this Agreement invalid or unenforceable.

18. **Waiver; Amendment.** Either party may waive compliance by another with, amend, supplement or modify any provision of this Agreement. No waiver, amendment, supplement or modification of any provision shall be construed as a waiver, amendment, supplement or modification of any other provision. Any waiver, amendment, supplement or modification of this Agreement must be in writing and shall be deemed effective only with respect to the party that executes and delivers such writing.

19. **Changes in Law.** In the event that the Company determines that the adoption after the date hereof of any tax or other law, rule or regulation does or shall have the effect of altering the terms of this Agreement, the Company shall have the right to change the terms of this agreement to reflect such change in law, rule or regulation. To the extent such change has the effect of increasing the deposit required under this Agreement, then Depositor shall within fifteen (15) days after notice and demand from the Company (together with the certificate referred to in the next sentence) pay to the Company such additional amounts. A certificate as to the amount of such cost and showing the basis of the computation of such cost submitted by the Company to Depositor shall accompany such notice.

To the extent the amounts due from the Depositor to the Company under this Section 19 exceed the Appropriation Cap, the Depositor shall promptly seek appropriations in amounts sufficient to pay such amounts.

20. **Entire Agreement.** This Agreement, together with all of the schedules and exhibits hereto which are incorporated herein by reference, contains all of the promises, agreements, conditions, covenants and undertakings between the parties hereto with respect to the subject matter hereof, and supersedes all prior agreements and understandings, inducements or conditions whether express or implied, written or oral.
IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their respective duly authorized representatives the day and year first above written.

WITNESSED: HOWELL TOWNSHIP

By: ____________________________  By: ____________________________
   Date: __________________________ Date: __________________________

WITNESSED: NEW JERSEY-AMERICAN WATER COMPANY, INC.

By: ____________________________  By: ____________________________
   Date: __________________________ Date: __________________________
# Exhibit A

## Main

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TOWNSHIP OF HOWELL

RESOLUTION COVER PAGE

REGULAR MEETING DATE

July 16, 2019

AGENDA ITEM NUMBER

9A.36
RESOLUTION R-19-241

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HOWELL
AUTHORIZING RELIEF FROM A ROAD OPENING MORATORIUM AT 5 COBBLESTONE
COURT, BLOCK 84.01 LOT 22 FOR THE PURPOSE OF INSTALLING A NEW NATURAL GAS
SERVICE LINE BY NEW JERSEY NATURAL GAS

WHEREAS, Cobblestone Court was paved in November 2018 and as a result, there currently exists a road opening moratorium; and

WHEREAS, New Jersey Natural Gas intends to apply for a road opening permit for the installation of a new natural gas service on behalf of the property owner located at 5 Cobblestone Court, block 84.01 lot 22; and

WHEREAS, New Jersey Natural Gas and the property owner have agreed to make any restorations required in accordance with the revised general ordinances of the Township of Howell; and

WHEREAS, the Director of Community Development, having met with the New Jersey Natural Gas representatives and having reviewed the natural gas plans, recommends the lifting of the road opening moratorium in place on Cobblestone Court, subject to and conditioned upon, the conditions set forth in this Resolution and subject to the conditions set forth in the road opening permit; and

WHEREAS, to deny a road opening permit to the owners of 5 Cobblestone Court, block 84.01 lot 22 would be an undue hardship; and

WHEREAS, the Mayor and the Township Council deem a waiver of the moratorium to be appropriate, subject to the conditions set forth herein; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Howell as follows:

1. That a road opening permit shall be issued to New Jersey Natural Gas for the property located at 5 Cobblestone Court, block 84.01 lot 22 and it is agreed that the area will be restored in accordance with any conditions placed in the permit by the Director of Community Development and in accordance with the revised general ordinances of the Township of Howell.

2. A restoration guarantee shall be posted in the amount of $1,000.00 to be held for one year from the date of final restoration;

3. Upon the adoption of the within resolution, the Clerk is authorized to forward a duly authenticated copy of same to the following:
   a. Director of Community Development
   b. Ilene & Anthony DiMaio, 5 Cobblestone Court, Howell, NJ 07731
   c. NJ Natural Gas, 1415 Wyckoff Rd., Wall, NJ 07719.
VOTE:  AYES  NAYS  ABSTAIN  ABSENT  DISQUALIFY

Mr. Bonevich
Ms. Richmond
Mr. Russo
Mrs. O’Donnell
Mayor Berger

This is to certify that the foregoing Resolution was adopted by the Township council of the Township of Howell during a regular meeting held on July 16, 2019.

PENNY WOLLMAN, MUNICIPAL CLERK
TOWNSHIP OF HOWELL

RESOLUTION COVER PAGE

REGULAR MEETING DATE

July 16, 2019

AGENDA ITEM NUMBER

9A.37
Mr(s). offered the following Resolution for adoption seconded by Mr(s).

Resolution No: R-19-188

**RESOLUTION**


WHEREAS, the Developer is the owner and/or contract purchaser and applicant of property known as Block 218, Lots 20.12 through 20.21 and Lots 20.23 through 20.40 being a development known as The Townhomes at Eagle Oaks; and

WHEREAS, the Developer has agreed to construct certain improvements shown on the application for Preliminary Major Subdivision approvals, with variance and waiver relief, if applicable, Final Major Subdivision approval with woodlands management plan approval granted on March 12, 2012 and memorialized on March 26, 2012 under Zoning Board, Application No.: 10-17 SP; and Amended Final Site Plan approval granted on September 14, 2015 and memorialized on September 28, 2015.

WHEREAS, this Developer’s Agreement will replace the previously recorded Developer’s Agreement in its entirety in Monmouth County Clerk’s Office in Book 8992, Page 7038 on January 18, 2013; and

WHEREAS, said agreement has been prepared and modified by the Township Attorney and the Township Engineer and is recommended for approval; and

WHEREAS, it is now the desire of the governing body to authorize the execution of said agreement by the Mayor and Township Clerk.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Howell as follows:

1. That the Mayor and Clerk are hereby authorized to execute the Land Use
Developer’s Agreement for Block 43, Lot(s) 5 & 7, under Planning Board Case No. SD-2953 for the Development commonly known as Pheasant Chase

2. That upon the adoption of the within Resolution and execution of the above referenced agreements, the Clerk is authorized and directed to forward certified copies to the Director of Community Development, Township CFO, and all other interested parties.

VOTE: AYES NAYS ABSTAIN ABSENT DISQUALIFY

Mr. Bonevich
Ms. Richmond
Mr. Russo
Mrs. O’Donnell
Mayor Berger

This is to certify that the foregoing Resolution was adopted by the Township Council of the Township of Howell during a regular meeting held on July 16, 2019.

PENNY WOLLMAN, TOWNSHIP CLERK
TOWNSHIP OF HOWELL

RESOLUTION COVER PAGE

REGULAR MEETING DATE

July 16, 2019

AGENDA ITEM NUMBER

9A.38
Mr(s). offered the following Resolution for adoption seconded by Mr(s).

Resolution No: R-19-242

RESOLUTION

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HOWELL AUTHORIZING THE EXECUTION OF AN AMENDED LAND USE DEVELOPER’S AGREEMENT WITH IGOR PODVORCHANNY

WHEREAS, Igor and Henry Podvorchanny 334 Lanes Mill Road, Howell, NJ 07731 (“Developer”) submitted a Land Use Developer’s Agreement covering development for property known as Block 14, Lot 7 and Block 15, Lot 1.03 in the Township of Howell (“Howell”); and

WHEREAS, the Developer has agreed to construct certain improvements shown on the application for Preliminary Major Subdivision approval, with Use and Bulk variances and waiver relief, if applicable, was memorialized on April 12, 2010 and Final Major Subdivision approval was memorialized on August 10, 2015 and extension of time was memorialized on August 28, 2017 under Zoning Board of Adjustment, Application No.: 08-14 and 08-14F; and

WHEREAS, the Developer is seeking the approval of Howell to enter into a Land Use Developer’s Agreement attached as Exhibit A; and

WHEREAS, said Land Use Developer’s Agreement has been prepared, reviewed and modified by the Township Attorney and the Engineering Coordinator and is recommended for approval; and

WHEREAS, it is the desire of the Governing Body to authorize the execution of the Land Use Developer’s Agreement.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Howell as follows:

1. The Mayor, Township Manager, Township Clerk, Township Attorney, or such other officials as may be necessary are authorized to execute the Land Use Developer’s Agreement submitted by Igor and Henry Podvorchanny 334 Lanes Mill Road, Howell, NJ 07731 (“Developer”) covering development for property known as Block 14, Lot 7 and Block 15, Lot 1.03 in the Township of Howell (“Howell”);

2. That upon the adoption of the within Resolution and execution of the above referenced Land Use Developer’s Agreement, the Clerk is authorized and directed to forward certified copies to the Director of Community Development, Township Engineer Coordinator and Igor and Henry Podvorchanny.
VOTE:  

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<th>AYES</th>
<th>NAYS</th>
<th>ABSTAIN</th>
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Mr. Bonevich  
Ms. Richmond  
Mr. Russo  
Mrs. O’Donnell  
Mayor Berger  

This is to certify that the foregoing Resolution was adopted by the Township Council of the Township of Howell during a regular meeting held on July 16, 2019.

PENNY WOLLMAN, TOWNSHIP CLERK
TOWNSHIP OF HOWELL
DEPARTMENT OF COMMUNITY DEVELOPMENT

MEMORANDUM

TO: Joseph Clark, Township Attorney: via email  
Penny Wollman, Township Clerk: via email

FROM: Thomas Savino, Engineering Coordinator

DATE: July 11, 2019

RE: Podvortchany Major Subdivision  
Land Use Developers Agreement  
Zoning Board Case BA; 08-14  
Prepare Developers Agreement

Attached please find the “Developers Agreement” for the Podvortchany Major Subdivision. I believe Mark William the attorney for the applicant has already sent you a copy of this agreement. As you are aware of one of the attachments to the agreement is a copy of the resolutions describing this development. If you need more information pertaining to this development or would like to discuss this subdivision in more detail, please feel free to call me.

I have reviewed the attached agreement and find it acceptable.

Please review the Developers Agreement. If the Agreement is acceptable, please prepare a resolution authorizing the Mayor and Clerk to execute the agreement.

Penny, I will be sending you the original agreement through interoffice mail. After the agreement is approved and signed by the mayor, please return the agreement to the following Attorney for recording.

Mark Williams Esquire  
3301 C Route 66, Suite 224  
Neptune, NJ 07753

Thank you for your help in this matter. Should you have any questions please feel free to call.

Att/original to Penny reg. mail

cc: Claire Petruzzela PE, PP, CME: via email

M:\Engineering\BA0814 Podvortchany\BA08-14 Podvortchany Memo to twp. attorney reso for dev. agree. 2019-07-11.doc
### Monmouth County Document Summary Sheet

#### Return Name and Address
- Township of Howell
- P.O. Box 580
- Howell, New Jersey 07731
- Attn: Engineering Department

#### Official Use Only
- Submitting Company: Mark Williams, Esq
- Document Type: Deed
- Document Date (mm/dd/yyyy): 05/31/2019
- Total Number of Pages (Including the cover sheet): 62
- Consideration Amount (If applicable): $1.00

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*Please do not detach this page from the original document as it contains important recording information and is part of the permanent record.*
Ordinance No. O-19-34

INTRODUCTION

PUBLIC HEARING & ADOPTION

AGENDA ITEM NUMBER

TOWNSHIP OF HOWELL

ORDINANCE COVER PAGE

June 11, 2019

July 16, 2019

10.1
ORDINANCE NO. O-19-34

AN ORDINANCE OF THE TOWNSHIP OF HOWELL, MONMOUTH COUNTY, NEW JERSEY CREATING CHAPTER 252 ENTITLED SEWER AND WATER ARTICLE III ENTITLED WATER SERVICE IN FREEWOOD ACRES OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF HOWELL

BE IT ORDAINED by the Township Council of the Township of Howell, in the County of Monmouth and State of New Jersey as follows:

NOTE: Sections of Chapter 252 entitled Sewer and Water that are to be amended by the within Ordinance are set forth below. All additions are shown in bold italics with underlines. All deletions are shown in bold italics with strikeouts.

SECTION 1. Sections of Chapter 252 of the Code of the Township of Howell are hereby amended to read as follows:

Chapter 252. Sewer and Water

Article III. Water Service in Freewood Acres

§ 252-23. Connection of existing facilities to public water required; time limit.

A. The owners of all houses, buildings and properties existing at the time of the enactment of this chapter located within the Township’s Capital Improvement project entitled “Freewood Acres and Route 9 North Sanitary Sewer Extension” and having private potable water facilities, shall connect all potable water and other plumbing facilities directly to the proper public water system, within one (1) year from the date of the official notice from the Township to do so, and same shall be done in accordance with all of the pertinent ordinances of the Township and regulations of New Jersey-American Water Company, Inc. (“NJAW”).

1. After one (1) year from the date of the official notice to connect, all owners that have not connected to the public water system located within the Township’s Capital Improvement project entitled “Freewood Acres and Route 9 North Sanitary Sewer Extension” will be billed by the Township, on an ongoing quarterly basis until connection is made, the minimum water fixed service charge as listed in the current NJAW Tariff for Water and Wastewater Service as approved by the Board of Public Utilities (BPU).

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

All other Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistency.
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.

NOTICE

The Ordinance published herewith was introduced and passed on first reading by the Township Council of the Township of Howell on June 11, 2019 and will be further considered for final passage and adoption at the Township Municipal Building at 4567 Route 9 North, Howell, New Jersey on July 16, 2019 at 7:30 p.m. or as soon thereafter as the matter can be reached on the Agenda, at which time and place all persons interested therein shall be given an opportunity to be heard and during the week prior thereto, and up to, and including, the date of such meeting, copies of said Ordinance will be available at the Clerk’s Office in the Township of Howell Municipal Building to the members of the general public who shall request same.

[Signature]

PENNY WOLLMAN, Municipal Clerk
EXPLANATORY STATEMENT: This ordinance amends Chapter 252 (Sewer and Water) Article III – Water Service in Freewood Acres by delineating when an owner must connect to public water and penalties for failing to do so.
TOWNSHIP OF HOWELL

ORDINANCE COVER PAGE

Ordinance No. O-19-35

INTRODUCTION July 16, 2019

PUBLIC HEARING & ADOPTION August 13, 2019

AGENDA ITEM NUMBER 11.1
AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HOWELL
REPEALING CHAPTER 188-151 ENTITLED APPEALS OF THE REVISED GENERAL
ORDINANCES OF THE TOWNSHIP OF HOWELL

BE IT HEREBY ORDAINED by the Township Council of the Township of Howell that
Chapter 188-151 entitled Appeals shall be amended and supplemented as follows:

NOTE: Sections of Chapter 188-151 that are to be amended by Ordinance are set forth below. All additions are shown in bold italics with underlines. All deletions are shown in bold italics with strikeouts. All items in regular typeface shall remain unchanged.

Chapter 188. LAND USE

Article XV. Zoning Board of Adjustment

§ 188-151. Appeals. Reserved.

Any interested party may appeal to the Township Council any final decision of the Board of Adjustment approving an application for development pursuant to N.J.S.A. 40:55D-70d and complementary provisions of this chapter. Such an appeal shall be taken in accordance with the provisions of N.J.S.A. 40:55D-17.

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

All other Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistency.

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

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NOTICE

The Ordinance published herewith was introduced and passed on first reading by the Township Council of the Township of Howell on July 16, 2019 and will be further considered for final passage and adoption at the Township Municipal Building on 4567 Route 9 North, Howell, New Jersey on August 13, 2019 at 7:30 p.m. or as soon thereafter as the matter can be reached on the Agenda, at which time and place all persons interested therein shall be given an opportunity to be heard and during the week prior thereto, and up to, and including, the date of such meeting, copies of said Ordinance will be available at the Clerk’s Office in the Township of Howell Municipal Building to the members of the general public who shall request same.

PENNY WOLLMAN, MUNICIPAL CLERK
EXPLANATORY STATEMENT: An Ordinance by the Township Council of the Township of Howell Repealing Chapter 188-151 entitled Appeals to remove the right of any interested party to the Township Council any final decision of the Board of Adjustment approving an application for development pursuant to N.J.S.A. 40:55D-70d and complementary provisions of this chapter.
TOWNSHIP OF HOWELL

ORDINANCE COVER PAGE

Ordinance No. O-19-36

INTRODUCTION

PUBLIC HEARING & ADOPTION

July 16, 2019

August 13, 2019

AGENDA ITEM NUMBER

11.2
ORDINANCE NO. O-19-36

ORDINANCE AUTHORIZING THE LEASING OF CERTAIN CAPITAL EQUIPMENT BY THE TOWNSHIP OF HOWELL, NEW JERSEY FROM THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY AND THE EXECUTION OF A LEASE AND AGREEMENT RELATING THERETO

BE IT ORDAINED by the Township Council of the Township of Howell, New Jersey (not less than two-thirds of all members thereof affirmatively concurring) as follows:

Section 1. Pursuant to Section 78 of the County Improvement Authorities Law, N.J.S.A. 40:37A-44, et seq., the Township of Howell (the “Municipality”) is hereby authorized to unconditionally and irrevocably lease certain items of capital equipment from The Monmouth County Improvement Authority (the “Authority”) pursuant to a Lease and Agreement, substantially in the form submitted to this meeting (the “Lease”), a copy of which is on file in the office of the Clerk to the Municipality. The Mayor is hereby authorized to execute the Lease on behalf of the Municipality in substantially such form as submitted to this meeting and with such changes as may be approved by the Mayor, which approval shall be conclusively evidenced by the execution thereof, and the Clerk to the Municipality is hereby authorized to affix and attest the seal of the Municipality.

Section 2. The following additional matters are hereby determined, declared, recited and stated:

(a) In recognition of the fact that the lease payment of the Municipality under the Lease will be based, in part, on the amount of bonds issued by the Authority to finance the acquisition of the leased equipment and the interest thereon, the maximum amount of bonds which the Authority shall issue to finance the acquisition of the equipment to be leased to the Municipality shall not exceed $2,996,000 and the interest rate on said bonds shall not exceed five and fifty hundredths percent (5.50%) per annum;

(b) The items to be leased from the Authority shall be as set forth in Schedule A hereto; provided that the Mayor or any authorized municipal representative (as defined in the Lease) may substitute or add items of equipment in accordance with the provisions of the Lease; and

(c) The lease term applicable to a particular item of leased equipment shall not exceed the useful life of such item.

Section 3. This ordinance shall take effect twenty (20) days after the first publication thereof after final adoption as provided by law.

11.2
## SCHEDULE A - EQUIPMENT LIST

Township of Howell

<table>
<thead>
<tr>
<th>Equipment</th>
<th>Useful Life (Years)</th>
<th>Lease Term (Years)</th>
<th>Estimated Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Four Replacement Inspection SUVs</td>
<td>5</td>
<td>5</td>
<td>$163,550</td>
</tr>
<tr>
<td>20-Passenger Transport Van</td>
<td>5</td>
<td>5</td>
<td>80,000</td>
</tr>
<tr>
<td>Transit Van for Custodial Staff</td>
<td>5</td>
<td>5</td>
<td>25,000</td>
</tr>
<tr>
<td>Ten Replacement Police Vehicles – SUVs</td>
<td>5</td>
<td>5</td>
<td>500,000</td>
</tr>
<tr>
<td>Front Line ESU Vehicle – SUV</td>
<td>5</td>
<td>5</td>
<td>175,000</td>
</tr>
<tr>
<td>Virtual &amp; Physical Server Upgrade</td>
<td>5</td>
<td>5</td>
<td>179,000</td>
</tr>
<tr>
<td>Eight Portable Radios</td>
<td>10</td>
<td>10</td>
<td>66,000</td>
</tr>
<tr>
<td>VHF Radio Upgrade</td>
<td>10</td>
<td>10</td>
<td>165,000</td>
</tr>
<tr>
<td>Wireless Connectivity Upgrade – Patrol Car Laptops</td>
<td>5</td>
<td>5</td>
<td>65,000</td>
</tr>
<tr>
<td>Bariatric Equipped Ambulance</td>
<td>5</td>
<td>5</td>
<td>227,000</td>
</tr>
<tr>
<td>Oxygen Cascade System</td>
<td>5</td>
<td>5</td>
<td>5,500</td>
</tr>
<tr>
<td>Replace Fire Safety House</td>
<td>15</td>
<td>10</td>
<td>130,000</td>
</tr>
<tr>
<td>Heavy Duty Truck</td>
<td>5</td>
<td>5</td>
<td>210,000</td>
</tr>
<tr>
<td>Rolloff Truck</td>
<td>5</td>
<td>5</td>
<td>250,000</td>
</tr>
<tr>
<td>Open Space Mowers</td>
<td>15</td>
<td>10</td>
<td>66,100</td>
</tr>
<tr>
<td>Remote Basin Mowers with Trailer</td>
<td>15</td>
<td>10</td>
<td>50,000</td>
</tr>
<tr>
<td>Utility Truck with Plow</td>
<td>5</td>
<td>5</td>
<td>65,000</td>
</tr>
<tr>
<td>Photocopier Replacement Program</td>
<td>5</td>
<td>5</td>
<td>72,000</td>
</tr>
<tr>
<td>Ford F350 Truck</td>
<td>5</td>
<td>5</td>
<td>44,300</td>
</tr>
<tr>
<td>SCADA System (Phase II)</td>
<td>5</td>
<td>5</td>
<td>50,000</td>
</tr>
<tr>
<td>Air Conditioning Unit Replacement</td>
<td>15</td>
<td>10</td>
<td>100,000</td>
</tr>
<tr>
<td>Sewer Pump Replacements</td>
<td>40</td>
<td>10</td>
<td>34,800</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td><strong>$2,723,250</strong></td>
</tr>
</tbody>
</table>

2735860.7 057823-95562
NOTICE

The Ordinance published herewith was introduced and passed upon first reading at a regular meeting of the governing body of the Township of Howell, New Jersey, held on July 16, 2019. It will be further considered for final passage after public hearing thereon at a meeting of the governing body to be held at the Municipal Building, 4567 Route 9 North, in said Township on August 13, 2019 at 7:30 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.

Penny Wollman
Township Clerk
TOWNSHIP OF HOWELL

ORDINANCE COVER PAGE

Ordinance No. O-19-37

INTRODUCTION

July 16, 2019

PUBLIC HEARING & ADOPTION

August 13, 2019

AGENDA ITEM NUMBER

11.3
ORDINANCE NO. O-19-37

ORDINANCE AUTHORIZING THE GUARANTY BY THE TOWNSHIP OF HOWELL, NEW JERSEY OR PAYMENT OF PRINCIPAL AND INTEREST ON THE CAPITAL EQUIPMENT LEASE REVENUE BONDS, SERIES 2019 (HOWELL BOARD OF EDUCATION PROJECT) OF THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY

BE IT ORDAINED by the TOWNSHIP COUNCIL OF THE TOWNSHIP OF HOWELL, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. Pursuant to Section 80 of the County Improvement Authorities Law, N.J.S.A. 40:37A-44 et. seq., the Township of Howell, New Jersey (the “Municipality”) is hereby authorized to unconditionally and irrevocably guaranty the punctual payment of the principal of and the interest on the Capital Equipment Lease Revenue Bonds, Series 2019 (Howell Board of Education Project) (the “Bonds”) of The Monmouth County Improvement Authority (the “Authority”) Outstanding (as that term is defined in the following described resolution) under the resolution of the Authority entitled “Capital Equipment Lease Revenue Bond Resolution (Howell Board of Education Project)” (the “Bond Resolution”) to be adopted in a form approved by counsel to the Municipality. The Authority plans to issue the Bonds to finance the acquisition and subsequent leasing of certain capital equipment to the Board of Education of the Township of Howell (the “Board”) pursuant to a lease and agreement to be entered into by the Authority and the Board (the “Lease”). Such guaranty shall be given in accordance with the guaranty agreement (the “Guaranty Agreement”) between the Municipality and the Authority in substantially the form submitted to this Board, a copy of which is on file in the office of the Clerk of the Municipality, with such changes as may be approved by counsel to the Municipality. The Mayor is hereby authorized to execute the Guaranty Agreement on behalf of the Municipality in substantially such form as submitted hereto and with such changes as may be approved by the Mayor, and the Clerk of the Municipality is hereby authorized to attest such signature affixing the seal of the Municipality. All representatives, officials and employees of the Municipality are hereby authorized to enforce and to implement the Guaranty Agreement.

Section 2. The following additional matters are hereby determined, declared, recited and state:

(1) The maximum principal amount of the Bonds of the Authority hereby and hereunder to be guaranteed as to payment of principal and interest shall not exceed the sum of the amount necessary to acquire the Board’s equipment as set forth in Schedule A which will be subject to the Lease and to pay the Board’s share of the costs of issuance, but in no event shall such principal amount exceed $1,320,000.

(2) The Bonds shall mature within eleven years of the date of issue.

(3) The Bonds shall remain Outstanding to their respective stated maturity dates and the guaranty authorized herein shall remain effective until all Bonds shall
have been paid in full in accordance with their terms notwithstanding the occurrence of any other event.

(4) The guaranty authorized herein may be made and this ordinance may be adopted notwithstanding any statutory debt or other limitations, including particularly any limitation or requirement under or pursuant to the Local Bond Law, N.J.S.A. 40A:2-1, et. seq., but the principal amount of any Outstanding Bonds shall be included after their issuance in the gross debt of the Municipality for the purpose of determining the indebtedness of the Municipality under or pursuant to the Local Bond law. The principal amount of the Bonds included in the gross debt of the Municipality shall be deducted from the gross debt of the Municipality under and all for all the purposes of the Local Bond Law (a) from and after the time of issuance of the Bonds until the end of the fiscal year beginning next after the acquisition of the equipment to be financed from the proceeds of the Bonds and (b) in any Annual Debt Statement filed pursuant to the Local Bond law as of the end of such fiscal year or any subsequent fiscal year if the revenues or other receipts or moneys of the Authority in such year are sufficient to pay its expenses of operation and maintenance in such year and all amounts payable in such year on account of the principal of and the interest on all such Bonds, all bonds of the Municipality issued as provided under N.J.S.A. 40:37A-79 and all bonds of the Authority issued under the County Improvement Authorities Law.

Section 3. Upon payment of the principal of and the interest due on the Bonds by the Authority or by the defeasance of the Bonds pursuant to the Bond Resolution, the guaranty authorized herein will cease to exist and the gross debt of the Municipality shall be reduced to the extent that such Bonds cease to be Outstanding under the Bond Resolution.

Section 4. This ordinance shall take effect 20 days after the first publication thereof after final adoption in accordance with the County Improvement Authorities Law and the Local Bond Law.
## SCHEDULE A - EQUIPMENT LIST
Township of Howell Board of Education

<table>
<thead>
<tr>
<th>Equipment</th>
<th>Useful Life</th>
<th>Lease Term</th>
<th>Estimated Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grounds Snowplow Vehicle</td>
<td>5</td>
<td>5</td>
<td>$100,000</td>
</tr>
<tr>
<td>Mower</td>
<td>5</td>
<td>5</td>
<td>40,000</td>
</tr>
<tr>
<td>Two Buses</td>
<td>10</td>
<td>7</td>
<td>170,000</td>
</tr>
<tr>
<td>Two Vans</td>
<td>5</td>
<td>5</td>
<td>150,000</td>
</tr>
<tr>
<td>Two Dodge Caravans</td>
<td>5</td>
<td>5</td>
<td>70,000</td>
</tr>
<tr>
<td>IT Equipment (Laptops, Switches, Servers, Etc.)</td>
<td>5</td>
<td>5</td>
<td>670,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td><strong>$1,200,000</strong></td>
</tr>
</tbody>
</table>
TOWNSHIP OF HOWELL
MONMOUTH COUNTY, NEW JERSEY

NOTICE

The Ordinance published herewith was introduced and passed upon first reading at a regular meeting of the governing body of the Township of Howell, New Jersey, held on July 16, 2019. It will be further considered for final passage after public hearing thereon at a meeting of the governing body to be held at the Municipal Building, 4567 Route 9 North, in said Township on August 13, 2019 at 7:30 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.

Penny Wollman
Township Clerk
TOWNSHIP OF HOWELL

ORDINANCE COVER PAGE

Ordinance No. O-19-38

INTRODUCTION

July 16, 2019

PUBLIC HEARING & ADOPTION

August 13, 2019

AGENDA ITEM NUMBER

11.4
ORDINANCE NO. O-19-38

AN ORDINANCE APPROVING THE ACQUISITION OF EASEMENT RIGHTS IN PORTIONS OF THE PROPERTIES LOCATED AT 669 CASINO DRIVE (BLOCK 144, LOT 128) AND 655 CASINO DRIVE (BLOCK 144, LOT 114) BY NEGOTIATED PURCHASE OR EMINENT DOMAIN

WHEREAS, municipalities are authorized under N.J.S.A. 40A:12-4(a) and N.J.S.A. 40A:12-5 of the Local Lands and Buildings Law to acquire easements and other property rights in real property for public purposes; and

WHEREAS, Howell Township (the "Township") is undertaking a sanitary sewer extension project; and

WHEREAS, the Township has determined that in furtherance of this sanitary sewer project, it is necessary to acquire a permanent sanitary sewer easement in a portion of 655 Casino Drive (Block 144, Lot 114) and to acquire temporary construction easements in portions of 655 Casino Drive (Block 144, Lot 114) and in a portion of 669 Casino Drive (Block 144, Lot 128), all as delineated more specifically within metes and bounds descriptions and maps prepared by Maser Consulting P.A. (collectively, the "Easement Rights"); and

WHEREAS, the Township obtained an appraisal from Sterling DiSanto & Associates valuing the just compensation to be paid for the acquisition of these Easement Rights at four thousand five hundred dollars ($4,500.00) and an appraisal from Ronald A. Curini Appraisal Company, Inc. valuing the just compensation to be paid for the acquisition of these Easement Rights at eight thousand eight hundred fifty dollars ($8,850.00); and

WHEREAS, the Township Council wishes to authorize the acquisition of the Easement Rights in these properties by negotiated purchase or eminent domain for the appraised value established in the higher of these two appraisals, which is the appraisal prepared by Ronald A. Curini Appraisal Company, Inc. valuing the just compensation to be paid for the taking of these Easement Rights at eight thousand eight hundred fifty dollars ($8,850.00).

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Howell, County of Monmouth, in the State of New Jersey that the Township is hereby authorized to acquire the Easement Rights in these properties through negotiated purchase for the sum of eight thousand eight hundred fifty dollars ($8,850.00) and, if the Township is unable to acquire the Easement Rights in the properties by negotiated purchase for this amount, to file a condemnation action to acquire these Easement Rights through eminent domain and to deposit the sum of eight thousand eight hundred fifty dollars ($8,850.00) into Superior Court in conjunction with the filing of this condemnation action; and

{00148073:v1/16-043/031}
BE IT FURTHER ORDAINED that the Township Manager or his designee is hereby authorized to sign, on behalf of the Township, any and all documents necessary to implement the acquisition of the Easement Rights in these properties by negotiated purchase or eminent domain, subject to the review and approval of such documents as to form by the Township Attorney.

SECTION 2. REPEALER

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

SECTION 3. INCONSISTENT ORDINANCES

All other Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistency.

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.

NOTICE

The Ordinance published herewith was introduced and passed on first reading by the Township Council of the Township of Howell on July 16, 2019 and will be further considered for final passage and adoption at the Township Municipal Building on 4567 Route 9 North, Howell, New Jersey on August 13, 2019 at 7:30 p.m. or as soon thereafter as the matter can be reached on the Agenda, at which time and place all persons interested therein shall be given an opportunity to be heard and during the week prior thereto, and up to, and including, the date of such meeting, copies of said Ordinance will be available at the Clerk’s Office in the Township of Howell Municipal Building to the members of the general public who shall request same.

PENNY WOLLMAN, MUNICIPAL CLERK
EXPLANATORY STATEMENT: An Ordinance by the Township Council of the Township of Howell authorizing the acquisition of easement rights in portions of the properties located at 669 Casino Drive (block 144, lot 128) and 655 Casino Drive (block 144, lot 114) by negotiated purchase or eminent domain.