1. 11 12 2019 Preliminary Agenda
   Documents:
   11 12 2019 PRELIMINARY AGENDA.PDF

2. 09 10 2019 Minutes For Approval
   Documents:
   09 10 2019 MINUTES FOR APPROVAL.PDF

3. 10 22 2019 Minutes For Approval
   Documents:
   10 22 2019 MINUTES FOR APPROVAL.PDF

4. 11 12 2019 Resolutions
   Documents:
   11 12 2019 RESOLUTIONS.PDF

5. 11 12 2019 Ordinance Adoption
   Documents:
   11 12 2019 ORDINANCE ADOPTION.PDF
PRELIMINARY AGENDA

HOWELL TOWNSHIP COUNCIL REGULAR MEETING AGENDA

TUESDAY, NOVEMBER 12, 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 11/8/2019 10:00 AM)

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 Cub Scout Pack 258

5. ACCEPTANCE OF MINUTES OF PREVIOUS MEETINGS
   • September 10, 2019 Regular Meeting + Executive Session + Public Release
   • October 22, 2019 Regular Meeting + Executive Session + Public Release

6. REPORTS OF TOWNSHIP OFFICIALS

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-19-362 9A.1 Authorize submission of 2021 D.E.D.R. Grant Application, Monmouth County Board of Alcohol & Drug Abuse Services, DEDR $40,712.00; Cash Match $10,178.00; In-Kind $30,534.00
*Explanatory Statement:
This Resolution authorizes the submission of 2021 D.E.D.R. Grant Application, Monmouth County Board of Alcohol & Drug Abuse Services, DEDR $40,712.00; Cash Match $10,178.00; In-Kind $30,534.00.

*R-19-363 9A.2 Authorize the Execution of a Land Use Developer’s Agreement, Haystack Glen Major Subdivision, Planning Board Case SD-2847 A-2
*Explanatory Statement:
This Resolution authorizes the execution of a Land Use Developer's Agreement, Haystack Glen Major Subdivision, Planning Board Case SD-2847 A-2.

*R-19-364 9A.3 Authorize Release of Performance Guarantee and Acceptance of Maintenance Guarantee, Aldi, Inc., Aldi, Block 73 Lots 23.01, 24 and 25 (new lot 24.01), Route 9 South and Lanes Mill Road, Case No. SP-1015A
*Explanatory Statement:
This Resolution authorizes the release of Performance Guarantee and Acceptance of Maintenance Guarantee, Aldi, Inc., Aldi, Block 73 Lots 23.01, 24 and 25 (new lot 24.01), Route 9 South and Lanes Mill Road, Case No. SP-1015A.

*Explanatory Statement:
This Resolution authorizes the release of Performance Guarantee and waiver of Maintenance Guarantee, Quality Plaza, LLC, Quality Plaza, Block 25, Lot 19, US Highway 9, Case No. SP-996 – Sanitary Sewer Improvements.

*R-19-366 9A.5 Authorize Return of Engineering Review Escrow Funds, Verizon Wireless/Hiering, Dupignac, Stanzione, Dunn & Beck, 88 Ramtown-Greenville Road, Block 3, Lot 18.01, $437.52
*Explanatory Statement:
This Resolution authorizes the return of Engineering Review Escrow Funds, Verizon Wireless/Hiering, Dupignac, Stanzione, Dunn & Beck, 88 Ramtown-Greenville Road, Block 3, Lot 18.01, in the amount of $437.52.
*R-19-367  9A.6  Authorize Return of Engineering Review Escrow Funds, Verizon Wireless/Hiering, Dupignac, Stanzione, Dunn & Beck, 1288 Route 33, Block 185, Lot 15, $437.52
Explanatory Statement:
This Resolution authorizes the return of Engineering Review Escrow Funds, Verizon Wireless/Hiering, Dupignac, Stanzione, Dunn & Beck, 1288 Route 33, Block 185, Lot 15, in the amount of $437.52.

*R-19-368  9A.7  Authorize Return of Engineering Review Escrow Funds, Verizon Wireless/Hiering, Dupignac, Stanzione, Dunn & Beck, 1 Central Avenue, Block 49, Lot 49, $437.52
Explanatory Statement:
This Resolution authorizes the return of Engineering Review Escrow Funds, Verizon Wireless/Hiering, Dupignac, Stanzione, Dunn & Beck, 1 Central Avenue, Block 49, Lot 49, in the amount of $437.52.

*R-19-369  9A.8  Authorize Return of Engineering Review Escrow Funds, Verizon Wireless/Hiering, Dupignac, Stanzione, Dunn & Beck, 137 Allaire Road, Block 47.01, Lot 1, $437.52
Explanatory Statement:
This Resolution authorizes the return of Engineering Review Escrow Funds, Verizon Wireless/Hiering, Dupignac, Stanzione, Dunn & Beck, 137 Allaire Road, Block 47.01, Lot 1, in the amount of $437.52.

Explanatory Statement:
This Resolution authorizes the return of Engineering Review Escrow Funds, Verizon Wireless/Hiering, Dupignac, Stanzione, Dunn & Beck, 4611 Route 9 North (Southard Fire Co.), Block 35.83, Lot 37, in the amount of $395.88.

*R-19-371  9A.10 Authorize Release of Performance Guarantee and Waiver of Maintenance Guarantee, Wampole-Miller, Inc. d/b/a Miller Bros., Brickyard, LLC – Solar Panel Field, Block 224 Lots 10, 17, 17.01 and 17.02, Belmar Boulevard and Birdsall Road, Case No. SP-957
Explanatory Statement:
This Resolution authorizes the release of Performance Guarantee and waiver of Maintenance Guarantee, Wampole-Miller, Inc. d/b/a Miller Bros., Brickyard, LLC – Solar Panel Field, Block 224 Lots 10, 17, 17.01 and 17.02, Belmar Boulevard and Birdsall Road, Case No. SP-957.

Explanatory Statement:
This Resolution authorizes the return of Unused Sewer Review, Water Review, and Inspection Escrow Funds, Tipmich, LLC/Roof Maintenance Systems, Block 183, Lot 24.01 (old lots 24 and 25), Route 33 and Cedar Lane, Various Amounts, Case No. BA-13-07.
*R-19-373 9A.12 Authorize Return of Engineering Inspection Escrow Funds, Interstate Outdoor Advertising, LP, Billboard, Route 9 South (South of Lanes Mill Road), Block 73, Lot 21.02, $13.01, Case No. SP-972

Explanatory Statement:
This Resolution authorizes the return of Engineering Inspection Escrow Funds, Interstate Outdoor Advertising, LP, Billboard, Route 9 South (south of Lanes Mill Road), Block 73, Lot 21.02, in the amount of $13.01, Case No. SP-972.

*R-19-374 9A.13 Authorize Return of Engineering Inspection Escrow Funds, BFW/Howell Associates, LLC, Sanitary Sewer Connection, Block 28, Lot 66.01, Howell Commons – Route 9 North, $422.27, Case No. SP-788S

Explanatory Statement:
This Resolution authorizes the return of Engineering Inspection Escrow Funds, BFW/Howell Associates, LLC, Sanitary Sewer Connection, Block 28, Lot 66.01, Howell Commons – Route 9 North, in the amount of $422.27, Case No. SP-788S.

*R-19-375 9A.14 Authorize Return of Engineering Inspection Escrow Funds, BFW/Howell Associates, LLC, Howell Commons Expansion, Block 28, Lot 66.01, Route 9 North and Locust Avenue, $806.22, Case No. SP-935 A2

Explanatory Statement:
This Resolution authorizes the return of Engineering Inspection Escrow Funds, BFW/Howell Associates, LLC, Howell Commons Expansion, Block 28, Lot 66.01, Route 9 North and Locust Avenue, in the amount of $806.22, Case No. SP-935 A2.

*R-19-376 9A.15 Authorize Transfers, 2019 Municipal Budget Appropriations

Explanatory Statement:
This Resolution authorizes appropriation transfers in the 2019 Municipal Budget.

*R-19-377 9A.16 Authorize Cancellation of Capital Improvement Appropriation Balances

Explanatory Statement:
This Resolution authorizes the Cancellation of Capital Improvement Appropriation Balances.

*R-19-378 9A.17 Authorize Release of Maintenance Guarantee, Saveria Builders, LLC, Pine Hill III – Sanitary Sewer, Block 59, Lots 3 and 3.01 (new lots 3.02-3.18), Saveria Court off Aldrich Road, $10,876.46, Case No. SD-2817 – Sanitary Sewer Improvements

Explanatory Statement:
This Resolution authorizes the release of Maintenance Guarantee, Saveria Builders, LLC, Pine Hill III – Sanitary Sewer, Block 59, Lots 3 and 3.01 (new lots 3.02-3.18), Saveria Court off Aldrich Road, in the amount of $10,876.46, Case No. SD-2817 – Sanitary Sewer Improvements.
*R-19-379  9A.18 Authorize Return of Unused Zoning Board Escrow Funds, 1016 Realty LLC, Block 177 Lots 29 and 30, 1016 Route 33 (south side of Route 33 between Yellow Brook Road and Fairfield Road), $368.17, Case No. BA06-21  
Explanatory Statement:  
This Resolution authorizes the return of unused Zoning Board Escrow Funds, 1016 Realty LLC, Block 177 Lots 29 and 30, 1016 Route 33 (south side of Route 33 between Yellow Brook Road and Fairfield Road) in the amount of $368.17, Case No. BA06-21.

*R-19-380  9A.19 Authorize Return of Unused Planning Board Escrow Funds, John Davies, State Route 33, Block 177, Lot 30, (south side of Route 33 between Yellowbrook and Fairfield Roads), $133.39, Case No. SD-2668  
Explanatory Statement:  
This Resolution authorizes the return of unused Planning Board Escrow Funds, John Davies, State Route 33, Block 177, Lot 30, (south side of Route 33 between Yellowbrook and Fairfield Roads), in the amount of $133.39, Case No. SD-2668.

*R-19-381  9A.20 Authorize Return of Unused Planning Board Escrow Funds, Landmark Plaza Management LLC, Block 73, Lots 23.01, 24 and 25, 5010-5024 US Highway 9 South (intersection of Route 9 and Lanes Mill Road), $31.31, Case No. SP-1015 and SP-1015A  
Explanatory Statement:  
This Resolution authorizes the return of unused Planning Board Escrow Funds, Landmark Plaza Management LLC, Block 73, Lots 23.01, 24 and 25, 5010-5024 US Highway 9 South (intersection of Route 9 and Lanes Mill Road), in the amount of $31.31, Case No. SP-1015 and SP-1015A.

*R-19-382  9A.21 Authorize Return of Unused Water and Sanitary Sewer Review Escrow Funds, Landmark Plaza Management, Aldi, Block 73, Lot 24.01, Route 9 South and Lanes Mill Road, Various Amounts, Case No. SP-1015  
Explanatory Statement:  
This Resolution authorizes the return of unused Water and Sanitary Sewer Review Escrow Funds, Landmark Plaza Management, Aldi, Block 73, Lot 24.01, Route 9 South and Lanes Mill Road, Various Amounts, Case No. SP-1015.

*R-19-383  9A.22 Authorize Return of Unused Sanitary Sewer Review Escrow Funds, Landmark Plaza Management, Sanitary Sewer, Block 73, Lot 24, Route 9 South and Lanes Mill Road, $25.00, Case No. APP-01-228  
Explanatory Statement:  
This Resolution authorizes the return of unused Sanitary Sewer Review Escrow Funds, Landmark Plaza Management, Sanitary Sewer, Block 73, Lot 24, Route 9 South and Lanes Mill Road, in the amount of $25.00, Case No. APP-01-228.
9A.23 Authorize Acceptance of Performance Guarantee, Boulder Ridge II (Regency at Allaire), Block 183, Lots 109.01, 109.02, 110-12, State Highway 33, Case No. SD-2930A2/SP-914A

Explanatory Statement:
This Resolution authorizes Acceptance of Performance Guarantee, Boulder Ridge II (Regency at Allaire), Block 183, Lots 109.01, 109.02, 110-12, State Highway 33, Case No. SD-2930A2/SP-914A.

9A.24 Authorize Refund of Overpaid Taxes, $356.03

Explanatory Statement:
This Resolution authorizes a Refund of Overpaid Taxes in the amount of $356.03.

9A.25 Authorize the Execution of a Land Use Developer's Agreement, Toll Bros., Inc., Block 183, Lots 109.01, 109.02, 110, 111, and 112, Boulder Ridge at Howell, to be Known as Regency at Allaire

Explanatory Statement:
This Resolution authorizes the execution of a Land Use Developer's Agreement, Toll Bros., Inc., Block 183, Lots 109.01, 109.02, 110, 111, and 112, Boulder Ridge at Howell, to be Known as Regency at Allaire.

9A.26 Authorize Additional Not-To-Exceed Limitation to Gluck Walrath LLP with regard to duties as Special Counsel, in the amount of $14,000.00

Explanatory Statement:
This Resolution authorizes an Additional Not-To-Exceed Limitation to Gluck Walrath LLP with regard to duties as Special Counsel, in the amount of $14,000.00.

9A.27 Authorize Award of Contract, Emergency Roadway Reconstruction on Ford Road, Moderno Construction, Inc., $65,404.55

Explanatory Statement:
This Resolution authorizes Award of Contract, Emergency Roadway Reconstruction on Ford Road, Moderno Construction, Inc., $65,404.55.

9A.28 Authorize Change Order No. 1 to the 2018 Pavement Patch Program, L&L Paving Company, Inc., Contract #18-11, $119,750.00

Explanatory Statement:
This Resolution authorizes Change Order No. 1 to the 2018 Pavement Patch Program, L&L Paving Company, Inc., Contract #18-11, in the amount of $119,750.00.

9A.29 Authorize Change Order No. 1 to the 2017-2018 Curb & Apron Program, Precise Construction Inc., Contract #17-08, $156,000.00

Explanatory Statement:
This Resolution authorizes Change Order No. 1 to the 2017-2018 Curb & Apron Program, Precise Construction Inc., Contract #17-08, $156,000.00.
9A.30 Authorize Use of Educational Services Commission of NJ to Purchase Inspection and DPW Vehicles, Beyer Ford, Not to Exceed $125,000

Explanatory Statement:
This Resolution authorizes the Use of Educational Services Commission of NJ to Purchase Inspection and DPW Vehicles, Beyer Ford, Not to Exceed $125,000.

9A.31 Resolution in Support of the Howell Township Green Team and Environmental Commission’s Initiative to Expand Joint Activities With the Township’s Schools

Explanatory Statement:
This Resolution supports the Howell Township Green Team and Environmental Commission’s Initiative to Expand Joint Activities With the Township’s Schools.

9A.32 Authorize Award of NJ State Contract ITS58, Contract #89851, SHI International Corp., Server System Upgrade, $132,993.00

Explanatory Statement:
This Resolution authorizes the award of NJ State Contract ITS58, Contract #89851 to SHI International Corp., Server System Upgrade, in the amount of $132,993.00.

9A.33 Authorize Dedication By Rider for the Capitol to the Coast Trail Fund to Accept Donations from the Public

Explanatory Statement:
This Resolution authorizes a Dedication By Rider for the Capitol to the Coast Trail Fund to accept donations from the public.

9B.1 2020 Renewal of Mobile Home Park License, Angle In Mobile Home Park, 1235 Highway 33

9B.2 2020 Renewal of Mobile Home Park License, Oak Hill Mobile Home Park, West Farms Road

9B.3 2020 Renewal of Mobile Home Park License, Winding Brook Mobile Home Park, 1081 Lakewood Farmingdale Road

9B.4 2020 Renewal of Mobile Home Park License, Green Acres Manor, 1 Snyder Road
10. PUBLIC HEARINGS ON ORDINANCES

O-19-48  10.1  2019 Salary Ordinance, Chief of Police
(Introduction on October 22, 2019)
(Public Hearing & Adoption on November 12, 2019)
Explanatory Statement:
This Ordinance updates and amends the Salary Ordinance for the Chief of Police.

O-19-49  10.2  2020 Salary Ordinance, Non-Union Positions
(Introduction on October 22, 2019)
(Public Hearing & Adoption on November 12, 2019)
Explanatory Statement:
This ordinance updates and amends the Salary Ordinance for all non-union employees.

O-19-50  10.3  Amend Chapter 8 entitled “Affordable Housing” Repealing and Replacing Article I entitled “Affordable Housing Management Services” and Article II entitled “Municipal Housing Liaison” and creating a new article entitled “Affordable Housing Regulations”
(Introduction on October 22, 2019)
(Public Hearing & Adoption on November 12, 2019)
Explanatory Statement:
The Township entered into a Settlement Agreement with Fair Share Housing Center on or about October 9, 2018 and an Amended Settlement Agreement on November 20, 2018. The Court Order approving the Settlement Agreements requires the Township to incorporate state affordable housing law into the Township Code, which is achieved by this Ordinance.

O-19-51  10.4  Amend Article XXI entitled “Mandatory Development Fees” Deleting Section 188-179 through 188-186.1 and Replacing it with a New Section 188-179 Entitled “Development Fees”
(Introduction on October 22, 2019)
(Public Hearing & Adoption on November 12, 2019)
Explanatory Statement:
The Township entered into a Settlement Agreement with Fair Share Housing Center on or about October 9, 2018 and an Amended Settlement Agreement on November 20, 2018. The Court Order approving the Settlement Agreements requires the Township to amend its Development Fee Ordinance to ensure it is in compliance with current law, which is achieved by this Ordinance.
10.5 Amend Article X entitled “Zones” creating a new Section 188-84.2 entitled “Moderate and Low-Income Housing Zone Twelve (12)” to be known as ML-12

(Introduction on October 22, 2019)
(Public Hearing & Adoption on November 12, 2019)

Explanatory Statement:
The Township of Howell (“Township”) filed a Mt. Laurel declaratory judgment action in the Superior Court of New Jersey, Law-Division bearing the caption In the Matter of the Township of Application of the Township of Howell, Docket No. MON-L-2525-15. The Township entered into a Settlement Agreement with Fair Share Housing Center on or about October 9, 2018 and an Amended Settlement Agreement on November 20, 2018 (collectively referred to as the “Settlement Agreements”) establishing the Township’s Third Round affordable housing obligation for the period 1999-2025. The Court Order approving the Settlement Agreements requires the Township to adopt zoning ordinance for the inclusionary project referenced as FP Howell, LLC for the properties identified on the Howell Township Tax Map as Block 110, Lots 166, 181 & 182 and Block 135, Lot 2 so as to meet its obligation to create a realistic opportunity to provide for the Township’s fair share of affordable housing.

10.6 Amend Article X entitled “Zones” creating a new Section 188-84.3 entitled “Moderate and Low-Income Housing Zone Thirteen (13)” to be known as ML-13

(Introduction on October 22, 2019)
(Public Hearing & Adoption on November 12, 2019)

Explanatory Statement:
The Township of Howell (“Township”) filed a Mt. Laurel declaratory judgment action in the Superior Court of New Jersey, Law-Division bearing the caption In the Matter of the Township of Application of the Township of Howell, Docket No. MON-L-2525-15. The Township entered into a Settlement Agreement with Fair Share Housing Center on or about October 9, 2018 and an Amended Settlement Agreement on November 20, 2018 (collectively referred to as the “Settlement Agreements”) establishing the Township’s Third Round affordable housing obligation for the period 1999-2025. The Court Order approving the Settlement Agreements requires the Township to adopt zoning ordinance for the inclusionary project referenced as Zaback Properties for the properties identified on the Howell Township Tax Map as Block 137, Lots 22-26 so as to meet its obligation to create a realistic opportunity to provide for the Township’s fair share of affordable housing.
10.7 Amend Article X entitled “Zones” creating a new Section 188-84.4 entitled “Moderate And Low-Income Housing Zone Fourteen (14)” to be known as ML-14

*Introduction on October 22, 2019*

*Public Hearing & Adoption on November 12, 2019*

**Explanatory Statement:**
The Township of Howell (“Township”) filed a Mt. Laurel declaratory judgment action in the Superior Court of New Jersey, Law-Division bearing the caption In the Matter of the Township of Application of the Township of Howell, Docket No. MON-L-2525-15. The Township entered into a Settlement Agreement with Fair Share Housing Center on or about October 9, 2018 and an Amended Settlement Agreement on November 20, 2018 (collectively referred to as the “Settlement Agreements”) establishing the Township’s Third Round affordable housing obligation for the period 1999-2025. The Court Order approving the Settlement Agreements requires the Township to adopt zoning ordinance for the inclusionary project referenced as **Tyrpak Road Group, LLC** for the properties identified on the Howell Township Tax Map as Block 143, Lots 6 and 6.01 (“North Parcel”); and Block 144, Lots 14, 15, 20, 35, 111, 112, 142, 145-150, 160-165, 165.01, 167, 177, 178, 178.01, and 178.02 (“South Parcel”) so as to meet is obligation to create a realistic opportunity to provide for the Township’s fair share of affordable housing.

10.8 Amend Chapter 7-11 entitled “Speed Limits” and Schedule XVI in order to establish a reduced rate of speed

*Introduction on October 22, 2019*

*Public Hearing & Adoption on November 12, 2019*

**Explanatory Statement:**
This ordinance amends Chapter 7-11 amending the speed to 25 MPH the entire length of Frederick Avenue and to allow for the proper signage and placement of signage to implement the amendments.

11. **INTRODUCTION OF ORDINANCES**

12. **UNFINISHED BUSINESS**

13. **INFORMATION**

- *Municipal Offices Closed Thursday, November 28, 2019 and Friday, November 29, 2019 in observance of Thanksgiving*
- *Christmas Tree & Menorah Lighting Ceremony Tuesday, December 3, 2019 at 6:00 PM (rain date Wednesday, December 4, 2019)*

14. **MEETING DATES:**

   Regular Meeting - **Tuesday, December 10, 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 6:05 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 August 29, 2019. (2) By copy of said notice to the Tri Town News and Star Ledger for information and publication on August 29, 2019. (3) By the filing of a copy of said form of notice in the Township Clerk’s office on August 29, 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: Deputy Mayor Evelyn O’Donnell, Councilman John Bonevich, Councilwoman Pamela Richmond. Councilman Thomas Russo. Also present: Township Manager Brian Geoghegan, Community Development Director/Deputy Township Manager James Herrman, Township Attorney Joseph Clark, Chief Financial Officer Louis Palazzo (7:30 PM), Assistant Finance Officer Alexis Caufield (7:30 PM), Deputy Township Clerk Allison Ciranni. Absent: Mayor Theresa Berger.

Public Hearing – Monmouth County Municipal Open Space Grant
- Two Segments of the Capitol to the Coast Trail:
  Soldier Memorial Park and Preventorium Road
Community Development Director/Deputy Township Manager Jim Herman introduced Kelsey Howard, Associate and Grants and Funding Services Coordinator at Maser Consulting. Ms. Howard will provide this evening’s presentation of the Monmouth County Municipal Open Space Grant application as required by the public hearing process of the Open Space Grant. Questions will be addressed at the end of the presentation.

Public Hearing Requirement
- Public hearing is required
- Notice advertised in the Asbury Park Press 08/30/19 (at least 10 days prior)
- Purpose is to discuss the grant application

Program Overview
- Objective: Develop/redevelop land to expand recreational opportunities
- Emphasis on development of new recreational facilities
- Grant pays 50% of eligible construction costs up to $250,000
- September 19, 2019 grant application deadline
Project Need
- Complete missing segments of the Capitol to the Coast Trail
- Connect Soldier Memorial Park to Oak Glen Park
- Provide a contiguous regional trail facility
- Increase pedestrian safety between Soldier Memorial Park and overflow parking at the practice football fields for Howell Day

Capitol to the Coast Trail - 55+ mile long bike and walking trail partially connecting Trenton and Manasquan. A large section of the trail runs through the Township and has already been completed. There are missing trail segments within Howell. The project will complete missing trail segments to connect Oak Glen Park and Soldier Memorial Park. The project will link park and recreation opportunities provide a contiguous regional trail facility. Soldier Memorial Park users will have a safe pedestrian route between the overflow parking at the practice football fields and the park for events like Howell Day.

Project Location – Segment #1 Soldier Memorial Park to Bear Swamp Pond
- From the park entrance (579 Lakewood-Farmingdale Rd (CR 547))
- Extending along Maxim Rd west for approximately 1,200 ft
- Extending approximately 480 ft north to the North Branch Squankum Brook within the Bear Swamp Natural Area (Maxim Rd) to connect to the existing trail
- Impacted properties may include Block 46, Lot 28; an easement along Block 51, Lot 42.01; Block 51, Lot 42.02 and Block 51, Lot 41.01

Project Location – Segment #2 Bear Swamp Trail (Preventorium Road) to Oak Glen Park
- Along Preventorium Rd starting approximately 1,800 ft north of the intersection with Maxim Rd at the existing trail and extending approximately 2,140 ft to Oak Glen Park (Preventorium Rd)
- Extending west approximately 560 ft to connect to the existing trail
- Impacted properties may include Block 51, Lot 12, and Block 66.01, Lot 29

Project Scope
- Off-road paved and/or quarry dust trail
- Trail pavement markings and striping at areas where trail is in the shoulder of the roadway
- Bridge for stream crossing
- Rapid Reflective Flashing Beacons (RRFB), striping and signage for mid-block crosswalk
- Trail and traffic safety signage and warning devices, as needed throughout
- Curb, sidewalk and ADA compliance improvements, as needed
## Anticipated Schedule

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<thead>
<tr>
<th>Activity</th>
<th>Start</th>
<th>Complete</th>
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<tr>
<td>Execute Grant Agreement (due 6 mos. from application selection)</td>
<td>January 2020</td>
<td>June 2020</td>
</tr>
<tr>
<td>Obtain and submit Preliminary Assessment Report</td>
<td>June 2020</td>
<td>June 2020</td>
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<tr>
<td>Design &amp; Permitting (6-9 mos. depending on permitting)</td>
<td>June 2020</td>
<td>March 2021</td>
</tr>
<tr>
<td>Go out to bid</td>
<td>April 2021</td>
<td>May 2021</td>
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<tr>
<td>Award construction contract</td>
<td></td>
<td>June 2021</td>
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<tr>
<td>Construction (6 mos.)</td>
<td>July 2021</td>
<td>January 2022</td>
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<tr>
<td>Reimbursement Documentation Submitted (due 30 mos. from application selection)</td>
<td>January 2022</td>
<td>March 2022</td>
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## Funding Request

- Total construction cost: $500,181
- Grant request is: $250,000
- Township match to construction cost is: $250,181

Township share is at least 50% of construction plus soft/engineering costs

Ms. Howard welcomed questions from Councilmembers. Councilman Bonevich asked what percentage of the trail will be paved. Ms. Howard stated that that has not been determined yet. Mr. Herrman stated that it is going to vary. He has requested that staff members take photos of the area during Howell Day on September 21st since traffic control will be in use at this high traffic area. He added that there are drainage issues to work through. Councilman Bonevich asked if it is foreseen that the project will exceed $500,000. Mr. Herrman stated he does not believe it will exceed $500,000. Councilman Bonevich inquired what account the matching money will come from. Mr. Herrman stated it will come from the Open Space Trust and there will be no separate bonding. He added that if the project comes in at less than $500,000, the amount of the grant is reduced as well, therefore it makes sense to maximize the amount.

### Public Comment

Kathi Novak, 16 Stratton Drive. Ms. Novak asked who Mr. Herrman worked this plan out with. Mr. Herrman stated that he had discussions with Monmouth County representatives. Ms. Novak stated that Soldier Memorial Park gets very busy with sports activities and will the trail interfere with that. Mr. Herrman stated that the trail will not extend through Soldier Memorial Park right now; eventually there will probably be a trail around the perimeter of the park. Ms. Novak is concerned about whether existing trails will be paved in swampy areas. Mr. Herrman explained the process of permitting to build trails with drainage.
Lisa Doud, 93 Merrick Road. Ms. Doud stated that she has ridden this trail, crossing over from the Manasquan Reservoir to the baseball fields. She asked if there will be improvements to this trail. Mr. Herrman responded that there is a section of the trail that is County owned and a section that is Township owned. It is a maintenance issue that the Township needs to make sure the Department of Public Works addresses maintaining the existing trail section from the back of the baseball fields to where the wooden bollards are. Ms. Doud stated she believes hunting is allowed in that area. Mr. Herrman stated he is not aware of that but it depends on whose property it is. He added that there is no hunting allowed on Township property. Deputy Mayor O’Donnell added that the County allows hunting on their property. Mr. Herrman stated that the bollards are at the County property line. Ms. Doud inquired about the trail being paved. Mr. Herrman stated that it is not the Township’s intention to pave the trail.

Joan Osborne, 28 Bronia Street. Ms. Bronia stated she is happy about any section of the Capitol to the Coast Trail getting done. She asked if it is correct that no part of the trail will be going through the natural areas of Bear Swamp. Mr. Herrman explained that it will be crossing Route 547 and there will be an ADA compliant ramp on the Soldier Memorial side then it will extend on the other side. It will not be creating any new trails within the soccer or lacrosse fields at this time. Ms. Osborne asked if Howell Township will be maintaining it once it becomes part of the Capitol to the Coast Trail and if there has been an analysis of the annual cost to do so. Mr. Herrman stated that the Township will be maintaining the trail and that it will be an asset like any other and that it will be added to the maintenance list. Ms. Osborne stated there are people on ATVs and dirt bikes riding on the trails and asked if that will be a similar situation with this trail. Mr. Herrman agreed that people are illegally trespassing on Township property on ATVs and dirt bikes. He explained that these are two very small segments of the trail and are very publicly exposed and he does not believe there will be an issue. When the Township built the dam, they attempted to limit ATV access by installing a gate and smaller openings over the dam; ATV riders then drove through the stream to get to the other side. Many residences back up to the area and some of the ATV riders may be coming from them. Ms. Osborne asked if any meetings took place on this matter with members of the Lake Restoration and Wildlife Management Committee. Mr. Herrman stated that they did not. Ms. Osborne stated it would be nice if the application process was done in June and there was some time for the Environmental Commission and Lake Restoration and Wildlife Management Committee to study and provide input before presenting the final application.

Councilwoman Richmond asked Mr. Herrman if there is a policy stating that the committees must be informed about the project. Mr. Herrman responded that there is not. Councilwoman Richmond added that she did personally sit with Mr. Herrman last week to review the application.

Elaine Taylor, Southard Road. Ms. Taylor stated that she and other equestrians are concerned about making sure the trails will be multi-use and suitable for people to ride their horses. There are many horse farms that keep the community rural and it is important to provide safe space for riding.
Deputy Mayor O’Donnell posed a question to Ms. Howard. Now that the County will be involved in not only the process but also the final result, will there be any enforcement on the County level to prevent ATVs from going through the streams, i.e., park rangers? Ms. Howard stated that would not be in the terms of the grant but perhaps it can be discussed separately with the County.

Close Public Comment

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 Attorney-Client Privilege, Contract Negotiations and Personnel. The Township Council will reconvene in public session at 7:30 PM. Councilwoman Richmond made a motion, seconded by Councilman Bonevich. Roll Call: Ayes: Councilman Bonevich, Councilwoman Richmond, Councilman Russo, Deputy Mayor O’Donnell. Meeting reconvened 7:30 PM.

Deputy Mayor O’Donnell 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
   • August 13, 2019          Regular Meeting
   • August 13, 2019          Regular Meeting - Amended
Township Manager Geoghegan read the amendment to the August 13, 2019 meeting into the record: Mark Parisi, 2 Castle Court. Mr. Parisi questioned the progress of enforcing the noise ordinance. The last information provided was that Township Attorney Clark spoke to the County Health Department and they had not come to any Shared Services agreement. Mr. Parisi had suggested to Mr. Clark that Howell Township delegate a Code Enforcement Officer to get trained and certified to enforce the noise ordinance in house. Deputy Mayor O’Donnell asked Mr. Herrman for an update. Deputy Township Manager Herrman responded that there is no update on this matter. Deputy Mayor O’Donnell suggested that Mr. Parisi contact Township Attorney Clark upon Mr. Clark’s return from vacation. Deputy Mayor O’Donnell asked Deputy Township Manager Herrman to take the necessary steps to finalize this issue and come forward with information that is viable to the public in keeping our ordinances current. Mr. Herrman acknowledged. Councilman Bonevich made a motion to accept the above minutes, seconded by Councilwoman Richmond. Roll Call: Ayes: Councilman Bonevich, Councilwoman Richmond, Councilman Russo, Deputy Mayor O’Donnell.

   • August 27, 2019          Special Meeting
Councilman Bonevich made a motion to accept the above minutes, seconded by Councilman Russo. Roll Call: Ayes: Councilman Bonevich, Councilwoman Richmond, Councilman Russo, Deputy Mayor O’Donnell.
6. Reports of Township Officials

- **Proclamation** – Ovarian Cancer Awareness Month, September 2019

- **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 2020 Community Development Block Grant application referred to as “Scenic Drive and Long Road Paving.”

The Citizens Participation Committee consisted of members Donald DiBello, Matthew Howard, Claire Petruzzella, Elaine Taylor, and Kathi Novak, Chair. On September 5, 2019, the Committee met with Justin Yost, Deputy Director of Community Development, Tom Savino, Engineering Coordinator, and Jim Herrman, Director of Community Development to discuss several potential projects for the 2020 application. After much discussion, the Committee determined that resurfacing the entire length of Scenic Drive from Route 9 to Strickland Road along with the entire length of Long Road and Briarcliff Court, total length approximately 4,480 feet, with a cul-de-sac, would best qualify for funding and therefore would be pursued under the 2020 funding request.

Based on the estimate for this project, the maximum grant amount of $200,000 will be requested. The Engineering Department anticipates preparing the engineering plans and specifications using in-house staff. If the Council agrees with our presentation, the CDBG grant rules require a quick straw poll vote of the Councilmembers to approve or deny the application. No formal resolution is required. The meeting will also be opened to the public for comments. No comments.

Ms. Novak welcomed questions from Council; no questions. Councilman Russo thanked Ms. Novak and Mr. Herrman for all their work. Quick straw poll vote – all ayes.

The Township Council supported the submission of the Fiscal Year 2020 Community Development Block Grant application known as “Scenic Drive and Long Road Paving.”
Township Manager Geoghegan mentioned that there are resolutions on the agenda related to the 2018 audit. He stated that the auditors returned their review with no comments, which is a good indicator that the Finance Department is running very efficiently and has good controls in place. Manager Geoghegan added that he just received an updated Best Practices questionnaire and he will be working on it with Chief Financial Officer Palazzo. It is due at the end of October and will determine the Township’s state aid for 2020. Manager Geoghegan also stated that a few items related to COAH issues were removed from the agenda: resolutions R-19-318 and R-19-319 and ordinances O-19-42, O-19-43, O-19-44, and O-19-45. He explained that they were removed because late this afternoon COAH Attorney Andrew Bayer received comments from the Special Court Master requesting changes and Council would not have had time to review them. The revised ordinances will be submitted to Council with sufficient time to review and ask any questions. Manager Geoghegan added that he does not believe there are any significant changes.

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

**Added to the Agenda**

**Resolutions**
- R-19-315 9A.38 Authorize Execution of Easement and Right of Way and Temporary Construction Easement between New Jersey American Water Company and Township of Howell, Newtons Corner Road
- R-19-316 9A.39 Authorize Approval of Affordable Housing Affirmative Marketing Plan
- R-19-317 9A.40 Authorize Endorsement of Housing Element and Fair Share Plan

**Removed from the Agenda**

**Presentation**
- Howell Environmental Commission/Municipal Green Team – Mary Ann Cernak – postponed to a future meeting.

Deputy Mayor O’Donnell announced that she performed a marriage ceremony in August at the Manasquan Reservoir and wished to congratulate the couple once again. She also congratulated a Howell couple who are members of the Senior Center who recently became U.S. citizens.

**7. Discussion**

Council Meeting Schedule – Workshop/Regular. Deputy Mayor O’Donnell requested that this discussion be postponed until Mayor Berger is present for her input. All Councilmembers agreed.

Deputy Mayor O’Donnell announced a five minute speaking limit for the Hearing of Citizens & Public Comment on Consent Agenda Items. Deputy Clerk Ciranni will announce a four minute warning so the speaker is aware they have one minute left to express their comments.
8. Hearing of Citizens & Public Comment on Consent Agenda Items
Tina Smilek, 33 Charles Street. Ms. Smilek requested that Council recognize September as Childhood Cancer Awareness Month. Ms. Smilek questioned why some municipal shared services agreements are for nine years and some are for four. Manager Geoghegan stated that it is what the County requested. Ms. Smilek asked if Council has reviewed the audit. Councilmembers stated that they had. Ms. Smilek pointed out a possible discrepancy on the last page of the audit; Township Attorney Clark is going to reach out to the auditors and see if it needs to be addressed. Ms. Smilek expressed concern about a possible message board outside the municipal building; she feels it will be distracting to drivers. Ms. Smilek questioned the shared services agreement with Farmingdale – will the residents be paying the same fees Howell residents pay for the same services? Manager Geoghegan stated that they will, once their fees are modified, which they are working on now. Ms. Smilek asked how many municipalities the new Tax Collector serves. Manager Geoghegan responded that he may be helping his former employer while they transition, but he is not sure if he plans on retaining that employment. Manager Geoghegan added that the Tax Collector is not providing services for Farmingdale. He stated that the Tax Collector is here during regular business hours tending to Howell Township’s needs and is doing a great job so far. Ms. Smilek asked if the Councilmembers interviewed any Tax Collector candidates or just the Manager. Manager Geoghegan stated that he conducted the interviews because it is the Manager’s appointment.

Barbara Dixel, 62A Piazza Vittoria. Mrs. Dixel questioned agenda items 9A.13 and 9A.14. Township Manager Geoghegan responded that statutorily, a certain person needs to be appointed to these positions for the remainder of the year due to the former Tax Collector’s retirement as of September 1st; it is generally done at the annual reorganization meeting. Mrs. Dixel expressed disapproval of the winner of this year’s Ann G. Ritchey Environmental Award because the individual is a paid employee of the Howell Board of Education, not strictly a volunteer. Deputy Mayor O’Donnell stated Mrs. Dixel should bring up her concerns with the Environmental Commission. Councilwoman Richmond stated that the recipient is a Howell Township resident.

Mark Parisi, 2 Castle Court. Mr. Parisi thanked the governing body for amending the August 13, 2019 meeting minutes. He asked if there was any update on the progress of enforcing the noise ordinance. Township Attorney Clark stated there is no update at this time but a number of possible solutions are being looked into. Mr. Parisi mentioned the Monmouth Commerce Center, a project before the Planning Board. He inquired if the governing body has considered the idea of appointing a special council to represent the interests of the Township before the Planning Board due to the potential for impact within the Township. Township Attorney Clark stated that because this application is pending, it would not be appropriate for the governing body to discuss it at this time.
Kathi Novak, 16 Stratton Drive. Ms. Novak stated that she has met the new Tax Collector and he said he is working part time in Neptune City and Belmar as Tax Collector, and full time in Howell. Deputy Mayor O’Donnell asked Township Manager Geoghegan if the Tax Collector works for Howell 40 hours per week. Township Manager Geoghegan stated he works for Howell 35 hours per week, Monday through Friday, during regular business hours.

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 resolutions R-19-318 and R-19-319, seconded by Councilwoman Richmond. Roll Call: Ayes: Councilman Bonevich, Councilwoman Richmond, Councilman Russo, Deputy Mayor O’Donnell.

Resolutions
R-19-278 9A.1 Authorize Person-To-Person Transfer of Plenary Retail Alcoholic Beverage Consumption License 1319-33-005-009 From Guru Management, Inc. (formerly t/a Scooters) To Nosh Ventures, LLC (t/a Arooga’s Grill House and Bar), Lanes Mill Crossing, 5169 Highway 9 North

R-19-279 9A.2 Authorize Permit for Fireworks Display at Howell Day on September 21, 2019 at Soldier Memorial Park at approximately 7:45 P.M.

R-19-280 9A.3 Authorize Chapter 159, Howell Senior Services Grant, $3,400.00

R-19-281 9A.4 Authorize Award of Contract, Snow Removal, Contract #19-09, John Blewett Inc., 246 Herbertsville Road

R-19-282 9A.5 Authorize the Execution of a Commodity Resale Agreement with the County of Monmouth

R-19-283 9A.6 Authorize the Execution of a Municipal Assistance/Shared Services Agreement with the County of Monmouth

R-19-284 9A.7 Authorize Award of Contract, Spatial Data Logic Software – Large Town Enterprise License, SHI International Corp, NJ State Contract ITS58, Contract #89851, $52,500.00

R-19-285 9A.8 Authorize Award of Contract, Brush Grinding and Woodchip Removal, Contract #19-18, Mazza Mulch, 3230A Shafto Road, Tinton Falls, $38,500.00

R-19-286 9A.9 Authorize Return of Restoration Guarantee, Road Opening Permit RO-97-95, Harold Ranges, $90.00


R-19-289 9A.12 Authorize Return of Engineering Review Escrow Funds, Verizon Wireless/Hiering, Dupignac, Stanzione, Dunn & Beck, P.C., Block 42, Lot 22, 620 Oak Glen Road, $322.48
R-19-290 9A.13 Authorize Appointment of Township Utility Collector for the Remainder of 2019

R-19-291 9A.14 Authorize Appointment of Township Tax Search Official for the Remainder of 2019


R-19-293 9A.16 Authorize Acceptance of the 2018 Municipal Audit

R-19-294 9A.17 Authorize Corrective Action Plan for the 2018 Audit Findings

R-19-295 9A.18 Authorize Additional Not-To-Exceed Limitation to Dasti, Murphy, McGuckin, Ulaky, Koutsouris, and Connors with regard to duties as Special Counsel, $10,000.00

R-19-296 9A.19 Authorize the Execution of an Amended Land Use Developer’s Agreement with Apple Ridge Development, Inc.

R-19-297 9A.20 Authorize Refund of Overpaid Taxes, Various

R-19-298 9A.21 Amend 2019 Capital Budget

R-19-299 9A.22 Authorize Shared Services Agreement between Township of Howell and Borough of Farmingdale for New Jersey Uniform Fire Code Administration and Enforcement

R-19-300 9A.23 Authorize Cancellation of Various Balances

R-19-301 9A.24 Authorize the Release and Transfer of Unused Sanitary Sewer Review Escrow Funds, 3G Corporation, Goldmont/Grebow Shopping Center, Block 71, Lots 1, 8, 9, 51, 51.01, Route 9 and Ford Road, Case No. SP-904A, $27,887.01


R-19-303 9A.26 Authorize Appointment of Township Tax Collector

R-19-304 9A.27 Authorize Appointment of Municipal Housing Liaison

R-19-305 9A.28 Authorize Refund of a Construction Permit Application, Vivint Solar, Inc., Permit #2019-1322, Block 35.11 Lot 13, 10 Arlington Avenue, $281.25

R-19-306 9A.29 Authorize Refund of a Construction Permit Application, Vivint Solar, Inc., Permit #2018-2539, Block 81 Lot 28, 519 Middle Lane, $262.50

R-19-307 9A.30 Authorize Refund of a Construction Permit Application, Vivint Solar, Inc., Permit #2018-2541, Block 35.36 Lot 2, 36 South Longview Road, $262.50

R-19-308 9A.31 Authorize Refund of a Construction Permit Application, Vivint Solar, Inc., Permit #2018-2540, Block 79.06 Lot 20, 15 Dantley Drive, $262.50

R-19-309 9A.32 Authorize Refund of a Construction Permit Application, Vivint Solar, Inc., Permit #2018-2819, Block 93.01 Lot 11, 662 Aldrich Road, $281.25

R-19-310 9A.33 Authorize Refund of a Construction Permit Application, Vivint Solar, Inc., Permit #2019-2933, Block 35.33 Lot 15, 10 Putnam Road, $281.25

R-19-311 9A.34 Authorize Refund of a Construction Permit Application, Vivint Solar, Inc., Permit #2019-0035, Block 35.36 Lot 2, 22 Scenic Drive, $281.25

R-19-313 9A.36 Authorize Refund of a Construction Permit Application, Vivint Solar, Inc., Permit #2019-0255, Block 96 Lot 4, 18 Oakwood Drive, $281.25

R-19-314 9A.37 Authorize Application to the 2019 Monmouth County Municipal Open Space Grant Program for the Capitol to the Coast Trail Extension

R-19-315 9A.38 Authorize Execution of Easement and Right of Way and Temporary Construction Easement between New Jersey American Water Company and Township of Howell, Newtons Corner Road

R-19-316 9A.39 Authorize Approval of Affordable Housing Affirmative Marketing Plan

R-19-317 9A.40 Authorize Endorsement of Housing Element and Fair Share Plan

R-19-318 9A.41 Removed from agenda

R-19-319 9A.42 Removed from agenda

Motions

9B.1 Removed from agenda

9B.2 Appoint Member to Municipal Alliance

Member, 1 Year Unexpired Term Expiring 12/31/2019

Councilwoman Richmond made a motion to appoint Cristina Keresztes as a Member of the Municipal Alliance, 1 Year Unexpired Term Expiring 12/31/2019, seconded by Councilman Bonevich. Roll call: Ayes: Councilman Bonevich, Councilwoman Richmond, Councilman Russo, Deputy Mayor O’Donnell.

10. Public Hearing on Ordinances

10.1 O-19-39 2019 Salary Ordinance, Assistant Finance Officer

Deputy Mayor O’Donnell read Ordinance Adoption Statement. Ordinance No. O-19-39 introduced and passed on first reading on 8/13/19 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 8/16/19 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 read title of ordinance. AN ORDINANCE SETTING FORTH AND AMENDING AND SUPPLEMENTING THE SALARY RANGE SCHEDULE FOR THE SALARIES OF CERTAIN OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF HOWELL

Public Hearing on Ordinance O-19-39

No public comment.
Councilman Bonevich made a motion to adopt Ordinance O-19-39 and that notice of its passage and adoption be published in the 9/13/19 issue of the Asbury Park Press, seconded by Councilwoman Richmond. Roll Call: Ayes: Councilman Bonevich, Councilwoman Richmond, Councilman Russo, Deputy Mayor O’Donnell.

10.2 O-19-40 2019 Bond Ordinance, General Capital Improvements
Deputy Mayor O’Donnell read Ordinance Adoption Statement. Ordinance No. O-19-40 introduced and passed on first reading on 8/13/19 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 8/16/19 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. BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND THE ACQUISITION OF VARIOUS CAPITAL EQUIPMENT, APPROPRIATING $4,696,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF $4,395,000 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE TOWNSHIP OF HOWELL, IN THE COUNTY OF MONMOUTH, NEW JERSEY

Public Hearing on Ordinance O-19-40
Kathi Novak, 16 Stratton Drive. Ms. Novak asked if this bond includes $66,000 from the Open Space Trust Fund. Chief Financial Officer Palazzo confirmed that it does. Ms. Novak inquired how it works. Township Manager Geoghegan explained that two mowers had been requested by the Department of Public Works for maintenance of various open space areas but the Township opted to procure them through Open Space Funding.

Close Hearing on Ordinance O-19-40

Councilman Bonevich made a motion to adopt Ordinance O-19-40 and that notice of its passage and adoption be published in the 9/13/19 issue of the Asbury Park Press, seconded by Councilwoman Richmond. Roll Call: Ayes: Councilman Bonevich, Councilwoman Richmond, Councilman Russo, Deputy Mayor O’Donnell.

10.3 O-19-41 2019 Bond Ordinance, Sewer Improvements
Deputy Mayor O’Donnell read Ordinance Adoption Statement. Ordinance No. O-19-41 introduced and passed on first reading on 8/13/19 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 8/16/19 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.

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Deputy Township Clerk Ciranni read title of ordinance. CAPITAL ORDINANCE PROVIDING FOR THE REHABILITATION OF THE ARDEN PUMP STATION, AND
APPROPRIATING $350,000 THEREFOR, AUTHORIZED IN AND BY THE TOWNSHIP OF HOWELL, IN THE COUNTY OF MONMOUTH, NEW JERSEY

Public Hearing on Ordinance O-19-41
No public comment.

Councilwoman Richmond made a motion to adopt Ordinance O-19-41 and that notice of its passage and adoption be published in the 9/1319 issue of the Asbury Park Press, seconded by Councilman Bonevich. Roll Call: Ayes: Councilman Bonevich, Councilwoman Richmond, Councilman Russo, Deputy Mayor O’Donnell.

10.4 O-19-42 AN ORDINANCE AMENDING CHAPTER 8 OF THE TOWNSHIP CODE ENTITLED “AFFORDABLE HOUSING” REPEALING AND REPLACING ARTICLE I ENTITLED “AFFORDABLE HOUSING MANAGEMENT SERVICES” AND ARTICLE II ENTITLED “MUNICIPAL HOUSING LIAISON” AND CREATING A NEW ARTICLE ENTITLED “AFFORDABLE HOUSING REGULATIONS”
Removed from agenda

10.5 O-19-43 AN ORDINANCE AMENDING ARTICLE X THE TOWNSHIP CODE ENTITLED “ZONES” CREATING A NEW SECTION 188-84.2 ENTITLED “MODERATE AND LOW-INCOME HOUSING ZONE TWELVE (12)” TO BE KNOWN AS ML-12
Removed from agenda

10.6 O-19-44 AN ORDINANCE AMENDING ARTICLE X THE TOWNSHIP CODE ENTITLED “ZONES” CREATING A NEW SECTION 188-84.3 ENTITLED “MODERATE AND LOW-INCOME HOUSING ZONE THIRTEEN (13)” TO BE KNOWN AS ML-13
Removed from agenda

10.7 O-19-45 AN ORDINANCE AMENDING ARTICLE X THE TOWNSHIP CODE ENTITLED “ZONES” CREATING A NEW SECTION 188-84.4 ENTITLED “MODERATE AND LOW-INCOME HOUSING ZONE FOURTEEN (14)” TO BE KNOWN AS ML-14
Removed from agenda

11. Introduction of Ordinances
None
12. **Unfinished Business**

13. **Information**

   - Municipal Offices Closed Monday, October 14, 2019 in observance of Columbus Day

14. **Meeting Dates**

   - **Regular Meeting** - **Tuesday, September 24, 2019**
     - Executive Session 6:30 P.M.
     - Regular Session 7:30 P.M.

   - **Regular Meeting** - **Tuesday, October 22, 2019**
     - Executive Session 6:30 P.M.
     - Regular Session 7:30 P.M.

15. **Adjournment**

    Councilwoman Richmond made a motion to adjourn the meeting, seconded by Councilman Bonevich. Roll Call: Ayes: Councilman Bonevich, Councilwoman Richmond, Councilman Russo, Deputy Mayor O'Donnell. Meeting adjourned at 8:16 PM.

    Respectfully,

    Allison Ciranni
    Deputy Township Clerk
    Township of Howell
1. **Meeting Called to Order**
Deputy Mayor O’Donnell called this meeting to order at 6:43 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 January 3, 2019. (2) By copy of said notice to the Tri Town News and Star Ledger for information and publication on January 3, 2019. (3) By the filing of a copy of said form of notice in the Township Clerk’s office on January 3, 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).


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 **Potential Litigation** and **Contract Negotiations**. The Township Council will reconvene in public session at 7:30 PM. Councilwoman Richmond made a motion, seconded by Councilman Bonevich. Roll Call: Ayes: Councilman Bonevich, Councilwoman Richmond, Councilman Russo, Deputy Mayor O’Donnell. Meeting reconvened at 7:41 PM.

Deputy Mayor O’Donnell 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**
   - September 10, 2019 Regular Meeting – Tabled to November 12, 2019
   - September 24, 2019 Regular Meeting

Councilman Russo made a motion to accept the minutes of September 24, 2019 only, seconded by Councilman Bonevich. Roll Call: Ayes: Councilman Bonevich, Councilwoman Richmond, Councilman Russo, Deputy Mayor O’Donnell.
6. Reports of Township Officials

- **Proclamation** – Breast Cancer Awareness Month, October 2019

- **Proclamation** – Metastatic Breast Cancer Awareness In Memory of Monica Zealand Hill
  Mrs. Faye Zealand, Monica Zealand Hill’s mother addressed the governing body and Township residents. Monica was diagnosed at Stage 4 and only survived two years. She left behind a husband and three year old child. During those two years, Monica raised close to $400,000 for metastatic breast cancer research. Monica’s dying wish was to see breast cancer go from a death sentence to a chronic illness. Mrs. Zealand thanked Howell Township and all the teachers of Howell for their help in raising such an amazing daughter. Kelly Quinn also spoke; she was diagnosed in June with Stage 2 breast cancer. Ms. Quinn stated that only between two and five percent of money raised is actually devoted to Stage 4 research.

- **Recognition** – Barry Whalen – Heroic Rescue
  Mr. Whalen thanked the governing body for the recognition. He stated that he received a letter in the mail recently from the accident victim and her family, thanking him for saving her life, and it meant the world to him.

- **Presentation** – Jeremy Braverman, FRHSD – November 5 Referendum
  Mr. Jeremy Braverman, Principal of Howell High School discussed the November 5, 2019 Freehold Regional High School District referendum. It is a $42 million referendum. Mr. Braverman explained that if solely the $42 million referendum passes, there will be zero impact on tax dollars. This is possible because Colts Neck High School is coming off a 20 year debt service bond which has just expired. They will be taking two-thirds of the bond and reinvesting it back into the referendum, which is how it can be done with no impact to taxpayers. There will also be a discounted rate. The State of New Jersey will be picking up 24 percent of the $42 million if the referendum goes through. Mr. Braverman further explained that the referendum is broken down into three questions. The first question is for roughly $20 million, most of which is for safety and security. It also includes roofing, paving, new tennis courts in all schools, and a small renovation to the Freehold Borough High School auditorium which was damaged a couple of years ago. The second question is for approximately $10 million for upgrades to learning spaces, STEM classrooms, and bleachers that need repair for safety. The third question is for turf field installation in three high schools, an upgraded new media center in one high school, and a complete restoration of the Freehold Borough High School auditorium for more seating.
Mr. Braverman explained that Question 1 must pass; if only Questions 2 and 3 pass, nothing passes. For solely Question 1, we will actually be getting 33 percent from the State. Mr. Braverman explained the State of New Jersey’s S2 Funding formula which the school district is currently fighting. Freehold Regional High School District received $50 million in state aid for seven straight years with the previous administration. The new administration created the S2 Bill; there are some winners and some losers. We will be going from $50 million in state aid to down $18 million by 2025. Mr. Braverman added that FRHSD is a model school district with under $3,500 per pupil average cost. The referendum will not change what is happening with S2 but it is important to our kids. He encouraged residents to exercise their right to vote on November 5, 2019.

- **Presentation** – Monmouth Medical Center, Southern Campus – The State of the Hospital

  Dr. Teri Kubiel is here for the presentation this evening. She introduced Dr. Frank Vozos, Chief Executive Officer, Monmouth Medical Center Southern Campus. Dr. Vozos thanked the governing body for this opportunity to inform Howell residents about changes and improvements to the hospital over the last few years. They have put between $15-20 million into the hospital including physical upgrades, technology, and program development. Every patient room has been converted into a private room. Physicians are present 24 hours a day, 7 days a week to work with patients’ primary care doctors. Approximately 2,000 Howell residents were treated at the hospital last year and approximately 865 came to the emergency department. Dr. Vozos also introduced Dr. Rajesh Mohan, Chief Medical Officer and Jay Tango, Chief Operating Officer. Dr. Mohan presented a PowerPoint presentation on FFR-CT cardiac care. Monmouth Medical Center, Southern Campus is the first in the state to have this new technology, which is transforming cardiac care.

7. **Discussion**

2019 Best Practices Inventory. Chief Financial Officer Lou Palazzo provided a brief overview. He stated that the Township performed very well on the survey and will not have any state aid withheld as a result. The Division of Local Government Services requested that we have a public discussion with the governing body. The 2019 Best Practices Inventory will be sent to the State tomorrow and posted on the website.
8. **Hearing of Citizens & Public Comment on Consent Agenda Items**

Tina Smilek, 33 Charles Street. Ms. Smilek thanked the governing body for recognizing breast cancer awareness and stated she has had family members with the disease. Ms. Smilek questioned how agenda item 9A.18 will be paid for. Community Development Director/Deputy Township Manager James Herrman advised that it will be paid out of the Shade Tree Trust. Ms. Smilek questioned item 9A.19. Mr. Herrman explained that it is a co-location of one of our existing cell towers at the PAL building on West Farms Road. It will be a five-year lease with four five-year renewals with a three percent increase every year. Ms. Smilek questioned item 9A.21. Mr. Herrman explained that it is a system for electronic tax and sewer payments which CFO Palazzo recommended. CFO Palazzo explained the system: a third-party administrator will process the payments, send us a file listing all the payments, and deposit the funds into our account. It will increase efficiency in the Finance Department. Ms. Smilek questioned two changes to the agenda, one resolution regarding the Clerk/Deputy Clerk positions and one ordinance regarding a speed limit change. She asked about the stipulations for hiring a township clerk. Township Attorney Clark responded. Ms. Smilek felt that the appointment of clerk should wait until December or January.

Patricia Isbrecht Kelly. Ms. Kelly spoke in reference to a resolution for a $15,000 bond for Howell Family Apartments. She does not think the money should be returned yet as there is still a large pile of dirt on the property that they need to do something with. Ms. Kelly stated that the Walters Group has not shown Howell Township or their neighbors good faith or good will. She did thank the Township for fighting for her berm which prevented water problems due to recent rains. Deputy Mayor O’Donnell asked Mr. Herrman to outline the prerequisites for returning the $15,000 bond. Mr. Herrman explained that it is for the soil haul route only which includes West Farms Road from the site to Route 9, which is a very short section of roadway. Regarding the pile of material, Mr. Herrman stated that a large portion of it is topsoil which will be spread around the site. He added that the mass import and export of soil is complete, which is what the bond was for. Other bonds are in place for site work and are unrelated to this bond. Those bonds are not being returned at this time. Further discussion about curbing/apron.

**Close Hearing of Citizens**

9. **Consent Agenda**


**Resolutions**

R-19-337 9A.1 Authorize the execution of an Agreement between the Township of Howell and Howell Township Police Chief Andrew Kudrick, Jr., January 1, 2019 – July 1, 2024
R-19-338 9A.2 Authorize the Sale of Surplus Personal Property (Vehicles, Miscellaneous Equipment) no longer needed for public use on an Online Auction Website at USGovBid.com


R-19-340 9A.4 Authorize Chapter 159, Drive Sober or Get Pulled Over – End of Year Grant, $5,500.00

R-19-341 9A.5 Authorize Approval and Submission of Grant Application, NJDOT, Highway Safety Fund, Safe Corridors Project for Fiscal Year 2017, $50,563.41

R-19-342 9A.6 Authorize Chapter 159, NJDOT, Highway Safety Fund, 2016 Safe Corridors Grant, $56,279.83

R-19-343 9A.7 Authorize Chapter 159, USJD-BJA Bulletproof Vest Partnership, for Fiscal Year 2019, $26,988.27

R-19-344 9A.8 Authorize Refund of Overpaid Taxes, Various

R-19-345 9A.9 Authorize the Return of Unused Zoning Board Escrow Funds, Euro Supply Ltd, d/b/a Stone Quest LLC, Block 157, Lots 1-5, 271 Adelphia Road (at the intersection of Adelphia Road and Squankum-Yellowbrook Road), $11,404.75, Case No. BA18-27

R-19-346 9A.10 Authorize the Return of Unused Planning Board Escrow Funds, Wen Claire LLC (Wendy’s), Block 79, Lots 61.02 & 61.03, 4510 US Highway 9 South (Route 9 & New Friendship Road), Various Amounts, Case No. SP-986 & SP-990

R-19-347 9A.11 Authorize the Return of Unused Planning Board Escrow Funds, Wen Claire LLC (Wendy’s), Block 130, Lot 51.03, US Highway 9 North and West Farms Road (next to Suburban Propane), $475.50, Case No. Concept Plan C-163-148

R-19-348 9A.12 Authorize the Return of Unused Planning Board Escrow Funds, Wen Claire LLC (Wendy’s), Block 130, Lot 51.03, US Highway 9 North and West Farms Road (next to Suburban Propane), $85.00, Case No. SP-1011

R-19-349 9A.13 Authorize the Return of Engineering Inspection Escrow Funds, Five Points Business Park, LLC, Autism Center, Block 169, Lot 1.11, Route 33 & Okerson Road, $4,378.96, Case No. BA-13-04

R-19-350 9A.14 Authorize the Return of Engineering Inspection Escrow Funds and Sewer Review Escrow Funds, Quick Chek Corporation, Block 185, Lots 49 & 49.02 (New Lot 49.03), Route 33 & Colts Neck Road, $32.15, Case No. SP-975

R-19-351 9A.15 Authorize Release of Maintenance Guarantee, R. DeVirgilio, Inc., DeVirgilio Subdivision, Block 79.09, Lot 70 (New Lots 70.01 & 70.02), Site Improvements, $7,515.59, Case No. SD-2918

R-19-352 9A.16 Authorize the Return of Restoration Guarantee for Road Opening Permit RO-17-107, Joseph Roda, Block 164, Lot 2.01, 1 Howell Road, $500.00, Part of Case No. SP-976

R-19-353 9A.17 Authorize the Return of Engineering Inspection Escrow Funds, Landmark Howell, LLC, Quick Check, CVS, Investors Bank, Block 54.01, Lot 64, Route 9 North & Salem Hill Road, $3,337.30, Case No. SP-982
R-19-354 9A.18 Authorize Award of Contract, Narrow Access Aerial Platform and Tow Bandit Trailer, All Access Equipment, $149,953.00, Contract Number 19-17

R-19-355 9A.19 Authorize Communications Site Lease Agreement, Police Athletic League, CCTMO, LLC (Crown Castle), $37,000.00 with annual 3% increases, Contract Number 19-16

R-19-356 9A.20 Authorize Refund of Recreation Program Fees, $47.00

R-19-357 9A.21 Authorize the Township to enter into an Electronic Lockbox Agreement for online bill payment services for Tax Collection and Sewer Utility Rent Payments, Payargo Inc.

R-19-358 9A.22 Authorize the Acceptance of Highest Bid made for Block 49, Lots 18.01 and 18.02 at Public Auction held on October 17, 2019

Regarding Agenda Item 9A.23, Councilman Russo asked if Code Enforcement personnel could monitor the project site on weekends for any potential violations. Mr. Herrman explained that typically complaints are referred to the Police Department first. If they cannot address the complaints or if they see something, we can then have Code Enforcement investigate. Councilman Russo recommend that we have Code Enforcement personnel monitor the site on Saturday and Sunday. Mr. Herrman agreed. Councilwoman stated that since this resolution was not passed at the last meeting, what happens if it is not passed again this evening? Township Attorney Clark responded that the short answer is that we will be sued. The long answer is they will tell us they have met all the requirements and there is no reason for the resolution to be denied. Councilwoman Richmond concluded that the cost of litigation would exceed the amount of the refund, to which Attorney Clark agreed.


R-19-359 9A.23 Authorize Return of the Soil Haul Route Roadway Restoration Guarantee, Howell Family Apartments LLC, Block 135, Lot 26.01, West Farms Road & Fort Plains Road, $15,000.00, Case No. SP-1039

Regarding Agenda Item 9A.24, Councilman Bonevich stated that at the last meeting four or five ordinances were tabled because there was not enough time for council to review them. He stated it was agreed the governing body would not act on items added late. Deputy Mayor O’Donnell stated that the final agenda, including the late additions, had been posted 24 hours before the meeting. Discussion regarding Deputy Clerk/Clerk appointment.

R-19-360 9A.24 Authorize Appointment of Acting Township Clerk effective November 6, 2019 through December 31, 2019 and as Municipal Clerk effective January 1, 2020

Motions
None

10. Public Hearing on Ordinances

10.1 O-19-46 2019 Bond Ordinance, General Capital Improvements
Deputy Mayor O’Donnell read Ordinance Adoption Statement. Ordinance No. O-19-46 introduced and passed on first reading on 9/24/19 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 9/27/19 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 read title of ordinance. **BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND THE ACQUISITION OF VARIOUS CAPITAL EQUIPMENT, APPROPRIATING $4,696,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF $4,395,000 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE TOWNSHIP OF HOWELL, IN THE COUNTY OF MONMOUTH, NEW JERSEY**

**Public Hearing on Ordinance O-19-46**
Tina Smilek, 33 Charles Street. Ms. Smilek wished to confirm that $4 million is for roadwork. CFO Palazzo stated that is correct, roughly.

Councilman Bonevich made a motion to adopt Ordinance O-19-46 and that notice of its passage and adoption be published in the 10/25/19 issue of the Asbury Park Press, seconded by Councilwoman Richmond. Roll Call: Ayes: Councilman Bonevich, Councilwoman Richmond, Councilman Russo, Deputy Mayor O’Donnell.

10.2 O-19-47 Approve the Acquisition of Easement Rights in portions of properties located at Block 144, Lot 125, Route 9 & Casino Drive, by negotiated purchase or eminent domain
Deputy Mayor O’Donnell read Ordinance Adoption Statement. Ordinance No. O-19-47 introduced and passed on first reading on 9/24/19 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 9/27/19 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 read title of ordinance. **AN ORDINANCE APPROVING THE ACQUISITION OF EASEMENT RIGHTS IN PORTIONS OF THE PROPERTIES LOCATED AT BLOCK 144, LOT 125 BY NEGOTIATED PURCHASE OR EMINENT DOMAIN**

*Public Hearing on Ordinance O-19-47*

No public comment.

Councilman Bonevich made a motion to adopt Ordinance O-19-47 and that notice of its passage and adoption be published in the 10/25/19 issue of the Asbury Park Press, seconded by Councilwoman Richmond. Roll Call: Ayes: Councilman Bonevich, Councilwoman Richmond, Councilman Russo, Deputy Mayor O’Donnell.

11. Introduction of Ordinances

11.1 O-19-48 2019 Salary Ordinance, Chief of Police

Councilman Bonevich read Ordinance Introduction Statement. Motion to introduce Ordinance No. O-19-48 on first reading by title and to order the same to be published in the 10/25/19 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 11/12/19 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 SETTING FORTH AND AMENDING AND SUPPLEMENTING THE SALARY RANGE SCHEDULE FOR THE SALARIES OF CERTAIN OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF HOWELL**

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

11.2 O-19-49 2020 Salary Ordinance, Non-Union Positions

Councilman Bonevich read Ordinance Introduction Statement. Motion to introduce Ordinance No. O-19-49 on first reading by title and to order the same to be published in the 10/25/19 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 11/12/19 at 7:30 PM, prevailing time, in the Municipal Building. Councilwoman Richmond seconded the motion.
SCHEDULE FOR THE SALARIES OF CERTAIN OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF HOWELL

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

11.3 O-19-50 Amend Chapter 8 entitled “Affordable Housing” Repealing and Replacing Article I entitled “Affordable Housing Management Services” and Article II entitled “Municipal Housing Liaison” and creating a new article entitled “Affordable Housing Regulations”
Councilman Bonevich read Ordinance Introduction Statement.  Motion to introduce Ordinance No. O-19-50 on first reading by title and to order the same to be published in the 10/25/19 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 11/12/19 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 AMENDING CHAPTER 8 OF THE TOWNSHIP CODE ENTITLED “AFFORDABLE HOUSING” REPEALING AND REPLACING ARTICLE I ENTITLED “AFFORDABLE HOUSING MANAGEMENT SERVICES” AND ARTICLE II ENTITLED “MUNICIPAL HOUSING LIAISON” AND CREATING A NEW ARTICLE ENTITLED “AFFORDABLE HOUSING REGULATIONS”

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

11.4 O-19-51 Amend Article XXI entitled “Mandatory Development Fees” Deleting Section 188-179 through 188-186.1 and Replacing it with a New Section 188-179 Entitled “Development Fees”
Councilman Bonevich read Ordinance Introduction Statement.  Motion to introduce Ordinance No. O-19-51 on first reading by title and to order the same to be published in the 10/25/19 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 11/12/19 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 AMENDING ARTICLE XXI ENTITLED “MANDATORY DEVELOPMENT FEES” DELETING
SECTION 188-179 THROUGH 188-186.1 AND REPLACING IT WITH A NEW SECTION 188-179 ENTITLED “DEVELOPMENT FEES”

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

11.5 O-19-52 Amend Article X entitled “Zones” creating a new Section 188-84.2 entitled “Moderate and Low-Income Housing Zone Twelve (12)” to be known as ML-12
Councilwoman Richmond read Ordinance Introduction Statement. Motion to introduce Ordinance No. O-19-52 on first reading by title and to order the same to be published in the 10/25/19 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 11/12/19 at 7:30 PM, prevailing time, in the Municipal Building. Councilman Bonevich seconded the motion.

Deputy Township Clerk Ciranni read title of ordinance. AN ORDINANCE AMENDING ARTICLE X THE TOWNSHIP CODE ENTITLED “ZONES” CREATING A NEW SECTION 188-84.2 ENTITLED “MODERATE AND LOW-INCOME HOUSING ZONE TWELVE (12)” TO BE KNOWN AS ML-12

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

11.6 O-19-53 Amend Article X entitled “Zones” creating a new Section 188-84.3 entitled “Moderate and Low-Income Housing Zone Thirteen (13)” to be known as ML-13
Councilwoman Richmond read Ordinance Introduction Statement. Motion to introduce Ordinance No. O-19-53 on first reading by title and to order the same to be published in the 10/25/19 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 11/12/19 at 7:30 PM, prevailing time, in the Municipal Building. Councilman Russo seconded the motion.

Deputy Township Clerk Ciranni read title of ordinance. AN ORDINANCE AMENDING ARTICLE X THE TOWNSHIP CODE ENTITLED “ZONES” CREATING A NEW SECTION 188-84.3 ENTITLED “MODERATE AND LOW-INCOME HOUSING ZONE THIRTEEN (13)” TO BE KNOWN AS ML-13

10/25/19 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 11/12/19 at 7:30 PM, prevailing time, in the Municipal Building. Councilman Russo seconded the motion.

Deputy Township Clerk Ciranni read title of ordinance. MODERATE AND LOW INCOME HOUSING ZONE 14 (ML-14) AN ORDINANCE AMENDING ARTICLE X THE TOWNSHIP CODE ENTITLED “ZONES” CREATING A NEW SECTION 188-84.4 ENTITLED “MODERATE AND LOW-INCOME HOUSING ZONE FOURTEEN (14)” TO BE KNOWN AS ML-14


11.8 O-19-55 Amend Chapter 7-11 entitled “Speed Limits” and Schedule XVI in order to establish a reduced rate of speed
Councilman Russo read Ordinance Introduction Statement. Motion to introduce Ordinance No. O-19-55 on first reading by title and to order the same to be published in the 10/25/19 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 11/12/19 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 AMENDING CHAPTER 7-11 ENTITLED “SPEED LIMITS” AND SCHEDULE XVI IN ORDER TO ESTABLISH A REDUCED RATE OF SPEED
Roll Call: Ayes: Councilman Bonevich, Councilwoman Richmond, Councilman Russo, Deputy Mayor O’Donnell.

12. Unfinished Business

13. Information
• Municipal Offices Closed Tuesday, November 5, 2019 in observance of Election Day
• Municipal Offices Closed Monday, November 11, 2019 in observance of Veterans Day

14. Meeting Dates

   Regular Meeting - Tuesday, November 12, 2019
   Executive Session  6:30 P.M.
   Regular Session    7:30 P.M.
15. Adjournment
Councilman Russo made a motion to adjourn the meeting, seconded by Councilman Bonevich. Roll Call: Ayes: Councilman Bonevich, Councilwoman Richmond, Councilman Russo, Deputy Mayor O’Donnell. Meeting adjourned at 9:24 PM.

Respectfully,

Allison Ciranni
Deputy Township Clerk
Township of Howell
STRATEGIC PLAN FOR FUNDING MUNICIPAL ALLIANCES

Grant Year: 2021  Alliance Tier 3

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<tr>
<th>APPLICANT MUNICIPALITY/IES:</th>
<th>COUNTY: Monmouth</th>
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<tr>
<th>ALLIANCE NAMES:</th>
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<tbody>
<tr>
<td>ALLIANCE STREET ADDRESS:</td>
<td>4567 Route 9N PO BOX 580</td>
</tr>
<tr>
<td>TOWN: Howell</td>
<td>STATE: NJ ZIP: 07731</td>
</tr>
<tr>
<td>TELEPHONE:</td>
<td>(732) 938-4500 Ext. 4012</td>
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<tr>
<td>FAX:</td>
<td>(732) 938-3280</td>
</tr>
<tr>
<td>ALLIANCE CHAIRPERSON:</td>
<td>Jeanna Corrigan-Ribon</td>
</tr>
<tr>
<td>STREET ADDRESS:</td>
<td>200 Squaumk Yellowbrick Rd</td>
</tr>
<tr>
<td>TOWN: Farmingdale</td>
<td>STATE: NJ ZIP: 07727</td>
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<tr>
<td>EMAIL:</td>
<td><a href="mailto:jeannacorrigan@gmail.com">jeannacorrigan@gmail.com</a></td>
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DATE OF RESOLUTION AUTHORIZING THE STRATEGIC PLAN (MM/DD/YYYY): / /


**A) Alliance DEDR Allocation**

- $40,712.00

**B) Cash Match (must be 25% of DEDR Allocation)**

- $10,178.00

**C) In-Kind Match (must be 75% of the DEDR Allocation)**

- $30,534.00

**TOTAL ALLIANCE BUDGET (add A + B + C)**

- $81,424.00

Township of Howell

*MUNICIPALITY*

Theresa Berger, MAYOR

SIGNATURE

*MUNICIPALITY*

NAME/TITLE OF GOVERNING BODY REPRESENTATIVE

SIGNATURE

*MUNICIPALITY*

NAME/TITLE OF GOVERNING BODY REPRESENTATIVE

SIGNATURE

Jeanna Corrigan-Ribon

ALIANCE CHAIRPERSON

SIGNATURE

DATE

* If a municipality is part of a consortium, a signature and resolution is required from all participating municipalities entering into the agreement. Signatures hereby accept all components of this grant including membership terms, Statement of Assurances and Fiscal Requirements.
Governor’s Council on Alcoholism and Drug Abuse  
Fiscal Grant Cycle July 2020-June 2025

FORM 1B

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Township of Howell, County of Monmouth, State of New Jersey hereby recognizes the following:

1. The Township Council does hereby authorize submission of a strategic plan for the Howell Township Municipal Alliance grant for fiscal year 2021 in the amount of:

<table>
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<tr>
<th>Source</th>
<th>Amount</th>
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<td>DEDR</td>
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<tr>
<td>Cash Match</td>
<td>$10,178.00</td>
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<tr>
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2. The Township Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

APPROVED: ________________________________  
*Theresa Berger, Mayor*

CERTIFICATION

I, Penny Wollman, Municipal Clerk of the Township of Howell, County of Monmouth, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council on this 12th day of November, 2019.

__________________________________________  
Penny Wollman, Municipal Clerk
TOWNSHIP OF HOWELL

RESOLUTION COVER PAGE

REGULAR MEETING DATE

November 12, 2019

AGENDA ITEM NUMBER

9A.2
Mr(s). offered the following Resolution for adoption seconded by Mr(s).

Resolution No: R-19-363

RESOLUTION

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HOWELL AUTHORIZING THE EXECUTION OF A LAND USE DEVELOPER’S AGREEMENT WITH HAYSTACK GLEN, LLP

WHEREAS, Haystack Glen, LLP, with offices at 524 Union Avenue, Bridgewater, NJ 08807 has submitted a Land Use Developer’s Agreement covering development for property known as Block 36, Lot 21 in the Township of Howell (“Howell”); and

WHEREAS, the Developer has agreed to construct certain improvements shown on the application for an Amended Preliminary Major Subdivision approval granted on July 17, 2014 and memorialized on August 21, 2014, and an Amended Final Major Subdivision approval granted on October 2, 2014 and memorialized on December 4, 2014 under Planning Board, Application No.: SD- 2847 A-2; 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 Haystack Glen, LLP, with offices at 524 Union Avenue, Bridgewater, NJ 08807 has submitted a Land Use Developer’s Agreement covering development for property known as Block 36, Lot 21 in the Township of 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 Haystack Glen, LLP.

VOTE: 

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<th>AYES</th>
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<tbody>
<tr>
<td>Mr. Bonevich</td>
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<tr>
<td>Ms. Richmond</td>
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<td>Mr. Russo</td>
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<tr>
<td>Mrs. O’Donnell</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 on November 12, 2019.

ALLISON CIRANNA
ACTING TOWNSHIP CLERK
DEVELOPER'S AGREEMENT

THIS AGREEMENT, entered into this ___day of____________, 2019.

BETWEEN:

THE TOWNSHIP OF HOWELL, a Municipal Corporation of the State of New Jersey, located in the County of Monmouth, at 4567 Route 9 North, Howell, New Jersey, 07731

(Hereinafter referred to as the "Township")

AND Haystack Glen, LLP. a New Jersey limited liability partnership, with office at 524 Union Avenue, Bridgewater, NJ 08807

(Hereinafter jointly referred to as the "Developer" and Collectively with the Township as the "Parties")

WHEREAS, the Developer is the owner and applicant of property known as Block 36, Lot 21 being a development known as Haystack Glen; and

WHEREAS, the Developer has agreed to construct certain improvements shown on the application for an Amended Preliminary Major Subdivision approval granted on July 17, 2014 and memorialized on August 21, 2014 and an Amended Final Major Subdivision approval granted on October 2,
2014 and memorialized on December 4, 2014 under Planning Board, Application No.: SD- 2847 A-2 and

WHEREAS, in furtherance of the requirements of posting the performance guarantees for the required improvements, the Developer and Township have agreed to enter into this agreement; and

WHEREAS, the Board reviewed various maps and presentations of the Developer and thereafter issued the afore described approvals by Resolution(s) which are made a part of this Developer's Agreement and attached hereto as Exhibit A" and as reflected on the maps and details presented to the Board (hereinafter referred to as the "Plans"), and made a part of this Developer's Agreement as if set forth at length herein; and

WHEREAS, the approvals were granted subject to, among other things, the execution of this Developer's Agreement between the parties, the posting of certain guarantees as herein set forth and other conditions as fully set forth in the aforesaid Resolution(s) and pursuant to the general Ordinances of the Township of Howell; and

WHEREAS, the approvals call for certain improvements and the Developer has agreed to construct those improvements as shown on the plans and records, both oral and written before the Board as well as the Resolution(s) of the Board as, all of which are made apart of this Developer's Agreement by reference hereto as set forth fully at length herein

NOW THEREFORE, and in consideration of the sum of One Dollar and 00/100 ($1.00), to it in hand paid by the Township, the receipt of which is hereby acknowledged and for other good and valuable consideration, and in accordance with the terms and conditions of the Resolution(s)
aforesaid, the parties, their successors and assigns have agreed as follows:

1. The terms and conditions of this Agreement shall be applicable to the subject property identified currently as Block 36, Lots 21, or as otherwise designated on future tax maps of the Township of Howell, County of Monmouth and State of New Jersey, and any and all off site or off tract improvements related to the approved development.

2. The Developer agrees to be bound by all resolutions, commitments, matters of fact and matters of law which constitute the file and record of the Board, oral and written, all of which are made a part of this Developer's Agreement by reference hereto as though fully set forth herein in this matter and will faithfully discharge all of the obligations and commitments thereof.

3. The Developer shall construct and design all improvements in accordance with the specifications of the Land Use Ordinances of the Township, as amended to date, in a manner satisfactory to the Township Engineer and in accordance with the improvements set forth on the approved Plans. Developer shall perform all work in full compliance and observation of all ordinances of the Township. The Developer shall be responsible for securing any and all permits required by law including, but not limited to, road opening permits and any other permits required by the ordinances of the Township and to pay the requisite fees called for under the appropriate fee schedules.

4. Prior to commencing construction and the issuance of the initial construction permit, Developer shall provide the following:
A performance guarantee for site improvements (i.e., curbing, drainage, roadway construction, etc.) in the amount of $546,329.95 dollars for the installation of the improvements identified on the Plans (the "Performance Guarantee"). The Performance Guarantee may be released by Resolution of the Township Council, and in accordance with the terms of Section 53 of the Municipal Land Use Law (the "MLUL"), upon completion of construction, and the posting and acceptance of a maintenance bond, as may be required by the Township. The Performance Guarantee shall be comprised of cash or the following:

(1) A letter of credit, surety bond or certified check in the amount of $491,696.96 Dollars; and

(2) A cash deposit in the amount of $54,633.00 Dollars, constituting ten percent (10%) of the Performance Guarantee

(3) Inspection fees in accordance with Paragraph 6 hereof in the amount $24,632.50 Dollars

All of the above must be in a form acceptable to the Township Attorney, and in accordance with the estimates issued by the Township Engineer and attached hereto as Exhibit "B" and made part hereof. The Performance Guarantee estimates set forth herein are effective only if approved bonds/letters of credit are posted and cash deposits made within twenty (20) days of the date of the execution of the within Developer's Agreement. Thereafter, the estimates are subject to revision. The cash deposit shall be released proportionately to the Performance Guarantee by the Township. Every bond, whether cash or surety, shall contain a clause to the effect that a determination made by the Township Engineer that the principal has defaulted in the performance obligations shall be binding and conclusive upon the surety and the principal. The cash portion maybe utilized by the Township upon default of the Developer to cure any defect or breach under this Developer's Agreement. Sureties shall be instructed to indicate that the guarantee automatically continues if the work is not completed by the stated expiration date. In
addition, all taxes, assessments, escrows and fees for the Property must be paid prior to the release of Performance Guarantee.

5. In the event that in insurance company, financial institution or other entity issuing a performance guarantee hereunder shall be subject to a reorganization, rehabilitation, other action whereby a state or federal agency has taken over management of the entity, or, if in the reasonable opinion of the Township, the circumstances and condition of the entity results in the Township declaring that it believes that its interests are jeopardized, within thirty (30) days of such written notification, the developer shall replace the performance guarantee(s). If requested by the Developer, the Township shall adopt a resolution conditionally releasing the jeopardized performance guarantee(s) subject to the posting of satisfactory substitute guarantee(s).

In the event any performance guarantee shall lapse, be cancelled or withdrawn or otherwise not remain in full force and effect, the Developer, until an approved replacement guarantee has been deposited with the Township, will cease and desist any and all work unless the required improvements under the Board approval and this Developer’s Agreement have been completed and approved by the Township Engineer.

6. The Developer shall deposit with the Township inspection fees in full accordance with the Howell Township Code prior to the commencement of construction of any kind and the issuance of any building permit. Over and above any costs associated with filing fees, the Developer shall post escrows to cover the legal cost associated with the review of applications, both as to completeness and as to content; for the review and preparation of documents, including but not limited to; drafting resolutions, ordinances, easements, this Developer’s Agreement,
and any necessary correspondences with Developer, Developer's professionals, the Township and or its professional personnel, including, but not limited to, the Township Engineer; and to cover the costs associated with services to be rendered by the Township Engineer or his/her authorized representatives or other approving authority in connection with the inspections of the improvements of the Project. The Township Attorney and the Township Engineer will bill the Developer at the same hourly rate and in the same manner as it bills the Township. Said monies will be held and administered in accordance with Section 53.1 and 53.2 of the MLUL

Upon completion of all improvements and after the formal release of the Maintenance Guarantee by the Governing Body at the Project, should any deposit monies be left over in escrow, the unused balance shall be paid in accordance with Section 53h of the MLUL. Alternatively, should there be a shortage of funds in escrow to cover the legal or engineering inspection costs described herein; the Developer shall pay the additional amount as certified by the Township Chief Financial Officer.

7. In consideration of the execution of this Developer's Agreement, the posting of this guarantees and deposits as herein required, and after complying with the terms and conditions of the Resolution with respect to this Project, including, but not limited to, satisfaction of the conditions precedent for the issuance of a building permit, Developer shall be entitled to final approval and furthermore shall be entitled to a building permit for this Development after proper application has been made to the Construction Official of the Township and subject to this Developer's Agreement and all laws, rules and regulations applicable to this Development.
8. It is further understood and agreed between the parties hereto as follows:

a) The developer will comply with the Land Development Ordinances of the Township of Howell and all other applicable ordinances of the Township.

b) The developer agrees to place all utilities underground.

c) Road excavation and grading operations shall be under the supervision of a licensed professional engineer so that rainfall run-off will not create serious problems or erosion flooding or the deposit of mud and debris on abutting properties. Said engineer shall advise the Township Engineer of the measures to be taken that will afford this protection.

d) Reserved

e) The Developer shall pay the Woodlands Fee in its entirety prior to the commencement of clearing any trees or landscaping.

f) The Developer shall include within its maintenance bond all landscaping.

g) There shall be no building permits issued or impervious surfaces (excluding curbs) constructed until sufficient detention facilities and drainage improvements are fully constructed and operational in accordance with the soil erosion sediment control plan.

h) No construction vehicles and equipment shall park on existing Township streets.

i) The Developer shall comply with the Township's Noise Ordinance No. 208-9-C. Hours of construction, including, installation of any improvements, shall be 7:00 a.m. to 6:00 p.m., Monday through Friday and 9:00 a.m. to 6:00 p.m. on Weekends and Federal holidays.

j) The Developer shall provide for the use by all persons employed in the construction of all of the aforesaid improvements easily accessible water closets and portable toilets. Such toilet facilities shall be installed within twenty-four (24) hours of the commencement of the construction of the Project, and their use shall be terminated within twenty-
four (24) hours of completion of the Project and upon approval of the Board of Health.

k) The Developer shall obtain all approvals required from any other governmental agencies with jurisdiction relating to the Developer's Project.

l) The Developer shall construct the Project in accordance with the Plan to reflect the requirements of the Resolution.

m) Prior to site disturbance, the Developer shall have a pre-construction meeting with the Township Engineer.

n) Reserved

o) Developer shall comply with all reports, if any, of the Township Fire Department, Police Department, and Board of Health.

p) Developer shall comply with any and all other Municipal, County, State and Federal regulations, including the New Jersey Department of Transportation, if required, and shall obtain all necessary approvals prior to the commencement of construction and shall secure such other approvals or permits required from all agencies, boards, or bodies having jurisdiction over the Application or that have jurisdiction over the property.

q) No Certificate of Occupancy shall be issued by the Construction Official until it has been endorsed by the Zoning Officer certifying that the building and use complies with the provisions of the Board or Township Ordinance and any conditions imposed by the Board or Township Council.

r) Reserved.

s) Once the Township formally releases the Performance Guarantee and accepts the Maintenance Guarantee, the Stormwater Basin and Open Space Lot shall be the responsibility of the Homeowners Association to maintain, however if the Stormwater Basin fails in anyway prior to the release of the Maintenance Guarantee, the Developer is still responsible to repair any failures of the Basin until the Township releases the Maintenance Guarantee.
t) The Developer shall be advised, during the required pre-construction conference with the Township Engineering Department, of signs that will be required to be posted in and along the streets at or near the development site (such as, but not limited to: (a) signs indicating street intersection ahead; (b) temporary signs indicating new street names within development; (c) signs indicating construction ahead) and Developer shall post the signs prior to commencing construction with said posting to be approved by the Township Engineer.

u) Prior to commencing construction for any single family dwelling to be constructed within the development, Developer shall first have installed a street, driveway, avenue, boulevard, road, lane, parkway, viaduct, alley or other way which would allow ingress and egress from the property with at least a constructed and inspected bituminous stabilized base course in accordance with Township Ordinance Section 188 – 118 M (3).

v) It is agreed that, in the event the Developer fails to pay for fees for street lighting (water hydrant and sanitary sewer pumping station operations, if applicable) or fails to provide required snow plowing, in that event, and subsequent to ten (10) day written notice by the Township to the Developer, the Township may withdraw from the cash portion of the performance guarantee such funds as are necessary to reimburse the agency supplying such service, and to continue to make such payments as necessary from said funds in order to insure continued water, utility and snow plowing services. In addition, any amount so expended from the cash portion of the performance guarantee shall be replaced by the Developer, and until such time as the funds are replaced, the Township shall not be obligated to perform any inspections or issue building permits or certificates of occupancy for the property affected by the cash portion of the performance guarantees. Notwithstanding anything above to the contrary, upon acceptance by the public electric utility company in whose franchise area the development is located that said company has accepted the installed street lighting and upon 50% of the dwelling units receiving an unconditional certificate of occupancy, the Township shall accept the cost of street lighting on dedicated public streets within thirty (30) days of receipt of written notification from the Developer of a request for the same. The payment of the

w) The Developer shall be responsible for cleaning and sweeping of the public roadways at the point of entrance to and exit from the development project to avoid the accumulation of debris and to maintain the public roadways in a clean and safe condition. In the event that the Developer fails to maintain the roadways in accordance with the foregoing standard, the Township shall give the Developer ten (10) days notice to cure and, thereafter, may cause same to be done. The Department of Public Works shall certify to the Township’s expense in connection with any maintenance or cleanup to the Township Treasurer and Tax Collector. Said amount shall constitute a lien upon the premises and permission is hereby given that such lien may be shown by the filing of a lien on his subject property in the office of the Monmouth County Clerk.

9. Drainage and grading shall be as follows:

a. The Developer will insure that all areas in the Project will be properly graded and properly drained and will in this regard obey all reasonable instructions of the Township Engineer relating thereto.

b. The Developer shall insure that no stumps, dead trees or debris related to or resulting from the construction of the Project are deposited on or permitted to remain on any portion of the Property, and that no stumps, dead trees or debris are deposited below the surface of the earth.

c. In the event that any drainage problem is created on adjoining properties by the development of this Project, corrective measures shall be taken within the area limits of the Project, at such places and in such manner as the Township Engineer may reasonable require.

d. Prior to construction, the Developer and the Township Engineer shall examine the Township’s storm sewers that may be affected by this construction in order to determine whether there is any additional soil or debris to be removed after the completion of construction. Subsequently, the Developer will remove silt deposited in the Township’s storm
sewers, brooks and catch basins or other drainage areas resulting from the wash down of soil or debris in the course of the construction. Any reasonable instructions given by the Township Engineer to prevent such wash down shall be promptly carried out.

10. The Developer shall also comply with all of the terms and conditions in connection with the final Approval of the Plans and any waivers granted to it by the Board as set forth in the Resolution of the Board.

11. During the course of construction and until the time of final acceptance of improvements, Developer shall: (1) keep the property free of uncontrolled dirt, stone, mud and other debris, and further agrees to use every effort to prevent dust from blowing on any neighboring properties in the Township; (2) keep any streets or roadways, whether Township, County or State owned, or whether under construction, used by trucks or equipment of the Developer or his agents, reasonably clean; and (3) maintain and keep all storm drainage within the Property free from accumulation of debris and leaves. "Final acceptance of improvements" for the purpose of this provision is deemed to be the date the improvements are accepted by the Township Council of the Township of Howell and the final maintenance guarantees for same are posted with the Township.

12. The Township, its consultants, employees and agents, shall be given free access to observe construction of subject project, including but not limited to, roadways, sanitary sewers/septic, water main/wells, storm sewers landscaping buffer areas, street lighting, woodland management and appurtenances associated with the Plans. The purpose of such observations shall be limited to providing the Township with a
greater degree of confidence that such improvements will be constructed in accordance with the Developer's approved submittals. The Township, or its representatives, consultants, employees or agents, shall not supervise, direct or have control over the Developer's work during such observations or as result thereof nor shall they have authority over or responsibility for the means, methods, techniques, sequences or procedures of construction selected by the Developer, for safety precautions and programs incident to the work of the Developer or for any failure of the Developer to comply with applicable laws, rules, regulations, ordinances, codes or orders. The Developer is not an agent or employee of the Township.

13. If this provision is applicable, Developer understands and agrees that in the event it is in violation of any terms of this Developer's Agreement, the Township may, in its sole discretion, withhold the issuance of any further building permit(s) and/or certificate(s) or occupancy for each Phase of construction until the violation has been corrected.

14. All improvements contemplated in this Developer's Agreement and in the Resolution shall be performed and completed to the satisfaction of the Township Engineer and Construction Code Official within a period of two (2) years from the date of the issuance of the first building permit or site disturbance, or such additional periods of time as may be granted by the Township in accordance with Section 52 of the MLUL, and prior to the issuance of a Certificate of Occupancy, pursuant to the terms and conditions of the Approval. In the event of an extension, the Township may annually review the amount of the Performance Guarantee with regard to its sufficiency to insure faithful completion of remaining required improvements and if found insufficient, may require the Developer to increase the amount of the Performance Guarantee. In the
event the aforesaid improvements are not completed within that period, the Township reserves the right to not issue any certificate(s) of occupancy or building permit(s) for the subject Property, and the Developer hereby authorizes the Township to utilize so much of the Performance Guarantee deposited herewith to complete all of the said improvements in accordance with the applicable ordinances, rules, regulations, standards and specifications of the Township. In the event the cost of completing said improvements exceed the amount deposited herewith, the Developer shall be liable to the Township for any such excess and its obligations under the within Developer’s Agreement shall continue in full force and effect until full payment is made. The issuance of a certificate of occupancy by the Township within the two (2) year period shall not be deemed a waiver for defects ascertained during said period or subsequent thereto.

15. In the event that the Developer defaults under its obligations as set forth herein, the Township Engineer shall send written notice to the Developer advising of failure to comply. In addition to the Township's other rights as set forth herein, if the Developer has not complied within thirty (30) days following receipt of the written notice, the Township may perform the necessary work to achieve compliance, (provided however that the Township shall not have to wait the aforesaid thirty (30) days in the event of an actual emergency) and Developer shall reimburse the Township for the cost to perform such work. Developer authorizes the Township to deduct from the sums posted to secure performance hereunder the reasonable Court costs and attorneys' fees incurred by Township as a result of such default. In the event that said Court costs and attorney's fees exceed the amount deposited herewith, the Developer shall be liable to the Township for any such excess and the Developer's obligations under the within Developer's Agreement shall continue in full force and effect until payment is made.
16. Upon completion of the construction of the improvements, including any required landscaping, and prior to the release of the Performance Guarantee, the Developer shall post maintenance guarantees with the Township, in accordance with Section 53 of the MLUL, appropriately secured in form and amount satisfactory to the Township Attorney, conditioned on the Developer maintaining all of such improvements for a period two (2) years there from. Upon posting and acceptance of said maintenance guarantee, the Performance Guarantee shall be released by the Township.

17. Any payments, posting of bonds or other financial obligation required to be performed by the Developer in this Developer’s Agreement, unless specifically set forth herein otherwise, shall be done and/or performed prior to the signing of the Plans for release to the Developer.

18. In the event the Property and Plans are sold or otherwise conveyed by this Developer prior to the installation of all improvements, the Developer and subsequent qualified developer must execute an Assignment and Assumption Agreement, in writing, and in a form which is acceptable to the Township Attorney, with regard to conditions, covenants and agreements contained in this Developer’s Agreements, providing that this Developer shall remain primarily liable for all the obligations created in this Developer’s Agreement, and providing that the subsequent developer assumes same. In addition, a new Performance Guarantee must be submitted to the Township by the subsequent developer, and shall be reviewed by the Township Attorney as to form and content, prior to acceptance and release of the Developer’s Performance Guarantee. If the Developer sell all the rights of this Development a new Developer’s Agreement shall be required between the new Developer and the Township.
19. The Township Engineer shall keep records of inspections and related reviews and costs thereof, and, upon the Developer's written request, said records shall be made available for inspection by the Developer or its representative, not more than quarterly, and upon reasonable notice, during the regular business hours of the Township Engineer.

20. The Developer shall provide recorded drawings of all improvements and utilities including, but not limited to, water, sanitary sewer, storm drainage, street lighting and woodland management as implemented and constructed by the Developer both within the Property and off-tract, if required. Said recorded drawings shall be in conformance with applicable Township standards and shall be both in hard copy and on disc. A final survey of each lot must be submitted at the time of request for a Certificate of Occupancy.

21. The Developer shall convey by deed or easement, as required: all drainage, storm and sanitary sewers, sidewalks easements, conservation or trail easements, sight triangle easements and other public areas to the Township, all as indicated on the Plans, or as agreed to by both parties hereto. All easements documents shall be reviewed and approved by the Township Attorney and Township Engineer as to form and content, and shall be recorded contemporaneously with the subdivision map. All recording costs shall be the responsibility of the Developer.

22. The Developer shall comply with all laws and regulations of the State of New Jersey, County of Monmouth and Township of Howell. In addition, Developer shall comply with all environmental laws and regulations of the Federal and State Governments, including, but not limited to, the State Flood Control Facility Act (N.J.S.A. 58:16A-1, et.
Flood Hazard Area Control Act (N.J.S.A.58:16A-51, et seq.), the Spill Compensation and Control Act (N.J.S.A. 58:10-23.11, et seq.), the Industrial Site Recovery Act (N.J.S.A. 13:1-K-6, et seq.), the Worker Community Right to Know Act (N.J.S.A. 34:5A-1 et seq.), the Noise Act of 1971, (N.J.S.A. 13:10-1, et seq.), the Freshwater Wetlands Protection Act (N.J.S.A.13:1E-1, et seq.), the Water Pollution Control Act, (N.J.S.A.58:10A-1, et seq.), the Safe Drinking Water Act (N.J.S.A.58:12A-1, et seq.), the Solid Waste Management Act (N.J.S.A.13:1E-1, et seq.), the Realty Improvement and Sewerage Facilities Act (N.J.S.A. 58:11-23, et seq.), and any other environmental acts or regulations adopted by the Federal, State, County or local government. Failure to comply with these laws and any violations thereof shall be deemed to be a breach of this Developer's Agreement. To the extent the Township must bring an action for compliance with this Developer's Agreement, defend or participate in any litigation with regard to said laws or regulations related to the Developer's Property and/or actions, whether purposeful or negligent, any such action shall be subject to the provisions set forth in Section 23 below. In addition, the Developer shall indemnify and hold harmless the Township, its officials, officers, agents, servants, representatives, employees for any and all such violations and shall reimburse the Township for any and all claims liabilities, fees damages, judgments, penalties, costs or expenses of any kind and nature, including but not limited to court costs and attorney fees, entered against the Township as a result of the purposeful or negligent acts of the Developer.

23. Developer agreed to indemnify and hold harmless the Township, its officials, officers, agents, servants, representatives, and employees from and against any and all claims, liabilities, fees, damages, judgments, penalties, costs or expenses of every kind and nature arising from Developer's performance of its obligations pursuant to this Developer's Agreement, the failure to act by the Developer with respect to the project
to which this Developer's Agreement is applicable or in connection with any allegation of any of the foregoing. Such indemnification and/or hold harmless obligation shall extend not only to any damages but to costs and expenses of litigation, including, but not limited to, expenses and fees in connection with the engagement or utilization of any fact or expert witnesses, court costs and attorney's fees. When requested by the Township, the Developer agrees to aid and/or defend the Township, its officials, officers, agents, servants, representatives and employees, in the event any or all of same are named as a Defendant or Defendants in any action relating to or activities or obligations of the Developer arising under this Developer's Agreement or in connection with the project to which this Developer's Agreement applies. In the event the Township is involved in any litigation, or other similar action, whether initiated by the Township or others, which action relates in any way to the terms of this Developer's Agreement or the Developer's performance hereunder, the Developer agrees to pay and reimburse the Township for any and all costs and expenses, including, but not limited to, attorney's fees, court costs and expert witness fees. The Township shall have the option of having such fees taxed in the underlying action, or maintaining a separate action for same. This stipulation shall not apply to any actions or litigation filed by or against the Township where the litigation is attributable to wrongful conduct on the part of the Township, its agents or employees.

24. The Developer further acknowledges and understands that all of the conditions contained in this Developer's Agreement and the record of the proceedings in this matter, including any and all agreements made by the Developer with the Board and incorporated in the Resolution, as well as the approved Plans, are hereby deemed to be essential to the Township's decision to enter into this Developer's Agreement. A breach of any such conditions, the failure of the Developer
to adhere to the terms of any agreement incorporated within the Resolution or this Developer's Agreement or any deviation from the approved Plans shall be deemed a material breach of this Developer's Agreement and shall terminate the right of the Developer to obtain additional construction permits, certificates of occupancy or any and all other governmental authorizations in order to continue developing the project until such time as such material breach has been remedied.

25. Developer shall provide to the Township such documents, including, but not limited to, Deeds, Certificates, Affidavits of Title and Corporate Resolutions, as are necessary, to convey valid and marketable easement(s) or fee title, as the case may be, to such dedications of Property or easements as revealed in the Plans. All documents shall be previously approved by the Township Attorney and Township Engineer prior to recording by the Developer. All recording costs shall be borne by the Developer.

26. The Developer's attorney shall record this Developer's Agreement in the Monmouth County Clerk's Office and submit a fully executed, recorded copy to the Developer and to the Township. All recording costs shall be borne by the Developer.

27. If any terms or conditions herein are determined invalid by a court of competent jurisdiction, the remainder shall remain in full force and effect.

28. This Developer's Agreement shall be interpreted under and governed by the laws of the State of New Jersey.

29. For a period of two (2) years after the acceptance of the improvements by the Township, Developer agrees to hold the Township
harmless from any defects of workmanship or materials or until the Township Council releases the Maintenance Guarantee.

30. All notices required or permitted under this Developer’s Agreement shall be in writing by certified mail, return receipt requested, to the addresses set forth herein or as otherwise designated by the parties in writing.

31. This Developer's Agreement shall inure to the benefit of and be binding upon the parties, their heirs, successors and/or assigns. If the Developer hereafter transfers title to the subject lands to the name of any individual or corporation, said new owner shall have the rights and obligations afforded by this Developer's Agreement, as more fully stated in Section 18 herein.

32. The Developer shall purchase and maintain during the construction of the improvements a Comprehensive General Liability Insurance Policy with minimum limits of One Million Dollars ($1,000,000.00) per occurrence, and One Million Dollars ($1,000,000.00) in the aggregate. Said insurance coverage shall be in accordance with the requirements of the Township attorney. The policy shall indicate the Township of Howell as an additional insured with respect to their interest in any work performed by the above named insured at the above-named project. The coverage shall include endorsements from Broad Form Property Damage; explosion, collapse and underground hazards; completed operations; and contractual liability. The contractual liability coverage shall specifically apply to the above indemnification clause. It shall indemnify the Township, its officials, officers, agents, servants, representatives and employees. All liability coverage shall be on an occurrence basis. Certificates of Insurance evidencing the foregoing coverage shall be provided to the Township before work on the
improvements begins and on and on-going basis, as the insurance is reviewed from time to time.

33. Developer herein represents that it has voluntarily entered this Developer's Agreement and it has not been executed under duress or coercion imposed by the Township or its representatives, and unequivocally states that the agreements, conditions and amounts to be paid as agreed upon in this Developer's Agreement have not been forced upon it by undue influence, coercion and are not being undertaken or paid under protest. Developer has reviewed all calculations and rationale for the agreements and payments set forth herein and is undertaking them voluntarily. Accordingly, Developer herein covenants and agrees that it will not bring any action against the Township with respect to the obligations assumed by Developer under this Developer's Agreement, which has been mutually negotiated between the parties.

34. Developer acknowledges that it has not relied upon any cost estimates or opinions furnished by the Township, including the Township Engineer or Consulting Engineer(s), if applicable, and the Developer has satisfied itself as to the anticipated construction costs of the improvements set forth herein prior to the execution of this Developer's Agreement.

35. This instrument contains the entire agreement between the parties hereto and no statement, promise or endorsement made by any party hereto, or agent of any party hereto, which is not contained in this written contract or the instruments incorporated herein by reference, shall be valid or binding; and this Developer’s Agreement may not be enlarged, modified or altered except in writing, signed by the parties and endorsed thereon. Nothing herein shall be deemed a waiver of other
existing municipal construction requirements or any conditions contained in the Resolution.

36. The following exhibits are attached hereto and made a part of this Developer's Agreement:

   Exhibit "A" - Resolutions of Board
   Exhibit "B" - Engineer's Estimate

   **IN WITNESS WHEREOF**, the Developer has hereunto caused these presents to be signed by its proper authorized parties and has caused its proper seals, if any, to be affixed hereto. The Township of Howell has caused this instrument to be signed by its Mayor and attested by its Clerk and does cause its proper corporate seal to be affixed as of the date and year first above written.
TOWNSHIP OF HOWELL

ATTEST:

Penny Wollman, Township Clerk

By: Mayor Theresa Berger

Haystack Glen, LLP.

WITNESS:

Anatol Siemienczuk

Title: Managing Member

Sworn to and subscribed before me this 16 day of October, 2019.
MUNICIPAL ACKNOWLEDGMENT

STATE OF NEW JERSEY

SS.

COUNTY OF MONMOUTH

I CERTIFY that on ____________, 20__

Penny Wollman, personally came before me, and this person acknowledged under oath, to my satisfaction, that:

(a) this person is the Township Clerk of the Township of Howell, the Municipal Corporation named in this document;
(b) this person is attesting witness to the signature of this document by the proper Corporate Officer, who is Theresa Berger, the Mayor of the Municipal Corporation;
(c) this document was signed and delivered by the Municipal Corporation as its voluntary act duly authorized by a proper Resolution of its Municipal Council;
(d) this person knows the proper seal of the corporation which was affixed to this document; and
(e) this person signed this proof to attest to the truth of these facts.

Signed and sworn to before me on,

__________, 20____.

__________________________

Township Clerk

__________________________

Notary Public, State of New Jersey
APPLICANT'S ACKNOWLEDGMENT

STATE OF NEW JERSEY

SS

COUNTY OF MONMOUTH - Somerset

On this 7th day of October, 2019, before me, the subscriber, a Notary Public of the State of New Jersey, personally appeared Anatol Siemienczuk, who being by me duly sworn on his oath, deposes and makes proof to my satisfaction that:

(a) He is the managing member of Haystack Glen, LLP. the entity that is named in this Deed.
(b) The execution, as well as the making of this instrument, has been duly authorized by said entity; and
(c) This person signed and delivered this deed on behalf of said entity as and for its voluntary act and deed for the purposes therein expressed; and

Signed and sworn to before me the aforesaid date.

Anatol Siemienczuk

NOTARY

JONATHAN SOSA
Notary Public
State of New Jersey
My Commission Expires Oct. 25, 2023
I.D.# 2458481
RESOLUTION

TOWNSHIP OF HOWELL PLANNING BOARD
RESOLUTION OF MEMORIALIZATION
MONMOUTH COUNTY, NEW JERSEY
AMENDED PRELIMINARY MAJOR
SUBDIVISION APPROVAL WITH
ANCILLARY BULK VARIANCE RELIEF

Approved: July 17, 2014
Memorialized: August 21, 2014

IN THE MATTER OF GS REALTY CORPORATION (HAYSTACK GLEN)
APPLICATION NO. SD-2847A-2

WHEREAS, an application for Amended Preliminary and Final Major Subdivision approval with ancillary bulk variance relief has been made to the Howell Township Planning Board (hereinafter referred to as the “Board”) by GS Realty Corporation (Haystack Glen) (hereinafter referred to as the “Applicant”), on lands known and designated as Block 36, Lot 21, as depicted on the Tax Map of the Township of Howell (hereinafter “Township”), and more specifically located along Lanes Pond Road and Maxim Southard Road in the ARE-3 & ARE-6 zoning districts (herein after “ARE-3 & ARE-6 zone”); and

WHEREAS, a public hearing was held before the Board on July 17, 2014, with regard to this application; and

WHEREAS, the Board has heard testimony and comments from the Applicant, witnesses and consultants, and with the public having had an opportunity to be heard; and

WHEREAS, an application has been filed, the fees as required by Township Ordinance have been paid, and it otherwise appears that the jurisdiction and powers of the Board have been properly invoked and exercised.
NOW, THEREFORE, does the Howell Township Planning Board make the following findings of fact and conclusions of law with regard to this application:

1. The subject site is a 71.3 acre tract which is bounded by both Maxim Southard Road to the north and Lanes Pond Road to the south within both the ARE-3 and the ARE-6 zoning districts. The subject site is currently vacant; however, it is traversed by Haystack Brook and contains areas of associated wetlands, wetland buffer, and riparian buffers. The rear of the site also contains a 50 foot wide Ocean County Sewage Authority easement.

2. Preliminary major subdivision and woodlands management plan approval was granted on June 17, 2004 permitting the creation of eleven (11) lots, ten (10) for residential development and one (1) for storm water management purposes. Subsequent to that approval, the Applicant was required to revise the plans as a result of NJ DEP regulations concerning category 1 water ways.

3. On January 26, 2006 the Applicant was granted amended preliminary and final major subdivision approval to create nine (9) new lots, eight (8) for residential development and one (1) for open space/storm water management. The proposed construction was to take place solely in the ARE-3 zoning portion of the tract. A proposed cul-de-sac roadway was to provide access to the new lots from Maxim Southard Road and a 45.2 acre open space lot was to include a detention basin. Septic systems and public water were to service the dwellings. In addition, the Applicant proposed a right-of-way dedication along both Maxim Southard Road and Lanes Pond Road to create uniform 30 foot wide half widths.

4. On February 21, 2008 the Applicant was granted a one year time extension for the approved amended final major subdivision approval.
5. The Applicant is now seeking amended preliminary major subdivision approval to cluster development of the previously approved nine (9) lot subdivision into a nine (9) lot subdivision consisting of eight (8) lots for residential and one (1) 58.3 acre lot for open space purposes.

6. Additional revisions to the plan involve the reduction in length of the proposed cul-de-sac roadway from 1,980 feet to 850 feet as well as increasing the proposed open space lot from 21.9 acres to 53.8 acres.

7. The proposed lots are to be served by municipal water and individual private septic disposal systems as previously approved.

8. Properties adjoining the site along Oak Glen Road to the north and northeast opposite same, as well as south opposite Lanes Pond Road are similarly zoned ARE-6 while properties southwest of the are similarly zoned ARE-3. Both areas contain a mix of residential, agricultural, resident/agricultural and vacant/wooded land uses. Properties southeast of the site opposite Oak Glen Road are zoned SED and also contain a mix of residential, agricultural, resident/agricultural and vacant/wooded parcels. Properties north and northwest of the site opposite Maxim Southard Road are zoned R-3 and contain residential dwellings and open spaces lots within a residential development.

9. The Applicant requires variance relief from Howell Township Code section 188-69D(4)(c) wherein at least 40% of the open space is required to be upland area and 21.5 acres of upland open space is required and approximately 19.3 acres is proposed on lot 21.04. There are no design waivers required in regard to this application.
10. Counsel for the Applicant Kenneth Pape, Esq. stated that the Applicant was amending its application in order to cluster the development. He further confirmed that the Applicant was not seeking final major subdivision plan approval at this time.

11. Mr. Pape stated that by clustering development on the site, there would be a significant savings in the number of trees as well as a significant reduction in the length of the cul-de-sac.

12. Mr. Pape also confirmed that the Applicant received a letter from Zig Panek, the Board’s certified Tree Expert, and that the Applicant will comply with the landscape changes recommended by Mr. Panek.

13. Testimony was further provided by Walter Hopkin, P.E. a licensed professional engineer in the state of New Jersey. Hopkin testified that the developed area of the site will be located in the ARE-3 zone. He also reviewed the surrounding land uses with the Board. Mr. Hopkin stated that this is an existing vacant wooded lot. He confirmed that the Applicant will not disturb wetlands on the site. He also stated that the limit of disturbance will be approximately 250 feet or greater away from the wetlands.

14. Mr. Hopkin also testified that approximately 54 acres of the site will be dedicated to the Township. There will be an infiltration basin on site that will be part of the 54 acres dedicated to the Township as part of the open space lot.

15. Mr. Hopkin also identified the positive amendments to the plans, including but not limited to, the reduction in cul-de-sac length from 1,980 feet to approximately 850 feet as well as increasing the open space lot from 21.9 acres to 53.8 acres.

16. Mr. Hopkin also stated that the Applicant will respect all environmental constraints on the site.
17. Mr. Hopkin further testified that he met with the Board Engineer, CME Associates, and then reviewed the report of May 16, 2014. He stated that the Applicant will satisfy all recommendations in the report.

18. Mr. Hopkins further stated that he received the report of Zig Panek dated April 29, 2014 and that the Applicant would comply with all recommendations contained in that report.

19. Testimony was then heard from Zig Panek, the Certified Tree Expert for the Township of Howell. Mr. Panek confirmed that he issued a letter wherein he made certain recommendations to the landscape plan. He also confirmed that the Applicant represented that it would comply with his recommendations in regard to the landscape plan.

20. The meeting was then opened to members of the public and the Board was addressed by Michael Marish, Frank Reilly, Jeffrey Eisermann and Ellsworth Burrows. The members of the public generally raised similar issues in regard to the nature and extent of the landscape buffer to be provided by the Applicant. The Applicant represented that it would comply with the recommendations of Mr. Panek and stipulated that plantings would occur as early as possible. In addition, Mr. Burrows was concerned about the impact of development on his well. It was represented to Mr. Burrows that the subject site was being serviced by public water and that there would be no wells onsite and thus no draw down from the aquifer relating to his well or any other well in the area.

21. The Board has received, reviewed and considered various exhibits and reports with regard to this application. Those exhibits and reports are set forth on the attached exhibit list, and all exhibits and reports are set forth on said exhibit list have been incorporated herein in their entirety.
WHEREAS, the Howell Township Planning Board, having reviewed the proposed application and having considered the impact of the proposed application on the Township and its residents to determine whether it is in furtherance of the Municipal Land Use Law; and having considered whether the proposal is conducive to the orderly development of the site and the general area in which it is located pursuant to the land use and zoning ordinances of the Township of Howell; and upon the imposition of specific conditions to be fulfilled, hereby determines that the Applicant’s request for amended preliminary major subdivision approval pursuant to N.J.S.A. 40:55D-48 with ancillary variance relief pursuant to N.J.S.A 40:55D-70c(2) and a woodlands management plan should be granted.

The Board first finds that the Applicant has submitted an application for a permitted use in both the ARE-3 and ARE-6 Zones. The Applicant however does require bulk variance relief with respect to not meeting the requirement that at least 40% of required open space be upland area whereas 21.5 acres of upland open space area is required and approximately 19.3 acres is proposed on Lot 21.04.

The Municipal Land Use Law, at N.J.S.A. 40:55D-70c provides Boards with the power to grant variances from strict bulk and other non-use related issues when the applicant satisfies certain specific proofs which are enunciated in the Statute. Specifically, the applicant may be entitled to relief if the specific parcel is limited by exceptional narrowness, shallowness or shape. An applicant may show that exceptional topographic conditions or physical features exist which uniquely affect a specific piece of property. Further, the applicant may also supply evidence that exceptional or extraordinary circumstances exist which uniquely affect a specific piece of property or any structure lawfully existing thereon and the strict application of any regulation contained in the Zoning Ordinance would result in a peculiar and exceptional practical
difficulty or exceptional and undue hardship upon the developer of that property. Additionally, under the c(2) criteria, the applicant has the option of showing that in a particular instance relating to a specific piece of property, the purpose of the act would be advanced by allowing a deviation from the Zoning Ordinance requirements and the benefits of any deviation will substantially outweigh any detriment. In those instances, a variance may be granted to allow departure from regulations adopted, pursuant to the Zoning Ordinance.

Those categories specifically enumerated above constitute the affirmative proofs necessary in order to obtain “bulk” or (c) variance relief. Finally, an applicant must also show that the proposed variance relief sought will not have a substantial detriment to the public good and, further, will not substantially impair the intent and purpose of the zone plan and Zoning Ordinance. It is only in those instances when the applicant has satisfied both these tests, that a Board, acting pursuant to the Statute and case law, can grant relief. The burden of proof is upon the applicant to establish these criteria.

The Board finds the positive criteria has been satisfied. The Board notes that approximately 54 acres of open space is being dedicated to the Township. The Board further recognizes that the Applicant has clustered development in order to cut down on impervious coverage, reduce the extent of removal of trees and is providing significant landscape improvements. The Board therefore finds that the purposes of the Municipal Land Use Law pursuant to N.J.S.A. 40:55D-2 would be advanced by variance relief. More specifically, the approval of this application will advance N.J.S.A. 40:55D-2a promoting public health, safety, morals and general welfare; 2c) to provide adequate light, air and open space; 2e) to promote the establishment of appropriate population densities and concentrations that will contribute to the well-
being of persons, neighborhoods, communities regions and preservation of the environment; 2g) providing sufficient space and appropriate locations for a variety of residential use and open space.

The Board further finds that the Applicant has satisfied the negative criteria as variance relief can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zone Plan and Zoning Ordinance. The Board also finds that the Township Code provides the Applicant with the ability to cluster development on the site. This results in the Applicant cutting down on impervious surface. In addition, the Applicant is proposing significant landscape improvements. The Board also notes that the approval of this application has resulted in a significant reduction in the length of the cul-de-sac from approximately 1,980 feet to a cul-de-sac length of approximately 850 feet. In addition, the proposed open space lot which is being dedicated to the Township has been significantly increased from 21.9 acres to 53.8 acres. The Board further notes that the Applicant has agreed to comply and to work with the Township Tree Expert on a landscaping plan. In addition, the Board also notes that the Applicant has agreed that upon its return for final major subdivision approval that it will provide notice to the members of the public in regard to the hearing date. Accordingly, weighing the positive and negative attributes of the proposed development, the Board finds that the benefits substantially weigh in favor of granting the requested bulk variance relief pursuant to N.J.S.A 40:55D70c(2)

The Board recognizes the Applicant has agreed to comply with all the comments contained in the report to the Board’s professionals. All other subdivision and zoning ordinance requirements have been satisfied. The Board, therefore, finds that amended preliminary site plan approval may be granted pursuant to N.J.S.A. 40:55D-48 as well as bulk variance relief pursuant to N.J.S.A. 40:55D-70c(2). Woodlands Management Plan approval is also appropriate.
NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Howell on this 21st day of August, 2014, that the action of the Planning Board taken on July 17, 2014, granting Application No. SD-2847A-2 for amended preliminary subdivision approval pursuant to N.J.S.A 40:55D-48 and bulk variance relief pursuant to N.J.S.A. 40:55D-70(c)(2) along with Woodland Management Plan approval. The application is granted subject to the following conditions:

1. All site improvement shall take place in the strict compliance with the testimony and with the plans and drawings which have been submitted to the Board with this application, or to be advised.

2. Except where specifically modified by the terms of this resolution, the Applicant shall comply with all recommendations contained in the reports of the Board professionals.

3. The granting of this application is subject and conditioned upon the Applicant returning to the Planning Board for final major subdivision approval, which shall be subject to public notice.

4. The Applicant shall provide a certificate that taxes are paid to date of approval.

5. Payment of all fees, costs, escrows due and to become due. Any monies are to be paid within twenty (20) days of said request by the Board Secretary.

6. Subject to all other applicable rules, regulations, ordinances and statutes of the Township of Howell, County of Monmouth, State of New Jersey or any other jurisdiction.

BE IT FURTHER RESOLVED that the Board Secretary is hereby authorized and directed to send a certified copy of this Resolution to the Applicant and to the Township Clerk, Engineer, Attorney and Tax Assessor, and shall make same available to all other interested parties.
ON MOTION OF: Mr. French
SECONDED BY: Mr. Nash
ROLL CALL:
YES: Gravatt, O'Donnell, Nash, Schneider, French and Johnson
NO:
ABSTAINED:
ABSENT:
DATED: August 21, 2014

I hereby certify this to be a true and accurate copy of the Resolution adopted by the Howell Township Planning Board, Monmouth County, New Jersey at a public meeting held on August 21, 2014.

Eileen Rubano, Secretary
Howell Township Planning Board
Howell Township
Planning Board

Haystack Glen / Case No. SD-2847A
Amended Preliminary & Final Subdivision & Woodlands Management

Exhibits
July 17, 2014

A-1 Amended Preliminary & Final Subdivision Map prepared by John S. Truhan Consulting Engineers, Inc., dated 12/12/13 consisting of 12 sheets


A-3 Soil Investigation prepared by Lippincott Jacobs dated 1/10/14


A-5 Downstream Analysis of Haystack Brook prepared by Crest Engineering Associates, Inc. last revised 11/15/2005

A-6 Stormwater Management Report prepared by John S. Truhan Consulting Engineers, Inc. last revised 5/2/14


********** Applicant Exhibits Presented at PB Meeting 7-17-14**********

A-8 Color Rendering of Haystack Glen at Howell site dated July 2014

A-9 Exhibit Plan showing changes from original submission dated 7/17/14
B-1  Letter(s) from Board Engineer dated 3/28/14
B-2  Letter(s) from Board Engineer dated 5/2/14
B-3  Letter(s) from Board Engineer dated 5/16/14
B-4  Memo(s) from the Environmental Commission 4/9/14
B-5  Memo(s) from the Environmental Commission 2/26/14
B-6  Memo(s) from the Fire Bureau dated 4/22/14
B-7  Memo(s) from the Fire Bureau dated 3/5/14
B-8  Memo from George Snyder, Recycling Coordinator dated 4/21/14
B-9  Memo from George Snyder, Recycling Coordinator dated 3/5/14
B-10 Memo from Zig Panek, Certified Tree Expert dated 3/5/14
B-11 Memo from the Monmouth County Planning Board dated 4/14/14
B-12 Memo from the Monmouth County Planning Board dated 2/24/14
B-13 Memo from the Monmouth County Planning Board dated 5/27/14
B-14 Memo from the Environmental Commission dated 4/26/14
B-15 Memo from Freehold Soil Conservation District dated 3/17/14
B-16 Memo from Freehold Soil Conservation District dated 5/6/14
B-17 Memo from Freehold Soil Conservation District dated 6/13/14
B-18 Memo from Zig Panek dated 4/29/14 received 7/17/14
NOTICE

PLEASE TAKE NOTICE THAT ON JULY 17, 2014, THE PLANNING BOARD OF THE TOWNSHIP OF HOWELL GRANTED PRELIMINARY MAJOR SUBDIVISION AND WOODLANDS MANAGEMENT APPROVAL TO G.S. REALTY CORP. FOR BLOCK 36, LOT 21 AS DEPICTED ON THE TAX MAP OF THE TOWNSHIP OF HOWELL, AND MORE SPECIFICALLY LOCATED AT LANES POND ROAD AND MAXIM SOUTHARD ROAD, HOWELL TOWNSHIP, MONMOUTH COUNTY, NEW JERSEY, APPLICATION NUMBER SD-2847A-2, TO CLUSTER DEVELOPMENT A PREVIOUSLY APPROVED NINE (9) LOT SUBDIVISION INTO A NINE (9) LOT SUBDIVISION CONSISTING OF EIGHT (8) LOTS FOR RESIDENTIAL USE AND ONE (1) 58.3 ACRE LOT FOR OPEN SPACE PURPOSES. MAPS AND ACCOMPANYING DOCUMENTS ARE AVAILABLE FOR REVIEW IN THE OFFICE OF THE PLANNING BOARD, HOWELL TOWNSHIP MUNICIPAL BUILDING, 4567 ROUTE 9 NORTH, HOWELL, NEW JERSEY.

G. S. REALTY CORP

826271_1
RESOLUTION

TOWNSHIP OF HOWELL PLANNING BOARD
RESOLUTION OF MEMORIALIZATION
MONMOUTH COUNTY, NEW JERSEY
AMENDED FINAL MAJOR SUBDIVISION APPROVAL

Approved: October 2, 2014
Memorialized: December 4, 2014

IN THE MATTER OF GS REALTY CORPORATION (HAYSTACK GLEN)
APPLICATION NO.: SD-2847A-2

WHEREAS, an application for Amended Final Major Subdivision approval with ancillary bulk variance relief has been made to the Howell Township Planning Board (hereinafter referred to as the “Board”) by GS Realty Corporation (Haystack Glen) (hereinafter referred to as the “Applicant”), on lands known and designated as Block 36, Lot 21, as depicted on the Tax Map of the Township of Howell (hereinafter “Township”), and more specifically located along Lanes Pond Road and Maxim Southard Road in the ARE-3 & ARE-6 zoning districts (hereinafter “ARE-3 & ARE-6 zone”); and

WHEREAS, a public hearing was held before the Board on October 2, 2014, with regard to this application; and

WHEREAS, the Board has heard testimony and comments from the Applicant, witnesses and consultants, and with the public having had an opportunity to be heard; and

WHEREAS, an application has been filed, the fees as required by Township Ordinance have been paid, and it otherwise appears that the jurisdiction and powers of the Board have been properly invoked and exercised.

NOW, THEREFORE, does the Howell Township Planning Board make the following findings of fact and conclusions of law with regard to this application:
1. The subject site contains 71.3 acres and is bounded by both Maxim Southard Road to the north and Lanes Pond Road to the south within both the ARE-3 and the ARE-6 zoning districts. The subject site is currently vacant; however, it is traversed by Haystack Brook and contains areas of associated wetlands, wetland buffer, and riparian buffers. The rear of the site also contains a 50 foot wide Ocean County Sewage Authority easement.

2. Amended Preliminary major subdivision approval was granted on June 17, 2014 permitting the creation of nine (9) lots with eight (8) for residential development and one (1) 58.3 acre lot for storm water management purposes.

3. Counsel for the Applicant, Peter Klouser, Esq. stated that the Applicant had previously obtained amended preliminary final major subdivision approval and was now seeking amended final major subdivision approval. He reiterated that the Applicant was seeking a total of nine (9) lots with eight (8) lots being used for residential development and one (1) lot for stormwater management purposes.

4. Testimony was then taken from the Applicant’s engineer and planner Walter Hopkin, P.E., P.P. Mr. Hopkin once again explained that the Applicant had amended its original approvals so as to reduce the proposed cul-de-sac from 1,980 ft. in length to approximately 850 feet. He further noted that the proposed open space lot had been increased from 21.8 acres to 53.8 acres.

5. Mr. Hopkin further testified that since amended preliminary major subdivision approval had been granted, he had met with the Township Certified Tree Expert, Zig Panek. He stated that the existing berm across from the property as well as the proposed plantings on top of the hill will shield the glare from neighboring properties. He further confirmed that all buffers will be installed prior to houses being constructed. In response to other questions from the Board,
he stated that the Applicant would use LED lights for all street lights if approved by JCP&L as well as the Township Engineer.

6. The Board then questioned whether notification should be required to prospective purchasers informing them of the location of the nearby dog kennel. The Applicant objected to any such requirement. The Board however, finds that this Resolution should be a recorded document which can be obtained in the due diligence period by prospective homeowners. These homeowners will then be made aware of the existence of the kennel.

7. Testimony was further taken from the Board Certified Tree Expert, Zig Panek. Mr. Panek stated that the Applicant would be cutting away any dead trees on the property. It was his further understanding that the Applicant would be planting all required trees immediately. The Applicant however, clarified that the trees would be planted at the time that they are prepared to move forward with construction. In the event that construction moves forward during a season which is not hospitable to planting, the Applicant agreed that irrigation methods would be used. The Applicant further agreed that any necessary shade tree fund contributions would be made.

8. The hearing was then opened to members of the public at which time Emily Balgirow as well as Galina Balgirow of 401 Lanes Pond Road expressed concern regarding the potential disturbance of wetlands areas. The Applicant, however, explained that state regulations prohibit any construction or disturbance of the wetland area. Testimony was further taken from Miriam Burroughs, Linda Ponticelli and Elaine Taylor who all expressed concern regarding the intensity of the development and its location near residential properties and farms.

9. The Board has received, reviewed and considered various exhibits and reports with regard to this application. Those exhibits and reports are set forth on the attached exhibit
list, and all exhibits and reports are set forth on said exhibit list have been incorporated herein in their entirety.

WHEREAS, the Howell Township Planning Board, having reviewed the proposed application and having considered the impact of the proposed application on the Township and its residents to determine whether it is in furtherance of the Municipal Land Use Law; and having considered whether the proposal is conducive to the orderly development of the site and the general area in which it is located pursuant to the land use and zoning ordinances of the Township of Howell; and upon the imposition of specific conditions to be fulfilled, hereby determines that the Applicant’s request for amended final major subdivision approval pursuant to N.J.S.A. 40:55D-50 should be granted.

The Board finds that the Applicant has already received amended preliminary major subdivision approval pursuant to N.J.S.A. 40:55D-48. The Board finds that the Applicant has complied with nearly all conditions of the preliminary approval and has also now consulted with the Board Certified Tree Expert to agree upon a buffering plan. The Applicant has also agreed that all buffers will be put in place prior to construction beginning on the property. The Board therefore finds that final major subdivision approval pursuant to N.J.S.A 40:55D-50 is appropriate in this instance.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Howell on this 4th day of December, 2014, that the action of the Planning Board taken on October 2, 2014, granting Application No. SD-2847A-2 for amended final major subdivision approval pursuant to N.J.S.A 40:55D-50. The application is granted subject to the following conditions:
1. All site improvement shall take place in the strict compliance with the testimony and with the plans and drawings which have been submitted to the Board with this application, or to be advised.

2. Except where specifically modified by the terms of this resolution, the Applicant shall comply with all recommendations contained in the reports of the Board professionals.

3. All conditions of preliminary approval except as modified herein remain in full force.

4. The Applicant shall make the appropriate contribution to the shade tree fund.

5. The Applicant shall install all buffers and trees prior to construction.

6. The Applicant shall use an irrigation system as may be necessary depending upon the season the trees are planted.

7. The Applicant shall record this Resolution.

8. The Township Council has the exclusive jurisdiction to determine if the Township will accept any basins. The Applicant shall be responsible for establishing a homeowner’s association to be responsible for basin maintenance in the event the Township Council does not accept any such dedication.

9. The Applicant shall provide a certificate that taxes are paid to date of approval.

10. Payment of all fees, costs, escrows due and to become due. Any monies are to be paid within twenty (20) days of said request by the Board Secretary.

11. Subject to all other applicable rules, regulations, ordinances and statutes of the Township of Howell, County of Monmouth, State of New Jersey or any other jurisdiction.

BE IT FURTHER RESOLVED that the Board Secretary is hereby authorized and directed to send a certified copy of this Resolution to the Applicant and to the Township Clerk, Engineer, Attorney and Tax Assessor, and shall make same available to all other interested parties.
ON MOTION OF: Mr. Nash
SECONDED BY: Mr. French

ROLL CALL:
YES: Nash, Schneider, French, Gotto and Johnson
NO:
ABSTAINED:
ABSENT:
DATED: December 4, 2014

I hereby certify this to be a true and accurate copy of the Resolution adopted by the Howell Township Planning Board, Monmouth County, New Jersey at a public meeting held on December 4, 2014.

Eileen Rubano, Secretary
Howell Township Planning Board
NOTICE

PLEASE TAKE NOTICE THAT ON OCTOBER 2, 2014, THE PLANNING BOARD OF THE TOWNSHIP OF HOWELL GRANTED FINAL MAJOR SUBDIVISION APPROVAL TO GS REALTY (HAYSTACK GLEN) FOR BLOCK 36, LOTS 21 AS DEPICTED ON THE TAX MAP OF THE TOWNSHIP OF HOWELL, AND MORE SPECIFICALLY LOCATED AT LANES POND ROAD AND MAXIM SOUTHERN ROAD, HOWELL TOWNSHIP, MONMOUTH COUNTY, NEW JERSEY, APPLICATION NUMBER SD-2847-A2, PERMITTING A SUBDIVISION CONTAINING NINE (9) LOTS. MAPS AND ACcompanyING DOCUMENTS ARE AVAILABLE FOR REVIEW IN THE OFFICE OF THE PLANNING BOARD, HOWELL TOWNSHIP MUNICIPAL BUILDING, 4567 ROUTE 9 NORTH, HOWELL, NEW JERSEY.

GS REALTY (HAYSTACK GLEN)
HOWELL TOWNSHIP
PLANNING BOARD
Haystack Glen / Case No. SD-2847A-2F
Final Major Subdivision
EXHIBITS
October 2, 2014

A-1 Amended Preliminary & Final Major Subdivision Plans prepared by John S. Truhan Consulting Engineers, Inc., dated 12/12/13 last revised 8/25/14 consisting of 12 sheets.


A-3 Preliminary & Final Amended Plat prepared by John S. Truhan Consulting Engineers, Inc., dated 12/12/13 last revised 8/25/14 consisting of 2 sheets.

A-4 Final Plat Major Subdivision prepared by Crest Engineering Associates dated 9/13/02, last revised 3/9/06 consisting of 1 sheet.

HOWELL TOWNSHIP PERFORMANCE GUARANTEE ESTIMATE

CASE NUMBER: SD-2847 A2
PROJECT NAME: HAYSTOCK GLEN
BLOCK: 36
LOT : 21

DATE: 4/9/2015
REVISED: 6/19/2019

THE FOLLOWING ARE ESTIMATED COSTS, TOTALS AND FEEs FOR THE GUARANTEES FOR VARIOUS SITE IMPROVEMENTS AND SANITARY SEWER SYSTEMS TO BE INSTALLED AS REQUIRED PER THE ABOVE REFERENCED CASE AND TOWNSHIP ORDINANCES. UNIT PRICES USED TO PREPARE THIS ESTIMATE ARE CONSIDERED VALID FOR SIX (6) MONTHS FROM THE DATE OF PREPARATION ONLY. LATER POSTING OF REQUIRED PERFORMANCE GUARANTEES AND DEPOSITS WILL MANDATE RE-EXAMINATION OF THE FEES AND A POSSIBLE UPDATE OF THIS ESTIMATE.

TOTAL PERFORMANCE GUARANTEE COST ESTIMATE: $546,329.95

10% CASH OR CERTIFIED CHECK $54,633.00
90% CASH OR BOND OR LETTER OF CREDIT (USING TOWNSHIP FORMAT) $491,696.96

TOTAL INSPECTION FEE: $24,632.50
DEVELOPER'S AGREEMENT FEE: $650.00
STORM WATER BASIN AGREEMENT: $-
RESOLUTION FEE: $175.00
SANITARY SEWER CONNECTION FEE: $-

GENERAL NOTES:
1. CONSTRUCTION MAY NOT BEGIN UNTIL THE CONTRACTOR HAS RECEIVED WRITTEN AUTHORIZATION FROM THE DIVISION OF ENGINEERING.
2. ALL FEES SHALL BE SUBMITTED BY CASH OR CERTIFIED CHECK MADE PAYABLE TO THE "TOWNSHIP OF HOWELL".
3. IF PAYING BY CERTIFIED CHECK, EACH FEE MUST BE PAID USING A SEPARATE CHECK.

ESTIMATE PREPARED BY: RAISA SHEKHTER, ENGINEERING AIDE III
AUTHORIZED BY: JAMES R. HERRMAN, P.E., P.P., C.M.E.
TOWNSHIP ENGINEER

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<tr>
<td>2. PAVEMENT REPAIR - MAXIM-SOUTHARD ROAD</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. 6&quot; AGGREGATE BASE COURSE</td>
<td>170</td>
<td>S.Y.</td>
<td>$3.00</td>
<td>$1,360.00</td>
<td>$</td>
<td>-</td>
</tr>
<tr>
<td>b. 3 1/2&quot; HMA 19M64</td>
<td>170</td>
<td>S.Y.</td>
<td>$13.00</td>
<td>$2,210.00</td>
<td>$</td>
<td>-</td>
</tr>
<tr>
<td>c. 1 1/2&quot; HMA 9.5M64</td>
<td>170</td>
<td>S.Y.</td>
<td>$10.75</td>
<td>$1,827.50</td>
<td>$</td>
<td>-</td>
</tr>
<tr>
<td>3. PAVEMENT JOINT SEALER</td>
<td>550</td>
<td>L.F.</td>
<td>$0.35</td>
<td>$192.50</td>
<td>$</td>
<td>-</td>
</tr>
<tr>
<td>4. SAWCUTTING</td>
<td>510</td>
<td>L.F.</td>
<td>$5.00</td>
<td>$2,550.00</td>
<td>$</td>
<td>-</td>
</tr>
<tr>
<td><strong>III. DRAINAGE WORK</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. INLET TYPE B</td>
<td>6</td>
<td>EA.</td>
<td>$3,500.00</td>
<td>$21,000.00</td>
<td>$</td>
<td>-</td>
</tr>
<tr>
<td>2. INLET TYPE E</td>
<td>1</td>
<td>EA.</td>
<td>$3,500.00</td>
<td>$3,500.00</td>
<td>$</td>
<td>-</td>
</tr>
<tr>
<td>3. MANHOLE</td>
<td>1</td>
<td>EA.</td>
<td>$3,500.00</td>
<td>$3,500.00</td>
<td>$</td>
<td>-</td>
</tr>
<tr>
<td>4. OUT FLOW STRUCTURE</td>
<td>1</td>
<td>EA.</td>
<td>$5,000.00</td>
<td>$5,000.00</td>
<td>$</td>
<td>-</td>
</tr>
<tr>
<td>5. 15&quot; R.C.P. CLASS III</td>
<td>79</td>
<td>L.F.</td>
<td>$30.00</td>
<td>$2,370.00</td>
<td>$</td>
<td>-</td>
</tr>
<tr>
<td>6. 18&quot; R.C.P. CLASS III</td>
<td>185</td>
<td>L.F.</td>
<td>$34.50</td>
<td>$6,382.50</td>
<td>$</td>
<td>-</td>
</tr>
<tr>
<td>7. 18&quot; R.C.P. CLASS IV</td>
<td>193</td>
<td>L.F.</td>
<td>$36.50</td>
<td>$7,044.50</td>
<td>$</td>
<td>-</td>
</tr>
<tr>
<td>8. 18&quot; R.C.P. CLASS V</td>
<td>28</td>
<td>L.F.</td>
<td>$38.50</td>
<td>$1,078.00</td>
<td>$</td>
<td>-</td>
</tr>
<tr>
<td>9. 24&quot; R.C.P. CLASS III</td>
<td>28</td>
<td>L.F.</td>
<td>$53.50</td>
<td>$1,498.00</td>
<td>$</td>
<td>-</td>
</tr>
<tr>
<td>10. 18&quot; FLARED END SECTION</td>
<td>3</td>
<td>EA.</td>
<td>$600.00</td>
<td>$1,800.00</td>
<td>$</td>
<td>-</td>
</tr>
<tr>
<td>11. 24&quot; FLARED END SECTION</td>
<td>1</td>
<td>EA.</td>
<td>$800.00</td>
<td>$800.00</td>
<td>$</td>
<td>-</td>
</tr>
<tr>
<td>ITEM</td>
<td>DESCRIPTION</td>
<td>QTY</td>
<td>UNIT</td>
<td>UNIT PRICE</td>
<td>ESTIMATED COST</td>
<td>% RETAINED</td>
</tr>
<tr>
<td>------</td>
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</tr>
<tr>
<td>12.</td>
<td>18&quot; HEADOWALL</td>
<td>1</td>
<td>EA.</td>
<td>$1,500.00</td>
<td>$1,500.00</td>
<td>$</td>
</tr>
<tr>
<td>13.</td>
<td>DRAINAGE BASIN EXCAVATION</td>
<td>3700</td>
<td>C.Y.</td>
<td>$8.00</td>
<td>$29,600.00</td>
<td>$</td>
</tr>
<tr>
<td>14.</td>
<td>BASIN ACCESS DRIVE (6&quot; STONE)</td>
<td>100</td>
<td>S.Y.</td>
<td>$8.00</td>
<td>$800.00</td>
<td>$</td>
</tr>
<tr>
<td>15.</td>
<td>BROKEN STONE RIP-RAP FES</td>
<td>1040</td>
<td>C.F.</td>
<td>$3.50</td>
<td>$3,640.00</td>
<td>$</td>
</tr>
<tr>
<td>16.</td>
<td>FILTER FABRIC</td>
<td>74</td>
<td>S.Y.</td>
<td>$2.00</td>
<td>$148.00</td>
<td>$</td>
</tr>
<tr>
<td>17.</td>
<td>RECHARGE SYSTEM</td>
<td>2</td>
<td>EA.</td>
<td>$3,500.00</td>
<td>$7,000.00</td>
<td>$</td>
</tr>
<tr>
<td>18.</td>
<td>K5-SAND</td>
<td>250</td>
<td>C.Y.</td>
<td>$20.00</td>
<td>$5,000.00</td>
<td>$</td>
</tr>
<tr>
<td>19.</td>
<td>20 MIL. VINYL LINER</td>
<td>6300</td>
<td>S.F.</td>
<td>$1.65</td>
<td>$10,395.00</td>
<td>$</td>
</tr>
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</table>

IV. STABILIZATION AND GRADING

<table>
<thead>
<tr>
<th>QTY</th>
<th>UNIT</th>
<th>UNIT PRICE</th>
<th>ESTIMATED COST</th>
</tr>
</thead>
<tbody>
<tr>
<td>28000</td>
<td>S.Y.</td>
<td>$2.30</td>
<td>$64,400.00</td>
</tr>
</tbody>
</table>

V. MISCELLANEOUS ITEMS:

| 1.  | STREET LIGHTS - SINGLE | 4 | EA. | $1,150.00 | $4,600.00 | $ |
| 2.  | STREET SIGNS | 1 | EA. | $150.00 | $150.00 | $ |
| 3.  | TRAFFIC CONTROL SIGNS | 3 | EA. | $65.00 | $195.00 | $ |
| 4.  | MONUMENTS W/ ENGINEERING | 18 | EA. | $200.00 | $3,600.00 | $ |
| 5.  | CONSERVATION EASEMENTS | 22 | EA. | $200.00 | $4,400.00 | $ |
| 6.  | STOP BAR | 1 | EA. | $50.00 | $50.00 | $ |

VI. SOIL EROSION & SEDIMENT CONTROL:

<table>
<thead>
<tr>
<th>QTY</th>
<th>UNIT</th>
<th>UNIT PRICE</th>
<th>ESTIMATED COST</th>
</tr>
</thead>
<tbody>
<tr>
<td>3900</td>
<td>L.F.</td>
<td>$1.00</td>
<td>$3,900.00</td>
</tr>
<tr>
<td>7</td>
<td>EA.</td>
<td>$150.00</td>
<td>$1,050.00</td>
</tr>
<tr>
<td>1</td>
<td>EA.</td>
<td>$1,500.00</td>
<td>$1,500.00</td>
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</table>

VII. LANDSCAPING:

<table>
<thead>
<tr>
<th>QTY</th>
<th>UNIT</th>
<th>UNIT PRICE</th>
<th>ESTIMATED COST</th>
</tr>
</thead>
<tbody>
<tr>
<td>46</td>
<td>EA.</td>
<td>$300.00</td>
<td>$13,800.00</td>
</tr>
<tr>
<td>112</td>
<td>EA.</td>
<td>$300.00</td>
<td>$33,600.00</td>
</tr>
<tr>
<td>80</td>
<td>EA.</td>
<td>$75.00</td>
<td>$6,000.00</td>
</tr>
<tr>
<td>ITEM</td>
<td>QTY</td>
<td>UNIT</td>
<td>UNIT PRICE</td>
</tr>
<tr>
<td>---------------------------------------------------------------------</td>
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</tr>
<tr>
<td>TOTAL CONSTRUCTION COST:</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>AS-BUILT PLANS (2% OF TOTAL CONSTRUCTION COST)</td>
<td></td>
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<tr>
<td>TOTAL CONSTRUCTION COST + AS-BUILTS:</td>
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<tr>
<td>TOTAL PERFORMANCE GUARANTEE ESTIMATE (120% OF CONSTRUCTION COST + AS-BUILTS)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>INSPECTION FEES (5% OF CONSTRUCTION COST + AS-BUILTS)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**RESIDENTIAL DRIVEWAYS (NOT BONDED BUT INCLUDED FOR INSPECTION FEES)**

1. ASPHALT DRIVEWAY:

<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>QTY</th>
<th>UNIT</th>
<th>UNIT PRICE</th>
<th>ESTIMATED COST</th>
</tr>
</thead>
<tbody>
<tr>
<td>4&quot; AGGREGATE BASE COURSE</td>
<td>1300</td>
<td>S.Y.</td>
<td>$ 6.00</td>
<td>7,800.00</td>
</tr>
<tr>
<td>2 1/2&quot; HMA 9.5M64</td>
<td>1300</td>
<td>S.Y.</td>
<td>$ 12.00</td>
<td>15,600.00</td>
</tr>
<tr>
<td>1 1/2&quot; HMA 9.5M64</td>
<td>1300</td>
<td>S.Y.</td>
<td>$ 10.75</td>
<td>13,975.00</td>
</tr>
</tbody>
</table>

TOTAL DRIVEWAY CONSTRUCTION COST: $ 37,375.00

DRIVEWAYS INSPECTION FEES (5% OF DRIVEWAY COST) $ 1,868.75

TOTAL INSPECTION FEES (CONSTRUCTION + DRIVEWAY) $ 24,632.50
RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HOWELL
AUTHORIZING THE RELEASE OF THE PERFORMANCE GUARANTEE AND ACCEPTANCE OF THE MAINTENANCE GUARANTEE

DEVELOPER: ALDI, INC.
PROJECT: ALDI
BLOCK 73 LOTS 23.01, 24 & 25 (NEW LOT 24.01)
ROUTE 9 SOUTH & LANES MILL ROAD
CASE NO.: SP-1015A

WHEREAS, the above-named developer of the above-named land use development located on property known as block 73 lots 23.01, 24 & 25 (new lot 24.01), previously posted as a condition of the Planning 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, the developer has made a request for release of the performance guarantee which was posted as Performance Bond No. 285055185 issued by Liberty Mutual Insurance Company in the amount of $184,512.49, representing 90% of the guarantee, and the cash portion posted in the amount of $20,501.39; and

WHEREAS, the Division of Engineering, by performance guarantee release report dated October 22, 2019, has recommended release of the aforesaid performance guarantee.

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

1. Aldi, Inc. is hereby granted the request for release of the aforesaid performance guarantee, plus interest if any, in accordance with the performance guarantee release report and recommendation aforesaid.

2. The Township accepts Maintenance Bond No. 285059661 issued by Liberty Mutual Insurance Company in the amount of $30,752.08 as the required maintenance guarantee.

3. That said release of the performance guarantee is 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 other charges as per Township Ordinances for the release of said performance guarantee.

4. 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. Aldi, Inc., 2700 Saucon Valley Road, Center Valley, PA 18034
<table>
<thead>
<tr>
<th>VOTE</th>
<th>AYES</th>
<th>NAYS</th>
<th>ABSTAIN</th>
<th>ABSENT</th>
<th>DISQUALIFY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr. Bonevich</td>
<td></td>
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<tr>
<td>Ms. Richmond</td>
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<tr>
<td>Mr. Russo</td>
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<tr>
<td>Mrs. O’Donnell</td>
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<tr>
<td>Mayor Berger</td>
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</tr>
</tbody>
</table>

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 November 12, 2019.

ALLISON CIRANNA
ACTING TOWNSHIP CLERK
TOWNSHIP OF HOWELL

RESOLUTION COVER PAGE

REGULAR MEETING DATE

November 12, 2019

AGENDA ITEM NUMBER

9A.4
Mr(s) ________________ offered the following Resolution for adoption seconded by Mr.(s) ________________  

Resolution No. R-19-365

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HOWELL  
AUTHORIZING THE RELEASE OF THE PERFORMANCE GUARANTEE AND WAIVER OF THE MAINTENANCE GUARANTEE

DEVELOPER: QUALITY PLAZA, LLC  
PROJECT: QUALITY PLAZA  
BLOCK 25 LOT 19  
US HIGHWAY 9  
CASE NO.: SP-996 – SANITARY SEWER IMPROVEMENTS

WHEREAS, the above-named developer of the above-named land use development located on property known as block 25 lot 19, previously posted as a condition of the Planning 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, the developer has made a request for release of the performance guarantee which was posted as all cash in the amount of $1,860.48; and

WHEREAS, the developer needs to replenish the project’s escrow account in the amount of $750.00 and has agreed that $750.00 will be retained from the all cash performance guarantee and transferred to the inspection account for this project, account number 36-2080-00-00996-008; and

WHEREAS, the Division of Engineering, by performance guarantee release report dated October 23, 2019, has recommended release of the aforesaid performance guarantee and a waiver of the maintenance guarantee requirement.

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

1. Quality Plaza, LLC is hereby granted the request for release of the aforesaid performance guarantee in accordance with the performance guarantee release report and recommendation aforesaid and that $750.00 shall be retained from the all cash performance guarantee and transferred to the inspection escrow account for the project, account number 36-2080-00-00996-008.

2. The Township waives the maintenance guarantee requirement in accordance with the performance guarantee release report and recommendation aforesaid.

3. That said release of the performance guarantee is 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 other charges as per Township Ordinances for the release of said performance guarantee.
4. 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. Quality Plaza, LLC, 1274 49th Street, Suite 411, Brooklyn, NY 11219

<table>
<thead>
<tr>
<th>VOTE</th>
<th>AYES</th>
<th>NAYS</th>
<th>ABSTAIN</th>
<th>ABSENT</th>
<th>DISQUALIFY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr. Bonevich</td>
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<tr>
<td>Ms. Richmond</td>
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<tr>
<td>Mr. Russo</td>
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<tr>
<td>Mrs. O’Donnell</td>
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<tr>
<td>Mayor Berger</td>
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</tbody>
</table>

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 November 12, 2019.

ALLISON CIRANNI
ACTING TOWNSHIP CLERK
Mr(s) ______________________________________ offered the following Resolution for adoption seconded by Mr(s) ______________________________________.

Resolution No. R-19-366

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

DEVELOPER: VERIZON WIRELESS/HIERING, DUPIGNAC, STANZIONE, DUNN & BECK
PROJECT: 88 RAMTOWN-GRENVILLE ROAD
BLOCK 3 LOT 18.01

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 review escrow funds for professional services to assure proper reviews of improvements being constructed by the developer in relation to said development; and

WHEREAS, the developer has requested the release of the unused engineering review escrow funds; and

WHEREAS, by memorandum October 18, 2019, the Division of Engineering recommends the return of unused engineering review escrow funds in the amount of $437.52.

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 review escrow funds in the amount of $437.52, plus interest if any, said funds to be returned from escrow account 36-2080-00-31801-004.

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. Hiering, Dupignac, Stanzione, Dunn & Beck, 64 Washington St., Toms River, NJ 08753

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 November 12, 2019.

________________________________________
ALLISON CIRANNI
ACTING TOWNSHIP CLERK
TOWNSHIP OF HOWELL

RESOLUTION COVER PAGE

REGULAR MEETING DATE

November 12, 2019

AGENDA ITEM NUMBER

9A.6
Mr(s) ______________________________________________________________________ offered the following Resolution for adoption seconded by Mr(s) ______________________________________________________________________.

Resolution No. R-19-367

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

DEVELOPER: VERIZON WIRELESS/HIERING, DUPIGNAC, STANZIONE, DUNN & BECK
PROJECT: 1288 ROUTE 33
BLOCK 185 LOT 15

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 review escrow funds for professional services to assure proper reviews of improvements being constructed by the developer in relation to said development; and

WHEREAS, the developer has requested the release of the unused engineering review escrow funds; and

WHEREAS, by memorandum October 18, 2019, the Division of Engineering recommends the return of unused engineering review escrow funds in the amount of $437.52.

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 review escrow funds in the amount of $437.52, plus interest if any, said funds to be returned from escrow account 36-2080-00-18515-004.

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. Hiering, Dupignac, Stanzione, Dunn & Beck, 64 Washington St., Toms River, NJ 08753

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 November 12, 2019.

_______________________________
ALLISON CIRANNI
ACTING TOWNSHIP CLERK
A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HOWELL
AUTHORIZING THE RETURN OF ENGINEERING REVIEW ESCROW FUNDS

DEVELOPER: VERIZON WIRELESS/HIERING, DUPIGNAC,
STANZIONE, DUNN & BECK
PROJECT: 1 CENTRAL AVENUE
BLOCK 49 LOT 49

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 review escrow funds for professional services to assure proper reviews of improvements being constructed by the developer in relation to said development; and

WHEREAS, the developer has requested the release of the unused engineering review escrow funds; and

WHEREAS, by memorandum October 18, 2019, the Division of Engineering recommends the return of unused engineering review escrow funds in the amount of $437.52.

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 review escrow funds in the amount of $437.52, plus interest if any, said funds to be returned from escrow account 36-2080-00-49490-004.

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. Hierrez, Dupignac, Stanzione, Dunn & Beck, 64 Washington St., Toms River, NJ 08753

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 November 12, 2019.

ALLISON CIRANNAI
ACTING TOWNHPP CLERK
TOWNSHIP OF HOWELL

RESOLUTION COVER PAGE

REGULAR MEETING DATE  November 12, 2019

AGENDA ITEM NUMBER  9A.8
Mr(s) ________________________ offered the following Resolution for adoption seconded by Mr(s) ________________________.

Resolution No. R-19-369

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

DEVELOPER: VERIZON WIRELESS/HIERING, DUPIGNAC,
STANZIONE, DUNN & BECK
PROJECT: 137 ALLAIRE ROAD
BLOCK 47.01 LOT 1

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 review escrow funds for professional services to assure proper reviews of improvements being constructed by the developer in relation to said development; and

WHEREAS, the developer has requested the release of the unused engineering review escrow funds; and

WHEREAS, by memorandum October 18, 2019, the Division of Engineering recommends the return of unused engineering review escrow funds in the amount of $437.52.

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 review escrow funds in the amount of $437.52, plus interest if any, said funds to be returned from escrow account 36-2080-00-47011-004.

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. Hiering, Dupignac, Stanzione, Dunn & Beck, 64 Washington St., Toms River, NJ 08753

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 November 12, 2019.

ALLISON CIRANNI
ACTING TOWNSHIP CLERK
TOWNSHIP OF HOWELL

RESOLUTION COVER PAGE

REGULAR MEETING DATE

November 12, 2019

AGENDA ITEM NUMBER

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

Resolution No. R-19-370

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

DEVELOPER: VERIZON WIRELESS/HIERING, DUPIGNAC,
STANZIONE, DUNN & BECK
PROJECT: 4611 ROUTE 9 NORTH (SOUTHARD FIRE CO.)
BLOCK 35.83 LOT 37

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 review escrow funds for professional services to assure proper reviews of improvements being constructed by the developer in relation to said development; and

WHEREAS, the developer has requested the release of the unused engineering review escrow funds; and

WHEREAS, by memorandum October 18, 2019, the Division of Engineering recommends the return of unused engineering review escrow funds in the amount of $395.88.

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 review escrow funds in the amount of $395.88, plus interest if any, said funds to be returned from escrow account 36-2080-00-35833-004.

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. Hiering, Dupignac, Stanzione, Dunn & Beck, 64 Washington St., Toms River, NJ 08753

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 November 12, 2019.

ALLISON CIRANNI
ACTING TOWNSHIP CLERK
TOWNSHIP OF HOWELL

RESOLUTION COVER PAGE

REGULAR MEETING DATE

November 12, 2019

AGENDA ITEM NUMBER

9A.10
RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HOWELL
AUTHORIZING THE RELEASE OF THE PERFORMANCE GUARANTEE AND WAIVER OF THE
MAINTENANCE GUARANTEE

DEVELOPER: WAMPOLE-MILLER, INC. D/B/A MILLER BROS.
PROJECT: BRICKYARD, LLC – SOLAR PANEL FIELD
BLOCK 224 LOTS 10, 17, 17.01 & 17.02
BELMAR BLVD & BIRDSALL RD
CASE NO.: SP-957

WHEREAS, the above-named developer of the above-named land use development located on property known as block 224 lots 10, 17, 17.01 & 17.02, previously posted as a condition of the Planning 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, the developer has made a request for release of the performance guarantee which was posted as Performance Bond No. 09138465 issued by Fidelity and Deposit Company of Maryland in the amount of $13,203.00 and the cash portion posted in the amount of $1,467.00; and

WHEREAS, the Division of Engineering, by performance guarantee release report dated October 4, 2019, has recommended release of the aforesaid performance guarantee with a waiver of the maintenance guarantee.

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

1. Wampole-Miller, Inc. d/b/a Miller Bros. is hereby granted the request for release of the aforesaid performance guarantee in accordance with the performance guarantee release report and recommendation aforesaid.

2. The Township waives the maintenance guarantee requirement in accordance with the performance guarantee release report and recommendation aforesaid.

3. That said release of the performance guarantee is 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 other charges as per Township Ordinances for the release of said performance guarantee.

4. 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. Wampole-Miller, Inc. d/b/a Miller Bros., 301 Alan Wood Rd, Conshohocken, PA 19428
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 November 12, 2019.

______________________________
ALLISON CIRANNNI
ACTING TOWNSHIP CLERK
Mr(s) ______________________________________ offered the following Resolution for adoption seconded by Mr(s) ________________________________________.

Resolution No. R-19-372

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

DEVELOPER: TIPMICH, LLC/ROOF MAINTENANCE SYSTEMS
PROJECT: BLOCK 183 LOT 24.01 (OLD LOTS 24 & 25)
ROUTE 33 & CEDAR LANE
CASE NO.: BA-13-07

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, water review and 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 released from the maintenance guarantee and the developer has requested the release of any remaining escrow funds; and

WHEREAS, by memorandum October 10, 2019, the Division of Engineering recommends the return of unused sanitary sewer review escrow funds in the amount of $260.69, water review escrow funds in the amount of $347.71 and inspection escrow funds in the amount of $70.32.

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 $260.69, plus interest if any, said funds to be returned from escrow account 38-2080-00-01307-006
   b. Unused water review escrow funds in the amount of $347.71, plus interest if any, said funds to be returned from escrow account 38-2080-00-01307-005
   c. Unused inspection escrow funds in the amount of $70.32, plus interest if any, said funds to be returned from escrow account 36-2080-00-21307-008

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. Tipmich, LLC, 24 Crine Road, Colts Neck, NJ 07722
   e. Roof Maintenance Systems, 1060 Route 33, 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 November 12, 2019.

__________________________________________
ALLISON CIRANNI
ACTING TOWNSHIP CLERK
REGULAR MEETING DATE

November 12, 2019

AGENDA ITEM NUMBER

9A.12
Mr(s) ______________________________________ offered the following Resolution for adoption seconded by Mr(s) ________________________________________.

Resolution No. R-19-373

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

DEVELOPER: INTERSTATE OUTDOOR ADVERTISING, LP
PROJECT: BILLBOARD
ROUTE 9 SOUTH (SOUTH OF LANES MILL ROAD)
BLOCK 73 LOT 21.02
CASE NO.: SP-972

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 October 10, 2019, the Division of Engineering recommends the return of unused engineering inspection escrow funds in the amount of $13.01.

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 site inspection escrow funds in the amount of $13.01, plus interest if any, said funds to be returned from escrow account 36-2080-00-00972-008.

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. Interstate Outdoor Advertising, 905 North Kings Highway, Cherry Hill, NJ 08034

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 November 12, 2019.

__________________________________________
ALLISON CIRANNI, ACTING TOWNSHIP CLERK
TOWNSHIP OF HOWELL

RESOLUTION COVER PAGE

REGULAR MEETING DATE

November 12, 2019

AGENDA ITEM NUMBER

9A.13
Mr(s) ____________________________ offered the following Resolution for adoption seconded by Mr(s) ____________________________.

Resolution No. R-19-374

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

DEVELOPER: BFW/HOWELL ASSOCIATES, LLC
PROJECT: SANITARY SEWER CONNECTION
BLOCK 28 LOT 66.01
HOWELL COMMONS – ROUTE 9 NORTH
CASE NO.: SP-788S

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 dated October 10, 2019, the Division of Engineering recommends the return of unused engineering inspection escrow funds in the amount of $422.27.

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 $422.27, plus interest if any, said funds to be returned from escrow account 38-2080-00-50788-009.

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. BFW/Howell Associates, LLC, 7978 Cooper Creek Blvd., University Park, FL 34201

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 November 12, 2019.

ALLISON CIRANNI, ACTING TOWNSHIP CLERK
Mr(s) ______________________________________ offered the following Resolution for adoption seconded by Mr(s) ________________________________________.

Resolution No. R-19-375

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

DEVELOPER: BFW/HOWELL ASSOCIATES, LLC
PROJECT: HOWELL COMMONS EXPANSION
BLOCK 28 LOT 66.01
ROUTE 9 NORTH & LOCUST AVE
CASE NO.: SP-935 A2

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 October 10, 2019, the Division of Engineering recommends the return of unused engineering inspection escrow funds in the amount of $806.22.

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 $806.22, plus interest if any, said funds to be returned from escrow account 36-2080-00-10935-008.

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. BFW/Howell Associates, LLC, 7978 Cooper Creek Blvd., University Park, FL 34201

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 November 12, 2019.

ALLISON CIRANNI, ACTING TOWNSHIP CLERK
TOWNSHIP OF HOWELL

RESOLUTION COVER PAGE

REGULAR MEETING DATE  November 12, 2019

AGENDA ITEM NUMBER  9A.15
R-19-376

RESOLUTION OF THE TOWNSHIP OF HOWELL, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, PROVIDING FOR APPROPRIATION TRANSFERS IN THE 2019 MUNICIPAL BUDGET OF THE TOWNSHIP OF HOWELL PURSUANT TO N.J.S.A. 40A:4-58

WHEREAS, N.J.S.A. 40A:4-58 provides that transfers may be made between appropriations during the last two months of the fiscal year, and;

WHEREAS, The Township Council of the Township of Howell has determined that such transfer is prudent and necessary.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Howell (not less than two-thirds of the full Council voting in the affirmative) that the transfers in the amounts and totals listed on the attached sheet be made in the 2019 Municipal Budget Appropriations.

ROLL CALL:

VOTE: AYES NAYS ABSTAIN ABSENT

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

I, Allison Ciranni, Acting 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 November 12, 2019.

Allison Ciranni, Acting Township Clerk
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<tr>
<th>Budget Line Item</th>
<th>Department</th>
<th>Budget Appropriation</th>
<th>Line Item</th>
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TOWNSHIP OF HOWELL

RESOLUTION COVER PAGE

REGULAR MEETING DATE

November 12, 2019

AGENDA ITEM NUMBER

9A.16
R-19-377

RESOLUTION OF THE TOWNSHIP OF HOWELL, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, CANCELING CAPITAL IMPROVEMENT APPROPRIATION BALANCES.

WHEREAS, a General Capital Improvement appropriation balance remains dedicated for a project now completed, and;

WHEREAS, a Grant Fund receivable and spending appropriation balance remains dedicated for a project now completed, and;

WHEREAS, it is necessary to formally cancel said unexpended authorizations, and;

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be returned to each respective Capital Improvement Fund or credited to Fund Balance, if appropriate, and unused debt authorizations may be cancelled.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Howell, County of Monmouth, State of New Jersey (not less than two-thirds of all the members thereof affirmatively concurring) that the capital project be declared completed and the unexpended and dedicate balances of the General Capital and Grant Fund Receivables and Appropriations per the attached list be cancelled.

BE IT FURTHER RESOLVED, that the Township Clerk shall forward two certified copies of this resolution to the Director of Local Government Services.

ROLL CALL:

VOTE: AYES NAYS ABSTAIN ABSENT

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

I, Allison Ciranni, Acting 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 November 12, 2019.

Allison Ciranni, Acting Township Clerk
### CURRENT FUND

**Current Fund**

**Current Fund Receivables:**

<table>
<thead>
<tr>
<th>Account</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>01-1160</td>
<td>HT BOE - SLEO III Program Receivable</td>
<td>$1,930.02</td>
</tr>
</tbody>
</table>

**Current Fund Reserves:**

<table>
<thead>
<tr>
<th>Account</th>
<th>Description</th>
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</tr>
</thead>
<tbody>
<tr>
<td>01-2824</td>
<td>Reserve for Elections</td>
<td>$2,434.79</td>
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</table>

**Grant Fund Revenue Receivables:**

<table>
<thead>
<tr>
<th>Account</th>
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</tr>
</thead>
<tbody>
<tr>
<td>01-5064</td>
<td>Safe Corridors Grant</td>
<td>$1,888.31</td>
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**Grant Fund Appropriation Reserves:**

<table>
<thead>
<tr>
<th>Account</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>01-6010</td>
<td>Alliance Grant (7/1/18 - 6/30/19)</td>
<td>$15,702.81</td>
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</tbody>
</table>

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### GENERAL CAPITAL FUND

<table>
<thead>
<tr>
<th>Account</th>
<th>Description</th>
<th>Sub-Account Project</th>
<th>FUND BALANCE</th>
<th>Deferred Charge to Future Taxation</th>
</tr>
</thead>
<tbody>
<tr>
<td>04-2150-55-00832-018</td>
<td>Roads, Sidewalks, Curbs</td>
<td></td>
<td>$6,595.96</td>
<td></td>
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<tr>
<td>04-2150-55-01018-016</td>
<td>Improvements to Buildings</td>
<td></td>
<td>$1.72</td>
<td></td>
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<tr>
<td>04-2150-55-01117-032</td>
<td>Global Center Acquisition</td>
<td></td>
<td>$15,928.00</td>
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<tr>
<td>04-2150-55-01811-007</td>
<td>Computer Equipment</td>
<td>Virtual Server</td>
<td>$440.36</td>
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<tr>
<td>04-2150-55-01811-009</td>
<td>Township Vehicles</td>
<td>Senior Transport Van</td>
<td>$1,508.00</td>
<td>$12,000.00</td>
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**GENERAL CAPITAL FUND**

<table>
<thead>
<tr>
<th>Sub-Account Project</th>
<th>FUND BALANCE</th>
<th>Deferred Charge to Future Taxation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$24,474.04</td>
<td>$12,000.00 $</td>
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### SEWER CAPITAL FUND

<table>
<thead>
<tr>
<th>Account</th>
<th>Description</th>
<th>Sub-Account Project</th>
<th>FUND BALANCE</th>
<th>Deferred Charge to Future Taxation</th>
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<tbody>
<tr>
<td>08-2150-55-01415-042</td>
<td>Pump Replacement</td>
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**SEWER CAPITAL FUND**

<table>
<thead>
<tr>
<th>Sub-Account Project</th>
<th>FUND BALANCE</th>
<th>Deferred Charge to Future Taxation</th>
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</thead>
<tbody>
<tr>
<td></td>
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<td>$295.00 $</td>
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**BORROWING AUTHORITY**

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<th>General Capital Fund</th>
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<tr>
<td>SEWER CAPITAL FUND</td>
<td>$36,474.04</td>
<td>$295.00</td>
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</table>
Mr(s) _______________________ offered the following Resolution for adoption seconded by Mr(s) _______________________.

Resolution No.

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

DEVELOPER: SAVERIA BUILDERS, LLC
PROJECT: PINE HILL III – SANITARY SEWER
 BLOCK 59 LOTS 3 & 3.01 (NEW LOTS 3.02-3.18)
 SAVERIA COURT OFF ALDRICH ROAD
CASE NO.: SD-2817 – SANITARY SEWER IMPROVEMENTS

WHEREAS, the above-named developer of the above-named land use development located at property known as block 59 lots 3 & 3.01 (new lots 3.02-3.18) posted a maintenance guarantee in the form of all cash in the amount of $10,876.46; 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 October 30, 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 all cash maintenance guarantee in the amount of $10,876.46, plus interest if any, to the developer from account number 37-2080-00-12817-012.

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. Saveria Builders, LLC, 237 North 20th Street, Kenilworth, NJ 07033

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 November 12, 2019.

_________________________________________
ALLISON CIRANNA, ACTING TOWNSHIP CLERK
TOWNSHIP OF HOWELL

RESOLUTION COVER PAGE

REGULAR MEETING DATE	November 12, 2019

AGENDA ITEM NUMBER	9A.18
Mr.(s)____________________________________ offered the following Resolution for adoption seconded by Mr.(s)_________________________________________

Resolution No. R-19-379

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

MATTER REFUND 1016 Realty LLC
7 Palermo Drive
Tinton Falls, NJ 07724

CASE NO. BA06-21
BLOCK 177
LOT 29 & 30
PROJECT ADDRESS 1016 Route 33
(South Side of Route 33 between Yellow Brook Road and Fairfield 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 $368.17

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 $368.17, plus interest if any, from the applicant’s Escrow Account No. 36-2080-00-00621-025.

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
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 November 12, 2019.

ALLISON CIRANNA
ACTING TOWNSHIP CLERK
TOWNSHIP OF HOWELL

RESOLUTION COVER PAGE

REGULAR MEETING DATE

November 12, 2019

AGENDA ITEM NUMBER

9A.18
Mr.(s)____________________________________ offered the following Resolution for adoption seconded by Mr.(s)_________________________________________

Resolution No. R-19-379

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

MATTER REFUND 1016 Realty LLC
7 Palermo Drive
Tinton Falls, NJ 07724

CASE NO. BA06-21

BLOCK 177

LOT 29 & 30

PROJECT ADDRESS 1016 Route 33
(South Side of Route 33 between Yellow Brook Road and Fairfield 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 $368.17

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 $368.17, plus interest if any, from the applicant’s Escrow Account No. 36-2080-00-00621-025.

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
<table>
<thead>
<tr>
<th>VOTE</th>
<th>AYES</th>
<th>NAYS</th>
<th>ABSTAIN</th>
<th>ABSENT</th>
<th>DISQUALIFY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr. Bonevich</td>
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<tr>
<td>Ms. Richmond</td>
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<tr>
<td>Mr. Russo</td>
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<tr>
<td>Deputy Mayor O’Donnell</td>
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<tr>
<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 November 12, 2019.

__________________________________________
ALLISON CIRANNNI
ACTING TOWNSHIP CLERK
TOWNSHIP OF HOWELL

RESOLUTION COVER PAGE

REGULAR MEETING DATE
November 12, 2019

AGENDA ITEM NUMBER
9A.19
Resolution No. R-19-380

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

MATTER REFUND
John Davies
7 Palermo Drive
Tinton Falls, NJ 07724

CASE NO.  SD-2668
BLOCK  177
LOTS  30
PROJECT State Route 33
(South side of Route 33 between Yellowbrook and Fairfield Roads)

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 $133.39

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 $133.39, plus interest if any, from the applicant’s Escrow Account No. 36-2080-00-02668-002.

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
<table>
<thead>
<tr>
<th>VOTE</th>
<th>AYES</th>
<th>NAYS</th>
<th>ABSTAIN</th>
<th>ABSENT</th>
<th>DISQUALIFY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr. Bonevich</td>
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<tr>
<td>Ms. Richmond</td>
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<tr>
<td>Mr. Russo</td>
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<tr>
<td>Deputy Mayor O’Donnell</td>
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<td></td>
</tr>
<tr>
<td>Mayor Berger</td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

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 November 12, 2019.

ALLISON CIRANNAI
ACTING TOWNSHIP CLERK
Mr.(s)____________________________________ offered the following Resolution for adoption seconded by Mr.(s)_________________________________________

Resolution No. R-19-381

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

MATTER REFUND  Landmark Plaza Management LLC
26 Rutledge Road
Marlboro
CASE NO.   SP-1015 and SP-1015A
BLOCK 73
LOT 23.01, 24 & 25
PROJECT 5010-5024 US Highway 9 South
(Intersection of Route 9 & Lanes Mill 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 $31.31

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 $31.31 plus interest if any, from the applicant’s Escrow Account No. 36-2080-00-91015-001.

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
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 November 12, 2019.

______________________________
ALLISON CIRANANI
ACTING TOWNSHIP CLERK
TOWNSHIP OF HOWELL

RESOLUTION COVER PAGE

REGULAR MEETING DATE

November 12, 2019

AGENDA ITEM NUMBER

9A.21
Resolution No. R-19-382

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

DEVELOPER: LANDMARK PLAZA MANAGEMENT
PROJECT: ALDI
BLOCK 73 LOT 24.01
ROUTE 9 SOUTH & LANES MILL ROAD
CASE NO. SP-1015

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, water and sanitary sewer review escrow funds for professional services to insure proper water and sanitary sewer reviews; and

WHEREAS, the applicant has requested his escrow account be closed; and

WHEREAS, by memorandum dated October 10, 2019, the Division of Engineering recommends the return of unused water review escrow funds in the amount of $344.28 and sanitary sewer review escrow funds in the amount of $213.57.

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 $344.28, plus interest if any, said funds to be returned to the developer from account 38-2080-00-91015-005 and sanitary sewer review escrow funds in the amount of $213.57, plus interest if any, said funds to be returned to the applicant from escrow account 38-2080-00-91015-006.

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. Landmark Plaza Management, 26 Rutledge Road, Marlboro, NJ 07746

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 November 12, 2019.

__________________________________________
ALLISON CIRANNI
ACTING TOWNSHIP CLERK
TOWNSHIP OF HOWELL

RESOLUTION COVER PAGE

REGULAR MEETING DATE

November 12, 2019

AGENDA ITEM NUMBER

9A.22
A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HOWELL AUTHORIZING THE RETURN OF UNUSED SANITARY SEWER REVIEW ESCROW FUNDS

DEVELOPER: LANDMARK PLAZA MANAGEMENT
PROJECT: SANITARY SEWER
BLOCK 73 LOT 24
ROUTE 9 SOUTH & LANES MILL ROAD
CASE NO. APP-01-228

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 escrow funds for professional services to insure proper sanitary sewer reviews; and

WHEREAS, the applicant has requested his escrow account be closed; and

WHEREAS, by memorandum dated October 10, 2019, the Division of Engineering recommends the return of unused sanitary sewer review escrow funds in the amount of $25.00.

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 developer sanitary sewer review escrow funds in the amount of $25.00, plus interest if any, said funds to be returned to the applicant from escrow account 38-2080-00-01228-006.

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. Landmark Plaza Management, 26 Rutledge Road, Marlboro, NJ 07746

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 November 12, 2019.

ALLISON CIRANNI
ACTING TOWNSHIP CLERK
Resolution No. R-19-384

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

DEVELOPER: TOLL BROS., INC.
PROJECT: BOULDER RIDGE II (REGENCY AT ALLAIRE)
BLOCK 183 LOT 109.01, 109.02, 110, 111, 112
STATE HIGHWAY 33
CASE NO.: SD-2930 A2/SP-914A

WHEREAS, the above-named developer of the above-named land use project located on property known as block 183 lots 109.01, 109.02, 110, 111, 112 is posting as a condition of the Planning 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 Planning 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 Planning Board and the Division of Engineering’s Performance Guarantee Estimate dated 11/6/19:

   a. Performance Bond No. 30086227 in the amount of $1,694,205.00 issued by Western Surety Company, representing 90% of the performance guarantee
   b. Wire Transfer to the Township of Howell in the amount of $188,245.00, representing the 10% cash portion 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. Toll Bros., Inc., 250 Gibraltar Road, Horsham, PA 19044
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 November 12, 2019.  

__________________________  
ALLISON CIRANNI  
ACTING TOWNSHIP CLERK
TOWNSHIP OF HOWELL

RESOLUTION COVER PAGE

REGULAR MEETING DATE

November 12, 2019

AGENDA ITEM NUMBER

9A.24
RESOLUTION

R-19-385

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

NOW THEREFORE, BE IT RESOLVED on this 12th day of November, 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>Payee</th>
<th>Reason</th>
<th>Refund</th>
</tr>
</thead>
<tbody>
<tr>
<td>35.47</td>
<td>118</td>
<td></td>
<td>Laura Gershberg</td>
<td>Overpayment - Homestead</td>
<td>$356.03</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 November 12, 2019.

ALLISON CIRANNI
ACTING TOWNSHIP CLERK
Mr(s). offered the following Resolution for adoption seconded by Mr(s).

Resolution No: R-19-386

RESOLUTION

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HOWELL AUTHORIZING THE EXECUTION OF A LAND USE DEVELOPER’S AGREEMENT WITH TOLL BROS., INC.

WHEREAS, Toll Bros., Inc., a corporation, with offices at 250 Gibraltar Road, Horsham, PA 19044 (“Developer”) submitted a Land Use Developer’s Agreement covering development for property known as Block 183, Lots: 109.01, 109.02, 110, 111, and 112 being a development known as Boulder Ridge at Howell, LLC and to be known as the Regency at Allaire in the Township of Howell (“Howell”); and

WHEREAS, the Developer has agreed to construct certain improvements shown on the application for an Amended Preliminary and Major Subdivision Approvals, and Amended Preliminary and Final Site Plan Approvals with Woodlands Management Plan Approval granted on December 1, 2016 and memorialized by resolution adopted on January 19, 2017 (“Resolution”) and all conditions of previous approvals except the conditions modified in the aforementioned resolution under Planning Board, Application Numbers SD-2930 A-2/SP-914-A; 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 Toll Bros., Inc., a corporation, with offices at 250 Gibraltar Road, Horsham, PA 19044 (“Developer”) covering development for property known as Block 183, Lots: 109.01, 109.02, 110, 111, and 112 being a development known as Boulder Ridge at Howell, LLC and to be known as the Regency at Allaire;
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 John Giunco, Esq., attorney for Toll Bros., Inc.

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 November 12, 2019.

ALLISON CIRANNI
ACTING TOWNSHIP CLERK
Resolution No: R-19-387

RESOLUTION

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HOWELL AUTHORIZING ADDITIONAL NOT-TO-EXCEED LIMITATION TO GLUCK WALRATH LLP WITH REGARD TO DUTIES AS SPECIAL COUNSEL

WHEREAS, the firm of Gluck Walrath LLP (“the Firm”) was appointed as Special Counsel for the year 2019; and

WHEREAS, the amount of fees for their services was initially set at $25,000.00; and

WHEREAS, the amount of fees for their services was then increased by $10,000.00 on September 24th, 2019 due to the high volume of work related to ongoing projects; and

WHEREAS, as a result of the extraordinary time and work required with regard to these projects, the balance remaining on the not-to-exceed limitation will be insufficient to fund the remaining legal work for the year.

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of Howell that an additional not-to-exceed limitation in the amount of $14,000.00 is hereby approved for the firm of Gluck Walrath LLP.

BE IT FURTHER RESOLVED that the appropriation to be charged is line item #01-2010-20-01552-411 entitled Legal Services in the amount of $14,000.00.

VOTE

AYES       NAYS       ABSTAIN       ABSENT

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 by that body on November 12th, 2019.

________________________________
Allison Ciranni, Acting Township Clerk
TOWNSHIP OF HOWELL

RESOLUTION COVER PAGE

REGULAR MEETING DATE

November 12, 2019

AGENDA ITEM NUMBER

9A.27
Mr.(s) ____ offered the following Resolution for adoption seconded by Mr.(s) ____.

Resolution No: R-19-388

RESOLUTION AUTHORIZING
THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HOWELL, COUNTY OF
MONMOUTH, STATE OF NEW JERSEY MEMORIALIZING THE
AUTHORIZATION OF THE AWARD OF CONTRACT WITHOUT PUBLIC
BIDDING AND THE PAYMENT OF THE FINAL CONTRACT PRICE
PURSUANT TO THE PROVISIONS OF N.J.S.A. 40A:11-6

WHEREAS, there was a declaration of emergency with respect to deteriorating
roadway conditions on Ford Road prepared by the Township Manager, Brian Geoghegan;
and

WHEREAS, Moderno Construction Inc., 2520 Matso Drive, Toms River, NJ
08753 has been authorized to reconstruct approximately 200 linear feet of roadway
between Irene Boulevard and Highway Route 9 without public bidding pursuant to the
19:44A-20.26; and

WHEREAS, provisions of N.J.S.A. 40A:11-6 permit the Township of Howell to
award contracts without public bidding or quotations when an emergency affecting the
health, welfare and safety of the public requires the immediate performance of services;
and

WHEREAS, Brian Geoghegan, Township Manager declared this situation an
emergency condition affecting the health and safety of the public on September 16, 2019;
and

WHEREAS, the contract price for said emergency contract totals $65,404.55;
and

WHEREAS, the Chief Financial Officer has certified the availability of funds to
make said emergency purchase.

THEREFORE, BE IT RESOLVED by the Township Council of the Township
of Howell in the County of Monmouth that authorization is hereby memorialized
engaging Moderno Construction, Inc. to reconstruct approximately 200 linear feet of
Ford Road between Irene Boulevard and Highway Route 9 without public bidding and to
provide for the payment of the contract price pursuant to the provisions of N.J.S.A.
40A:11-6.
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 November 12, 2019. 

__________________________________  
Allison Ciranni, Acting Township Clerk
TOWNSHIP OF HOWELL

RESOLUTION COVER PAGE

REGULAR MEETING DATE

November 12, 2019

AGENDA ITEM NUMBER

9A.28
RESOLUTION R-19-389

RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 TO THE 2018 PAVEMENT PATCH PROGRAM – CONTRACT #18-11 IN THE AMOUNT OF $119,750.00

WHEREAS, the Township Council of the Township of Howell contracted with L&L Paving Company, Inc., 89 Yellowbrook Road, Farmingdale, NJ 07727 for the 2018 Pavement Patch Program - Contract #18-11; and

WHEREAS, the Township requires additional estimated quantities as listed on Change Order No. 1 dated November 7, 2019, increasing the contract by $119,750.00, making the total amount of the contract $725,475.00 as requested by the Director of Community Development; and

WHEREAS, funds are available and have been certified to by the Township Chief Financial Officer for said change order; and

WHEREAS, the Township Manager and the Director of Community Development have recommended authorization of Change Order No. 1 and authorize its execution by appropriate officials.

NOW THEREFORE, BE IT RESOLVED by the Township Council of the Township of Howell that Change Order No. 1 for the additional estimated quantities, with an increase in the amount of $119,750.00 be authorized to be executed by the appropriate officials.

BE IT FURTHER RESOLVED that the appropriations to be charged are capital line item #04-2150-55-01811-019 entitled 2018 Road Program in the amount of $119,750.00.

VOTE AYES NAYS ABSTAIN ABSENT

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 by that body on November 12, 2019.

Allison Ciranni, Acting Township Clerk
TOWNSHIP OF HOWELL

RESOLUTION COVER PAGE

REGULAR MEETING DATE

November 12, 2019

AGENDA ITEM NUMBER

9A.29
Mr(s)._______ offered the following Resolution for adoption seconded by Mr(s)._______.

RESOLUTION R-19-390

RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 TO THE 2017-2018 CURB & APRON PROGRAM – CONTRACT #17-08 IN THE AMOUNT OF $156,000.00

WHEREAS, the Township Council of the Township of Howell contracted with Precise Construction Inc., 1016 Highway 33, Freehold, NJ 07728 for the 2017-2018 Curb & Apron Program - Contract #17-08; and

WHEREAS, the Township requires additional estimated quantities as listed on Change Order No. 1 dated November 7, 2019, increasing the contract by $156,000.00, making the total amount of the contract $945,350.00 as requested by the Director of Community Development; and

WHEREAS, funds are available and have been certified to by the Township Chief Financial Officer for said change order; and

WHEREAS, the Township Manager and the Director of Community Development have recommended authorization of Change Order No. 1 and authorize its execution by appropriate officials.

NOW THEREFORE, BE IT RESOLVED by the Township Council of the Township of Howell that Change Order No. 1 for the additional estimated quantities, with an increase in the amount of $156,000.00 be authorized to be executed by the appropriate officials.

BE IT FURTHER RESOLVED that the appropriations to be charged are capital line item #04-2150-55-01725-018 entitled Curb & Sidewalk Program in the amount of $156,000.00.

VOTE               AYES               NAYS               ABSTAIN               ABSENT

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 by that body on November 12, 2019.

Allison Ciranni, Acting Township Clerk
Mr(s). ________________offered the following Resolution and moved its adoption seconded by Mr(s).______________________.

RESOLUTION R-19-391

WHEREAS, the Township of Howell as a contracting unit, may without advertising for bids, purchase any materials, supplies or equipment entered into on behalf of the Educational Services Commission of New Jersey Cooperative Purchasing System (Co-Op #65MCESCCPS) Pursuant to the provision of N.J.S.A. 40A:11-11: and

WHEREAS, Beyer Ford, 170 Ridgedale Avenue, Morristown, NJ 07962, has been awarded the ESCNJ Contract No. 17/18-21 (expiration 9/14/20) for Trucks – Pick-ups, Vans, and Sport Utility Vehicles; and

WHEREAS, under Contract 17/18-21, Beyer Ford, can provide three (3) 2020 Ford Escapes and one (1) 2020 Ford F-250 Pick-up, for the Department of Community Development and Department of Public Works.

THEREFORE, BE IT RESOLVED by the Township Council of the Township of Howell that Beyer Ford, under the Educational Services Commission of New Jersey Contract 17/18-21, be utilized for the purchase of three (3) 2020 Ford Escapes and one (1) 2020 Ford F-250 Pick-up with a plow and accessories for a not to exceed amount of $125,000.00.

BE IT FURTHER RESOLVED by the Township Council of the Township of Howell that pursuant to the rules of the Local Finance Board of the State of New Jersey that the appropriation to be charged is #04-1519 entitled MCIA Capital Equipment Lease 2019 in the not to exceed amount of $125,000.00.
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 by that body on November 12th 2019.

________________________________
Allison Ciranni, Acting Township Clerk

MR/ESCNJ19
TOWNSHIP OF HOWELL

RESOLUTION COVER PAGE

REGULAR MEETING DATE

November 12, 2019

AGENDA ITEM NUMBER

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

Resolution No. R-19-392

RESOLUTION IN SUPPORT OF THE HOWELL TOWNSHIP GREEN TEAM AND ENVIRONMENTAL COMMISSION’S INITIATIVE TO EXPAND JOINT ACTIVITIES WITH THE TOWNSHIP’S SCHOOLS

WHEREAS, the Howell Township Municipal Green Team and the Howell Township Environmental Commission, and other environmentally related commissions and committees have been working very hard to significantly increase opportunities for joint projects with our Township Schools; and

WHEREAS, the Municipal Green Team and Environmental Commission’s efforts have been very successful and all parties agree the results have been positive; and

WHEREAS, the Mayor and Township Council recognize both the importance of environmentally friendly initiatives within the Township and STEM educational opportunities within Township Schools; and

WHEREAS, promoting positive civic engagement opportunities for our Township’s youth is an important aspect of good local government; and

WHEREAS, a Green Team member with relevant professional training and experience has volunteered to accept primary responsibility for leading and coordinating this endeavor:

NOW, THEREFORE, BE IT RESOLVED that the Howell Township Mayor and Council Members fully support the Howell Township Green Team and Environmental Commission’s efforts to continue with and expand upon their program of joint environmental activities with the Howell Township School District.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be sent to the Environmental Commission, the Green Team, all other environmentally related Committees and Commissions, the Township Administrator, the Township Department of Engineering and the Howell Township Superintendent of Schools.

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 November 12, 2019.

ALLISON CIRANNI, ACTING TOWNSHIP CLERK
TOWNSHIP OF HOWELL

RESOLUTION COVER PAGE

REGULAR MEETING DATE

November 12, 2019

AGENDA ITEM NUMBER

9A.32
Mr(s).___________________offered the following Resolution and moved for its adoption seconded by Mr(s).______________________.

RESOLUTION R-19-393

WHEREAS, the Township of Howell as a contracting unit, may without advertising for bids, purchase any materials, supplies or equipment entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury pursuant to the provision of N.J.S.A. C.40A:11-12; and

WHEREAS, SHI International Corp. has been awarded New Jersey State Contract No. 89851 for Server’s, supporting equipment and software; and

WHEREAS, SHI International Corp., 290 Davidson Ave, Somerset, NJ 08873 is an authorized dealer/reseller on this contract; and

WHEREAS, the IT Department has recommended the utilization of this contract in order to upgrade our server equipment and software; and

WHEREAS, under State Contract No. 89851, SHI International Corp. can provide the items required per their attached quotes for the Township of Howell in the not to exceed amount of $132,993.00 attached hereto and made a part hereof.

THEREFORE, BE IT RESOLVED by the Township Council of the Township of Howell that SHI International Corp. under State Contract No. 89851 be utilized for the upgrade of our server equipment and software at the price of $132,993.00

BE IT FURTHER RESOLVED by the Township Council of the Township of Howell that pursuant to the rules of the Local Finance Board of the State of New Jersey that the appropriation to be charged is 04-1519 entitled MCIA Capital Equipment Lease Series 2019, in the amount of $132,993.00.
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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 November 12th, 2019.

__________________________
Allison Ciranni, Acting Township Clerk

MR/19State
**NJ TOWNSHIP OF HOWELL**

**Glenn Grimstad**  
251 Preventorium Road  
P.O. Box 580  
Howell, NJ 07731  
UNITED STATES  
Phone: (732) 938-4500 x2236  
Fax:  
Email: ggrimstad@twp.howell.nj.us

**Inside Account Executive**

**Kevin Bock**  
290 Davidson Ave.  
Somerset, NJ 08873  
Phone: (732) 584-8446  
Fax: (732) 564-8224  
Email: kevin.bock@shi.com

All Prices are in US Dollar (USD)

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Contract #: ITS58  
Subcontract #: 89851 | 4 | $1,097.04 | $4,388.16 |
| 2 U.S. - ENGLISH LOCALIZATION  
Hewlett Packard Enterprise - Part#: 868703-B21 ABA  
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Contract #: ITS58  
Subcontract #: 89851 | 4 | $0.00 | $0.00 |
| 3 HPE DL380 GEN10 6134 XEON-G FIO KIT  
HP ENT - Part#: 826872-L21  
Contract Name: Software Reseller  
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Subcontract #: 89851 | 4 | $2,161.04 | $8,644.16 |
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Hewlett Packard Enterprise - Part#: 826872-B21  
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Contract #: ITS58  
Subcontract #: 89851 | 4 | $0.00 | $0.00 |
| 6 HPE 16GB 2RX8 PC4-2666V-R SMART KIT  
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<td>85</td>
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<td>87</td>
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<td>88</td>
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**Hewlett Packard Enterprise - Part#: H1K92A5 R2M**  
Contract Name: Software Reseller  
Contract #: ITS58  
Subcontract #: 89851

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<th>Item</th>
<th>Price</th>
<th>Total</th>
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<td>89 HPE DL38X GEN10 SUPPORT</td>
<td>$6,243.80</td>
<td>$37,462.80</td>
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<td>90 HPE ONE VIEW W/O ILO SUPPORT</td>
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<td>91 HPE DL360 GEN10 SUPPORT</td>
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<td><strong>Total</strong></td>
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<td><strong>$128,932.00</strong></td>
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</table>

**Additional Comments**

Please Note: Hewlett Packard Enterprise has a zero returns policy on custom build machines.

Thank you for choosing SHI International Corp! The pricing offered on this quote proposal is valid through the expiration date set above. To ensure the best level of service, please provide End User Name, Phone Number, Email Address and applicable Contract Number when submitting a Purchase Order.

SHI International Corp. is 100% Minority Owned, Woman Owned Business.  
TAX ID# 22-3009648; DUNS# 61-1429481; CCR# 61-243957G; CAGE 1H1F0

*The products offered under this proposal are resold in accordance with the terms and conditions of the Contract referenced under that applicable line item.*
NJ TOWNSHIP OF HOWELL

Glenn Grimstad
251 Preventorium Road
P.O. Box 580
Howell, NJ 07731
UNITED STATES
Phone: (732) 938-4500 x2236
Fax:
Email: ggrimstad@twp.howell.nj.us

Inside Account Executive

Dan Farina
290 Davidson Ave,
Somerset, NJ 08873
Phone: 7326527802
Fax: 7326648224
Email: Dan_Farina@shi.com

All Prices are in US Dollar (USD)

<table>
<thead>
<tr>
<th>Product</th>
<th>Qty</th>
<th>Your Price</th>
<th>Total</th>
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</thead>
<tbody>
<tr>
<td>Veeam Availability Suite Enterprise - License + Production Support - 1 virtual machine - public sector</td>
<td>2</td>
<td>$1,437.00</td>
<td>$2,874.00</td>
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<td>Veeam Software - Part#: P-VASENT-VS-PP000-00</td>
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</tbody>
</table>

Total $2,874.00

Additional Comments

Veeam has a no returns policy.

Thank you for choosing SHI International Corp! The pricing offered on this quote proposal is valid through the expiration date set above. To ensure the best level of service, please provide End User Name, Phone Number, Email Address and applicable Contract Number when submitting a Purchase Order.

SHI International Corp. is 100% Minority Owned, Woman Owned Business.
TAX ID# 22-3009648; DUNS# 61-1429481; CCR# 61-243857G; CAGE 1HTF0

The Products offered under this proposal are resold in accordance with the SHI Online Customer Resale Terms and Conditions, unless a separate resale agreement exists between SHI and the Customer.
NJ TOWNSHIP OF HOWELL

Glenn Grimstad  
251 Preventorium Road  
P.O. Box 580  
Howell, NJ 07731  
UNITED STATES  
Phone: (732) 938-4500 x2236  
Fax:  
Email: ggrimstad@twp.howell.nj.us

Inside Account Executive

Dan Farina  
250 Davidson Ave,  
Somerset, NJ 08873  
Phone: 7326527602  
Fax: 7326548224  
Email: Dan_Farina@shi.com

All Prices are in US Dollar (USD)

<table>
<thead>
<tr>
<th>Product</th>
<th>Qty</th>
<th>Your Price</th>
<th>Total</th>
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</thead>
</table>
| VMware vSphere Standard - (v. 6) - license - 1 processor  
VMware - Part#: VS6-STD-C | 1   | $883.00    | $883.00 |
| VMware Support and Subscription Production - Technical support - for VMware  
vSphere Standard Edition (v. 6) - 1 processor - emergency phone consulting - 1 year  
- 24x7 - response time: 30 min  
VMware - Part#: VS6-STD-P-SSS-C | 1   | $304.00    | $304.00 |

Total $1,187.00

Additional Comments

Please note the following:

1) VMware EULA -- VMware EULA
2) VMware Does Not offer a standard return policy
3) Service offerings are non-refundable
4) PSO Credits are only active for 1 Year

1. By issuing a purchase order or acknowledging this quote, when applicable, Customer certifies that employees at each of their locations adhere to all applicable export and re-export control laws and regulations covering the distributed products purchased and/or received by the Customer.
2. By issuing a purchase order or acknowledging this quote, and when applicable, Customer understands that the commodities, software and/or technology ("Items") it purchases or receives under this quote may be subject to export, re-export, or other restrictions. Customer agrees to comply with all applicable laws and regulations relating to the export and re-export of such Items obtained by Customer.

Thank you for choosing SHI International Corp! The pricing offered on this quote proposal is valid through the expiration date set above. To ensure the best level of service, please provide End User Name, Phone Number, Email Address and applicable Contract Number when submitting a Purchase Order.

SHI International Corp. is 100% Minority Owned, Woman Owned Business.  
TAX ID# 22-3009648; DUNS# 61-1429481; CCR# 61-243957G; CAGE 1HTF0
The Products offered under this proposal are resold in accordance with the SHI Online Customer Resale Terms and Conditions, unless a separate resale agreement exists between SHI and the Customer.
TOWNSHIP OF HOWELL

RESOLUTION COVER PAGE

REGULAR MEETING DATE

November 12, 2019

AGENDA ITEM NUMBER

9A.33
RESOLUTION

WHEREAS, N.J.S.A. 40A:5-29 provides for the acceptance of gifts and bequests, and

WHEREAS, the Township has received offers of gifts to construct sections of the Capitol to the Coast Trail in memory of Fred Lockenmeyer, long time biking enthusiast and facilitator of numerous sections of the multi-use trail network, and

WHEREAS, N.J.S.A. 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider;

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

1. The governing body hereby requests permission of the Director of the Division of Local Government Services to pay the following expenditures through Dedication by Rider:
   Gifts and Bequests – Capitol to the Coast Trail Fund as per N.J.S.A. 40A:4-39 and 40A:5-29; and

2. The municipal clerk of the Township of Howell is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services for his approval.

ROLL CALL:

VOTE: AYES NAYS ABSTAIN ABSENT

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

I, Allison Ciranni, Acting 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 November 12, 2019.

Allison Ciranni, Acting Township Clerk
TOWNSHIP OF HOWELL

ORDINANCE COVER PAGE

Ordinance No. O-19-48

INTRODUCTION  
October 22, 2019

PUBLIC HEARING & ADOPTION  
November 12, 2019

AGENDA ITEM NUMBER  
10.1
TOWNSHIP OF HOWELL
ORDINANCE NO O-19-48

AN ORDINANCE SETTING FORTH AND AMENDING AND SUPPLEMENTING THE
SALARY RANGE SCHEDULE FOR THE SALARIES OF CERTAIN OFFICERS AND
EMPLOYEES OF THE TOWNSHIP OF HOWELL

WHEREAS, pursuant to N.J.S.A. 40A:9-165, the Township Council shall set forth the
salaries, wages or compensation of the officers and employees of the Township, who, by law, are
entitled to salaries, wages or compensation, subject to any respective collective bargaining
agreement applicable to such positions; and

WHEREAS, the offices and positions under the Municipal Government of the Township
of Howell shall be compensated at the amount fixed in this ordinance, providing funding is
available in each budget; and

WHEREAS, the Township Chief Financial Officer is hereby authorized to transfer such
sums of money from the Municipal Current Account and other such accounts that may cover
periodic payrolls in the amounts fixed by this Ordinance.

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township
of Howell in the County of Monmouth and State of New Jersey, the following position shall be
compensated effective January 1, 2019 as follows:

SECTION 1.

<table>
<thead>
<tr>
<th>TITLE</th>
<th>MINIMUM RANGE</th>
<th>MAXIMUM RANGE</th>
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<tbody>
<tr>
<td>Police Chief</td>
<td>$95,000</td>
<td>$150,000</td>
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<tr>
<td></td>
<td></td>
<td>$201,000 $250,000</td>
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</table>

SECTION 2. Every person hereafter appointed to any position listed in Section 1 on a
full-time basis, shall receive the salary established for such positions and as provided for in
Section 1 of this Ordinance, unless this Ordinance is rescinded, replaced or amended by the
Township Council. Newly appointed employees may be appointed at increments above the
minimum if possessing comparable experience.

SECTION 3. All provisions set forth herein are subject to the provisions of the personnel
policy of the Township of Howell and other Township policies and regulations, the same being
subject to modification and amendment. This Ordinance is not intended to set forth all the
benefits of employment, but only selected items thereof. In addition to the salary noted in Section
1, additional pay, compensation, and benefits will be paid to all Titles in Section 1 in accordance
with the appropriate Employment Contract.
SECTION 4. All salary or compensation provided for by this Ordinance shall be effective from January 1, 2019 unless otherwise stipulated by the Township Council or specific contract. Employees no longer employed by the Township at the time this Ordinance is adopted shall not be eligible for retroactive pay.

SECTION 5. All Ordinances or parts of Ordinances adopted prior to this date, inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION 6. 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 adjudicated and the remainder of this ordinance shall be deemed valid and effective.

SECTION 7. This Ordinance shall take effect after its passage and publication according to law.

NOTICE

The Ordinance published herewith was introduced and passed upon first reading at a meeting of the governing body of the Township of Howell, in the County of Monmouth, State of New Jersey, held on October 22, 2019. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held in the Main Administration Building, 4567 Route 9 North, in the Township of Howell on November 12, 2019 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,
MUNICIPAL CLERK
TOWNSHIP OF HOWELL
ORDINANCE NO O-19-49

AN ORDINANCE SETTING FORTH AND AMENDING AND SUPPLEMENTING THE SALARY RANGE SCHEDULE FOR THE SALARIES OF CERTAIN OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF HOWELL

WHEREAS, pursuant to N.J.S.A. 40A:9-165, the Township Council shall set forth the salaries, wages or compensation of the officers and employees of the Township, who, by law, are entitled to salaries, wages or compensation, subject to any respective collective bargaining agreement applicable to such positions;

WHEREAS, the offices and positions under the Municipal Government of the Township of Howell shall be compensated at the amount fixed in this ordinance, providing funding is available in each budget.

WHEREAS, the Township Chief Financial Officer is hereby authorized to transfer such sums of money from the Municipal Current Account and other such accounts that may cover periodic payrolls in the amounts fixed by this Ordinance.

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of Howell in the County of Monmouth and State of New Jersey, the following positions which are not assigned to a pay grade shall be compensated in the year 2020 as follows:

SECTION 1.

NON-UNION POSITIONS & STIPENDS

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<th>TITLE</th>
<th>MINIMUM RANGE</th>
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<td>Tax Assessor</td>
<td>$50,000</td>
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<td>Township Clerk</td>
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<td>Deputy Clerk</td>
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<td>Tax Collector</td>
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<td>Deputy Collector</td>
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PART TIME/PER DIEM/HOURLY POSITIONS

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<th>MINIMUM WAGE</th>
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<td>Laborer</td>
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<td>Clean Community Worker</td>
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</tr>
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<td>Administrative Assistant</td>
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<td>Part Time Personnel</td>
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<td>Seasonal Employees</td>
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<tr>
<td>Bus Driver</td>
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<td>Recreation Camp Counselor</td>
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<td>Recreation Site Director</td>
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<td>Park Attendant</td>
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<tr>
<td>SLEO II</td>
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<td>$30.00 per hour</td>
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</table>

SECTION 2. Every person hereafter appointed to any position listed in Section 1 on a full-time basis, shall receive the salary established for such positions and as provided for in Section 1 of this Ordinance. Newly appointed employees may be appointed at increments above the minimum if possessing comparable experience.

SECTION 3. All provisions set forth herein are subject to the provisions of the personnel policy of the Township of Howell and other Township policies and regulations, the same being subject to modification and amendment. This ordinance is not intended to set forth all the benefits of employment, but only selected items thereof.

SECTION 4. In addition to the full time salary noted in Section 1, educational pay, longevity pay and any additional stipends and compensation will be paid to all Titles in Section 1 in accordance with personnel ordinances.

SECTION 5. All salary or compensation provided for by this Ordinance shall be effective from January 1, 2020 unless otherwise stipulated by the Township Council or specific contract. Employees no longer employed by the Township at the time this Ordinance is adopted shall not be eligible for retroactive pay.

SECTION 6. All Ordinances or parts of Ordinances adopted prior to this date, inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION 7. 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 adjudicated and the remainder of this ordinance shall be deemed valid and effective.

SECTION 8. This Ordinance shall take effect after its passage and publication according to law.
NOTICE

The Ordinance published herewith was introduced and passed upon first reading at a meeting of the governing body of the Township of Howell, in the County of Monmouth, State of New Jersey, held on October 22, 2019. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held in the Main Administration Building, 4567 Route 9 North, in the Township of Howell on November 12, 2019 at 7:30 PM 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
MUNICIPAL CLERK
Ordinance No. O-19-50

INTRODUCTION

PUBLIC HEARING & ADOPTION

October 22, 2019

November 12, 2019

AGENDA ITEM NUMBER

10.3
ORDINANCE NO. O-19-50
TOWNSHIP OF HOWELL
COUNTY OF MONMOUTH

AN ORDINANCE AMENDING CHAPTER 8 OF THE TOWNSHIP CODE ENTITLED “AFFORDABLE HOUSING” REPEALING AND REPLACING ARTICLE I ENTITLED “AFFORDABLE HOUSING MANAGEMENT SERVICES” AND ARTICLE II ENTITLED “MUNICIPAL HOUSING LIAISON” AND CREATING A NEW ARTICLE ENTITLED “AFFORDABLE HOUSING REGULATIONS”

WHEREAS, the Township of Howell (“Township”) filed a Mt. Laurel declaratory judgment action in the Superior Court of New Jersey, Law-Division bearing the caption In the Matter of the Township of Application of the Township of Howell, Docket No. MON-L-2525-15 following the New Jersey Supreme Court’s decision in Mt. Laurel IV; and

WHEREAS, the Township entered into a Settlement Agreement with Fair Share Housing Center on or about October 9, 2018 and an Amended Settlement Agreement on November 20, 2018 (collectively referred to as the “Settlement Agreements”) establishing the Township’s Third Round affordable housing obligation for the period 1999-2025 and the compliance mechanisms by which the Township will meet its constitutional obligation to provide for its fair share of affordable housing; and

WHEREAS, the Court conducted a Fairness Hearing on February 27, 2019 and entered an order on April 5, 2019 approving the Settlement Agreements by and between the Township and Fair Share Housing Center finding on a preliminary basis that the Settlement Agreement is fair to low and moderate-income households; and

WHEREAS, the Township Council finds it is in the best interest of the Township to comply with the Court’s Order and implement the terms and conditions of the Settlement Agreements which includes adoption of an Ordinance incorporating State regulations regarding the administration of affordable housing units in Howell Township; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Township Council of the Township of Howell, County of Monmouth, and State of New Jersey that Chapter 8 of the Township Code entitled “Affordable Housing” repealing and replacing Articles I and II of Chapter as follows:

Section 1. Chapter 8 (Affordable Housing Regulations) of the Code of the Township of Howell, Articles I and II is hereby repealed and replaced in their entirety to read as follows:
Affordable Housing Regulations

Section 8-1

A. Purpose.

1. This Section is intended to assure that very-low, low-, and moderate-income units ("affordable units") are created with controls on affordability and that very-low, low-, and moderate-income households shall occupy these units. This Section shall apply except where inconsistent with applicable law.

2. The Township of Howell Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. (hereinafter “Fair Share Plan”). The Fair Share Plan was endorsed by the Township Council. The Fair Share Plan describes how the Township of Howell shall address its fair share of very-low, low-, and moderate-income housing as documented in the Fair Share Plan itself, the Settlement Agreement entered into between the Township and Fair Share Housing Center (“FSHC”) on October 9, 2018 as amended on November 20, 2018 (hereinafter “FSHC Settlement Agreement”), and the Superior Court Order approving same, which was entered by the Court on April 5, 2019 after a properly noticed Fairness Hearing was held on February 27, 2019.

3. The Township of Howell shall track the status of the implementation of the Fair Share Plan.

B. Monitoring and Reporting Requirements.

The Township of Howell shall comply with the following monitoring and reporting requirements regarding the status of the implementation of its Superior Court-approved Housing Element and Fair Share Plan:

1. Beginning one year after the entry of the Township’s Round Three Judgment of Compliance and Repose, and on every anniversary of that date through 2025, the Township shall provide an annual report of its Affordable Housing Trust Fund activity to the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services, or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center (FSHC) and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs (NJDCA), Council on Affordable Housing (COAH), or Local Government Services (NJLGS). The report shall include an accounting of all Affordable Housing Trust Fund activity, including the source and amount of funds collected and the amount and purpose for which any funds have been expended.
2. Beginning one year after the entry of the Township’s Round Three Judgment of Compliance and Repose, and on every anniversary of that date through 2025, the Township agrees to provide an annual report of the status of all affordable housing activity within the municipality through posting on the municipal website with a copy of such posting provided to Fair Share Housing Center, using forms previously developed for this purpose by COAH, or any other forms endorsed by the Superior Court Appointed Special Master and FSHC.

3. The Fair Housing Act includes two provisions regarding action to be taken by the Township during its ten (10) year repose period. The Township will comply with those provisions as follows:

a. For the midpoint realistic opportunity review due on July 1, 2020, as required pursuant to N.J.S.A. 52:27D-313, the Township will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its implementation of its Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity and whether the mechanisms to meet unmet need should be revised or supplemented. Such posting shall invite any interested party to submit comments to the Township, with a copy to Fair Share Housing Center, regarding whether any sites no longer present a realistic opportunity and should be replaced and whether the mechanisms to meet unmet need should be revised or supplemented. Any interested party may by motion request a hearing before the Superior Court regarding these issues.

b. For the review of very-low-income housing requirements required by N.J.S.A. 52:27D-329.1, within thirty (30) days of the third anniversary of the entry of the Township’s Judgement of Compliance and Repose, and every third year thereafter, the Township will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its satisfaction of its very-low-income requirements, including the family very-low-income requirements referenced herein. Such posting shall invite any interested party to submit comments to the Township and Fair Share Housing Center on the issue of whether the Township has complied with its very-low-income housing obligation under the terms of this settlement.

c. In addition to the foregoing postings, the Township may also elect to file copies of its reports with COAH or its successor agency at the State level.

C. Definitions.

The following terms when used in this Section shall have the meanings given in this Section:

“Act” means the Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.) as has been subsequently amended.
“Accessory Apartment” shall mean a self-contained residential dwelling unit with a kitchen, sanitary facilities, sleeping quarters and a private entrance, which is created within an existing home, or through the conversion of an existing accessory structure on the same site, or by an addition to an existing home or accessory building, or by the construction of a new accessory structure on the same site.


“Administrative agent” means the entity designated by the Township responsible for the administration of affordable units in accordance with this ordinance, applicable COAH regulations and the Uniform Housing Affordability Controls (UHAC)(N.J.A.C. 5:80-26.1 et seq.)

“Affirmative marketing” means a regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.15.

“Affordability average” means the average percentage of median income at which restricted units in an affordable housing development are affordable to low- and moderate-income households.

“Affordable” means a sales price or rent within the means of a low- or moderate-income household as defined by COAH in its applicable regulations or an equivalent controlling New Jersey state agency; in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as may be amended and supplemented.

“Affordable development” means a housing development all or a portion of which consists of restricted units.

“Affordable housing development” means a development included in the Township’s Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable development.

“Affordable housing program(s)” means any mechanism in the Township’s Fair Share Plan prepared or implemented to address the Township’s fair share obligation.

“Affordable unit” means a housing unit proposed or created pursuant to the Act, credited pursuant to applicable COAH regulations, the FSHC Settlement Agreement, or an order of the Superior Court.

“Age-restricted unit” means a housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population such that: 1) all the residents of the development where the unit is situated are 62 years or older; or 2) at least 80 percent of the units are occupied by one person that is 55 years or older; or 3) the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as “housing for older persons” as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

“Alternative living arrangement” means a structure in which households live in distinct bedrooms, yet share kitchen and plumbing facilities, central heat and common areas. Alternative living arrangements include, but are not limited to: transitional facilities for the homeless; Class A, B, C, D, and E boarding homes as regulated by the State of New Jersey Department of Community Affairs; residential health care facilities as regulated by the New Jersey Department of Health; group homes for the developmentally disabled and mentally ill as licensed and/or regulated by the New Jersey Department of Human Services; and congregate living arrangements.

“Assisted living residence” means a facility licensed by the New Jersey Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor and that offers units containing, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.

“Certified household” means a household that has been certified by an Administrative Agent as a very-low-income household, low-income household or moderate-income household.

“COAH” means the New Jersey Council on Affordable Housing.

“The Department” means the Department of Community Affairs of the State of New Jersey, that was established under the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.).

“DCA” means the State of New Jersey Department of Community Affairs.

“Deficient housing unit” means a housing unit with health and safety code violations that require the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems.

“Developer” means any person, partnership, association, entity, company or corporation that is the legal or beneficial owner or owners of a lot or any land proposed to be included in a proposed development including the holder of an option to contract or purchase, or other person having an enforceable proprietary interest in such land.

“Development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any use or change in the use of any building or other structure, or of any mining, excavation or landfill, and any use
or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to N.J.S.A. 40:55D-1 et seq.

“Inclusionary development” means a development containing both affordable units and market rate units. This term includes, but is not necessarily limited to: new construction, the conversion of a non-residential structure to residential and the creation of new affordable units through the reconstruction of a vacant residential structure.

“Low-income household” means a household with a total gross annual household income equal to 50 percent or less of the median household income.

“Low-income unit” means a restricted unit that is affordable to a low-income household.

“Major system” means the primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building, which include but are not limited to, weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement or load bearing structural systems.

“Market-rate units” means housing not restricted to low- and moderate-income households that may sell or rent at any price.

“Median-income” means the median income by household size for the applicable county, as adopted annually by the Department.

“Moderate-income household” means a household with a total gross annual household income in excess of 50 percent but less than 80 percent of the median household income.

“Moderate-income unit” means a restricted unit that is affordable to a moderate-income household.

“Municipal Housing Liaison” means the employee charged by the governing body with the responsibility for oversight and administration of the affordable housing program for Howell.

“Non-exempt sale” means any sale or transfer of ownership other than the transfer of ownership between husband and wife; the transfer of ownership between former spouses ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor’s deed to a class A beneficiary and the transfer of ownership by court order.

“Random selection process” means a process by which currently income-eligible households are selected for placement in affordable housing units such that no preference is given to one applicant over another except for purposes of matching household income and size with an appropriately priced and sized affordable unit (e.g., by lottery).
“Regional asset limit” means the maximum housing value in each housing region affordable to a four-person household with an income at 80 percent of the regional median as defined by the Department’s adopted Regional Income Limits published annually by COAH, a successor entity or established by the Court.

“Rehabilitation” means the repair, renovation, alteration or reconstruction of any building or structure, pursuant to the Rehabilitation Subcode, N.J.A.C. 5:23-6.

“Rent” means the gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. In assisted living residences, rent does not include charges for food and services.

“Restricted unit” means a dwelling unit, whether a rental unit or ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, as may be amended and supplemented, but does not include a market-rate unit financed under UHORP or MONI.

“UHAC” means the Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26.1 et seq.

“Very-low-income household” means a household with a total gross annual household income equal to 30 percent or less of the median household income.

“Very-low-income unit” means a restricted unit that is affordable to a very low-income household.

“Weatherization” means building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows and replacement doors, and is considered a major system for rehabilitation.

D. Applicability.

1. The provisions of this Section shall apply to all affordable housing developments and affordable housing units that currently exist and that are proposed to be created within the Township of Howell pursuant to the Township’s 2019 adopted Housing Element and Fair Share Plan.

2. This Section shall apply to all developments that contain low- and moderate-income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units.
E. Rehabilitation Programs.

1. The Township of Howell and FSHC have agreed that the Township’s Round 3 (1999-2025) indigenous need Rehabilitation Obligation is ninety-seven (97) units. The Township has a contract with Community Grants and Planning to administer the affordable units within the Township, in addition the Township is participating in the Monmouth County Rehabilitation Program to rehabilitate units within the Township. Any such rehabilitation programs will update and renovate deficient housing units occupied by low- and moderate-income households such that, after rehabilitation, these units will comply with the New Jersey State Housing Code pursuant to N.J.A.C. 5:28.

   a. All rehabilitated rental and owner-occupied units shall remain affordable to low and moderate-income households for a period of ten (10) years (the control period). For owner-occupied units, the control period will be enforced with a lien and for renter occupied units the control period will be enforced with a deed restriction.

   b. The Township of Howell shall dedicate an average of at least ten thousand dollars ($10,000) for each unit to be rehabilitated through this program, reflecting the minimum hard cost of rehabilitation for each unit.

   c. Units in the rehabilitation programs shall be exempt from N.J.A.C. 5:93-9 and UHAC requirements, but shall be administered in accordance with the following:

      i. If a unit is vacant, upon initial rental subsequent to rehabilitation, or if a renter-occupied unit is re-rented prior to the end of controls on affordability, the deed restriction shall require the unit to be rented to a low- or moderate-income household at an affordable rent and affirmatively marketed pursuant to N.J.A.C. 5:93-9 and UHAC.

      ii. If a unit is renter-occupied, upon completion of the rehabilitation, the maximum rate of rent shall be the lesser of the current rent or the maximum permitted rent pursuant to N.J.A.C. 5:93-9 and UHAC.

      iii. Rents in rehabilitated units may increase annually based on the standards in N.J.A.C. 5:93-9 or the standards issued by a New Jersey administrative agency with proper authority to issue such standards.

      iv. Applicant and/or tenant households shall be certified as income-eligible in accordance with N.J.A.C. 5:93-9 and UHAC, except that households in owner occupied units shall be exempt from the regional asset limit.

F. Alternative Living Arrangements.

1. The administration of an alternative living arrangement shall be in compliance with N.J.A.C. 5:93-5.8 and UHAC, with the following exceptions:
a. Affirmative marketing (N.J.A.C. 5:80-26.15), provided, however, that the units or bedrooms may be affirmatively marketed by the provider in accordance with an alternative plan approved by the Superior Court;


2. With the exception of units established with capital funding through a twenty (20) year operating contract with the Department of Human Services, Division of Developmental Disabilities, alternative living arrangements shall have at least thirty (30) year controls on affordability in accordance with UHAC, unless an alternative commitment is approved by the Superior Court.

3. The service provider for the alternative living arrangement shall act as the Administrative Agent for the purposes of administering the affirmative marketing and affordability requirements for the alternative living arrangement.

G. Phasing Schedule for Inclusionary Developments.

In inclusionary developments the following schedule shall be followed:

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<thead>
<tr>
<th>Maximum Percentage of Market-Rate Units Completed</th>
<th>Minimum Percentage of Low- and Moderate-Income Units Completed</th>
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H. New Construction.

1. Low/Moderate Split and Bedroom Distribution of Affordable Housing Units:

   a. The fair share obligation shall be divided equally between low and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low-income unit. At least thirteen percent (13%) of all restricted rental units shall be very-low-income units (affordable to a household earning thirty percent (30%) or less of regional median income by household size). The very-low-income units shall be counted as part of the required number of low-income units within the development. At least fifty percent (50%) of the very-low-income units must be available to families.

   b. In each affordable development, at least fifty percent (50) of the restricted units within each bedroom distribution shall be low-income units including at least thirteen percent (13) of the restricted units within each bedroom distribution that shall be very-low-income units.
c. Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:

i. The combined number of efficiency and one (1) bedroom units shall be no greater than twenty percent (20%) of the total low and moderate-income units;

ii. At least thirty percent (30%) of all low and moderate-income units shall be two (2) bedroom units;

iii. At least twenty percent (20%) of all low and moderate-income units shall be three (3) bedroom units; and

iv. The remaining units may be allocated among two (2) and three (3) bedroom units at the discretion of the developer and the Township.

d. Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low and moderate-income units within the inclusionary development. This standard may be met by having all one (1) bedroom units or by having a two (2) bedroom unit for each efficiency unit.

2. Accessibility Requirements:

a. The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free Sub Code, N.J.A.C. 5:23-7.

b. All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one (1) other dwelling unit shall have the following features:

i. An adaptable toilet and bathing facility on the first floor; and

ii. An adaptable kitchen on the first floor; and

iii. An interior accessible route of travel on the first floor; and

iv. An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and

v. If all of the foregoing requirements in paragraphs b.i. through b.iv. above cannot be satisfied, then an interior accessible route of travel must be provided between stories within an individual unit, but if all of the terms of paragraphs b.i. through b.iv. above have been satisfied, then an interior accessible route of travel shall not be required between stories within an individual unit; and
vi. An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a, et seq.) and the Barrier Free SubCode, N.J.A.C. 5:23-7, or evidence that Howell has collected funds from the developer sufficient to make ten percent (10%) of the adaptable entrances in the development accessible:

(1) Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.

(2) To this end, the builder of restricted units shall deposit funds into the Township of Howell’s Affordable Housing Trust Fund sufficient to install accessible entrances in ten percent (10%) of the affordable units that have been constructed with adaptable entrances.

(3) The funds deposited under Paragraph vi. above shall be used by the Township of Howell for the sole purpose of making the adaptable entrance of an affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.

(4) The developer of the restricted units shall submit a design plan and cost estimate to the Construction Official of the Township of Howell for the conversion of adaptable to accessible entrances.

(5) Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free SubCode, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the Township’s Affordable Housing Trust Fund in care of the Township Chief Financial Officer who shall ensure that the funds are deposited into the Affordable Housing Trust Fund and appropriately earmarked.

vii. Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is “site impracticable” to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free SubCode, N.J.A.C. 5:23-7.

3. Design:

a. In inclusionary developments, very-low, low and moderate-income units shall be integrated with the market units to the extent possible.

b. In inclusionary developments, very-low, low and moderate-income units shall have access to all of the same common elements and facilities as the market units.
4. Maximum Rents and Sales Prices:

a. In establishing rents and sales prices of affordable housing units, the Administrative Agent shall follow the procedures set forth in UHAC, utilizing the most recently published regional weighted average of the uncapped Section 8 income limits published by HUD.

b. The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than sixty percent (60%) of median income, and the average rent for restricted rental units shall be affordable to households earning no more than fifty-two percent (52%) of median income.

c. The developers and/or municipal sponsors of restricted rental units shall establish at least one (1) rent for each bedroom type for both low-income and moderate-income units, provided that at least thirteen percent (13%) of all low and moderate-income rental units shall be affordable to very-low-income households, which very-low-income units shall be part of the low-income requirement.

d. The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than seventy percent (70%) of median income, and each affordable development must achieve an affordability average of fifty-five percent (55%) for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three (3) different sales prices for each bedroom type, and low-income ownership units must be available for at least two (2) different sales prices for each bedroom type.

e. In determining the initial sales prices and rent levels for compliance with the affordability average requirements for restricted units other than assisted living facilities and age-restricted developments, the following standards shall be used:

   i. A studio shall be affordable to a one (1) person household;
   
   ii. A one (1) bedroom unit shall be affordable to a one and one-half (1.5) person household;
   
   iii. A two (2) bedroom unit shall be affordable to a three (3) person household;
   
   iv. A three (3) bedroom unit shall be affordable to a four and one-half (4.5) person household; and
   
   v. A four (4) bedroom unit shall be affordable to a six (6) person household.

d. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted developments, the following standards shall be used:
i. A studio shall be affordable to a one (1) person household;

ii. A one (1) bedroom unit shall be affordable to a one and one-half (1.5) person household; and

iii. A two (2) bedroom unit shall be affordable to a two (2) person household or to two (2) one (1) person households.

e. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to ninety-five percent (95%) of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed twenty-eight percent (28%) of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.

f. The initial rent for a restricted rental unit shall be calculated so as not to exceed thirty percent (30%) of the eligible monthly income of the appropriate size household, including an allowance for tenant paid utilities, as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.

g. Income limits for all units that are part of the Township’s Housing Element and Fair Share Plan, and for which income limits are not already established through a federal program exempted from the Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26.1, shall be updated by the Township annually within thirty (30) days of the publication of determinations of median income by HUD as follows:

i. The income limit for a moderate-income unit for a household of four shall be eighty percent (80%) of the HUD determination of the median income for COAH Region 4 for a family of four. The income limit for a low-income unit for a household of four shall be fifty percent (50%) of the HUD determination of the median income for COAH Region 4 for a family of four. The income limit for a very low income unit for a household of four shall be thirty percent (30%) of the HUD determination of the median income for COAH Region 4 for a family of four. These income limits shall be adjusted by household size based on multipliers used by HUD to adjust median income by household size. In no event shall the income limits be less than the previous year.

ii. The income limits are based on carrying out the process in Paragraph i. based on HUD determination of median income for the current Fiscal Year, and shall be utilized by the Township until new income limits are available.
h. In establishing sale prices and rents of affordable housing units, the administrative agent shall follow the procedures set forth in UHAC, utilizing the regional income limits established by the Council:

i. The price of owner-occupied very-low, low and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region determined pursuant to Paragraph g. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.

ii. The rents of very-low-, low and moderate-income units may be increased annually based on the permitted percentage increase in the Housing Consumer Price Index for the Central New Jersey Area, upon its publication for the prior calendar year. This increase shall not exceed nine percent (9%) in any one (1) year. Rents for units constructed pursuant to low income housing tax credit regulations shall be indexed pursuant to the regulations governing low-income housing tax credits.

I. Utilities.

1. Affordable units shall utilize the same type of heating source as market units within an inclusionary development.

2. Tenant-paid utilities included in the utility allowance shall be set forth in the lease and shall be consistent with the utility allowance approved by the NJ DCA for its Section 8 program.

J. Occupancy Standards.

In referring certified households to specific restricted units, the Administrative Agent shall, to the extent feasible and without causing an undue delay in the occupancy of a unit, strive to:

1. Provide an occupant for each bedroom;

2. Provide children of different sexes with separate bedrooms;

3. Provide separate bedrooms for parents and children; and

4. Prevent more than two (2) persons from occupying a single bedroom.
K. Control Periods for Restricted Ownership Units and Enforcement Mechanisms.

1. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this Section for a period of at least thirty (30) years, until Howell Township takes action to release the unit from such requirements; prior to such action, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented.

2. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.

3. Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the Township’s Administrative Agent, or an Administrative Agent appointed by a particular developer, shall determine the restricted price for the unit and shall also determine the non-restricted, fair market value of the unit based on either an appraisal or the unit’s equalized assessed value without the restrictions in place.

4. At the time of the initial sale of the unit, the initial purchaser shall execute and deliver to the Township’s Administrative Agent, or an Administrative Agent appointed by a particular developer, a recapture note obligating the purchaser (as well as the purchaser’s heirs, successors and assigns) to repay, upon the first non-exempt sale after the unit’s release from the restrictions set forth in this Section, an amount equal to the difference between the unit’s non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.

5. The affordability controls set forth in this Section shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.

6. A restricted ownership unit shall be required to obtain a Continuing Certificate of Occupancy or a certified statement from the Construction Official stating that the unit meets all Code standards upon the first transfer of title following the removal of the restrictions provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

L. Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices.

Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, including:

1. The initial purchase price for a restricted ownership unit shall be approved by the Township’s Administrative Agent, or an Administrative Agent appointed by a particular developer.
2. The Township’s Administrative Agent, or an Administrative Agent appointed by a particular developer, shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.

3. The master deeds of inclusionary developments shall provide no distinction between the condominium or homeowner association fees and special assessments paid by low and moderate-income purchasers and those paid by market purchasers, unless the master deed for the inclusionary project was executed prior to the enactment of UHAC.

4. The owners of restricted ownership units may apply to the Township’s Administrative Agent, or an Administrative Agent appointed by a particular developer, to increase the maximum sales price for the unit on the basis of anticipated capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom.

M. Buyer Income Eligibility.

1. Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to fifty percent (50%) of median income and moderate-income ownership units shall be reserved for households with a gross household income less than eighty percent (80%) of median income.

2. The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed thirty-three percent (33%) of the household’s eligible monthly income.

N. Limitations on Indebtedness Secured by Ownership Unit; Subordination.

1. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall apply to the Township’s Administrative Agent, or an Administrative Agent appointed by a particular developer, for a determination in writing that the proposed indebtedness complies with the provisions of this Section, and the Township’s Administrative Agent, or an Administrative Agent appointed by a particular developer, shall issue such determination prior to the owner incurring such indebtedness.

2. With the exception of First Purchase Money Mortgages, neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed ninety-five percent (95%) of the maximum allowable resale price of the unit, as such price is determined by the Township’s Administrative Agent, or an Administrative Agent appointed by a particular developer, in accordance with N.J.A.C. 5:80-26.6(b).
O. Capital Improvements To Ownership Units.

1. The owners of restricted ownership units may apply to the Township’s Administrative Agent, or an Administrative Agent appointed by a particular developer, to increase the maximum sales price for the unit on the basis of capital improvements made since the purchase of the unit. Eligible capital improvements shall be those that render the unit suitable for a larger household or that add an additional bathroom. In no event shall the maximum sales price of an improved housing unit exceed the limits of affordability for the larger household.

2. Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the Township’s Administrative Agent, or an Administrative Agent appointed by a particular developer, at the time of the signing of the agreement to purchase. The purchase of central air conditioning installed subsequent to the initial sale of the unit and not included in the base price may be made a condition of the unit resale provided the price, which shall be subject to ten (10) year, straight-line depreciation, has been approved by the Township’s Administrative Agent, or an Administrative Agent appointed by a particular developer. Unless otherwise approved by the Township’s Administrative Agent, or an Administrative Agent appointed by a particular developer, the purchase of any property other than central air conditioning shall not be made a condition of the unit resale. The owner and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.

P. Control Periods for Restricted Rental Units.

1. Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Section for a period of at least thirty (30) years, until Howell Township takes action to release the unit from such requirements. Prior to such action, a restricted rental unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented.

2. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Monmouth. A copy of the filed document shall be provided to the Township’s Administrative Agent within thirty (30) days of the receipt of a Certificate of Occupancy.

3. A restricted rental unit shall remain subject to the affordability controls described in this Section despite the occurrence of any of the following events:

   a. Sublease or assignment of the lease of the unit;
b. Sale or other voluntary transfer of the ownership of the unit; or

c. The entry and enforcement of any judgment of foreclosure on the property containing
the unit.

Q. Rent Restrictions for Rental Units; Leases.

1. A written lease shall be required for all restricted rental units and tenants shall be
responsible for security deposits and the full amount of the rent as stated on the lease. A
copy of the current lease for each restricted rental unit shall be provided to the
Township’s Administrative Agent, or an Administrative Agent appointed by a particular
developer.

2. No additional fees or charges shall be added to the approved rent (except, in the case of
units in an assisted living residence, to cover the customary charges for food and
services) without the express written approval of the Township’s Administrative Agent,
or an Administrative Agent appointed by a particular developer.

3. Application fees (including the charge for any credit check) shall not exceed five percent
(5%) of the monthly rent of the applicable restricted unit and shall be payable to the
Developer and/or Landlord or to the Township’s Administrative Agent appointed by a
particular developer. If the fees are paid to the Township’s Administrative Agent or an
Administrative Agent appointed by a particular developer they are to be applied to the
costs of administering the controls applicable to the unit as set forth in this Section.

4. No rent control ordinance or other pricing restriction shall be applicable to either the
market units or the affordable units in any development in which at least fifteen percent
(15%) of the total number of dwelling units are restricted rental units in compliance with
this Ordinance.

R. Tenant Income Eligibility.

1. Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be
amended and supplemented, and shall be determined as follows:

   a. Very-low-income rental units shall be reserved for households with a gross household
      income less than or equal to thirty percent (30%) of the regional median household
      income by household size.

   b. Low-income rental units shall be reserved for households with a gross household
      income less than or equal to fifty percent (50%) of the regional median household
      income by household size.
c. Moderate-income rental units shall be reserved for households with a gross household income less than eighty percent (80%) of the regional median household income by household size.

2. The Township’s Administrative Agent, or a qualified Administrative Agent appointed by a particular developer, shall certify a household as eligible for a restricted rental unit when the household is a very low-income household, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed thirty-five percent (35%) (forty percent (40%) for age-restricted units) of the household’s eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:

a. The household currently pays more than thirty-five percent (35%) (forty percent (40%) for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;

b. The household has consistently paid more than thirty-five percent (35%) (forty percent (40%) for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;

c. The household is currently in substandard or overcrowded living conditions;

d. The household documents the existence of assets with which the household proposes to supplement the rent payments; or

e. The household documents reliable anticipated third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.

3. The applicant shall file documentation sufficient to establish the existence of the circumstances in 2.a. through 2.e. above with the Township’s Administrative Agent, or an Administrative Agent appointed by a particular developer, who shall counsel the household on budgeting.

S. Municipal Housing Liaison.

1. The position of Municipal Housing Liaison (MHL) for the Township of Howell is established by this Section. The Township shall make the actual appointment of the MHL by means of a resolution.

a. The MHL must be either a full-time or part-time employee of Howell.

b. The person appointed as the MHL must be reported to the Superior Court and thereafter posted on the Township’s website.
c. The MHL must meet all the requirements for qualifications, including initial and periodic training, if such training is made available by COAH or the DCA.

d. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the Township of Howell, including the following responsibilities which may not be contracted out to the Administrative Agent, or the Administrative Agent appointed by a specific developer:

i. Serving as the municipality’s primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;

ii. The implementation of the Affirmative Marketing Plan and affordability controls;

iii. When applicable, supervising any contracting Administrative Agent;

iv. Monitoring the status of all restricted units in the Township’s Fair Share Plan;

v. Compiling, verifying and submitting annual reports as required;

vi. Coordinating meetings with affordable housing providers and Administrative Agents, as applicable; and

vii. Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing as offered or approved by the Affordable Housing Professionals of New Jersey (AHPNJ), if such continuing education opportunities are made available by COAH or the DCA.

2. Subject to the approval of the Superior Court, the Township of Howell shall designate one (1) or more Administrative Agent(s) to administer and to affirmatively market the affordable units constructed in the Township in accordance with UHAC and this Section.

T. Administrative Agent.

An Administrative Agent may be either an independent entity serving under contract to and reporting to the Township, or reporting to a specific individual developer. The fees of the Administrative Agent shall be paid by the owners of the affordable units for which the services of the Administrative Agent are required. The Township Administrative Agent shall monitor and work with any individual Administrative Agents appointed by individual developers. The Administrative Agent(s) shall perform the duties and responsibilities of an Administrative Agent as set forth in UHAC, including those set forth in Sections 5:80-26.14, 16 and 18 thereof, which includes:
1. Affirmative Marketing:
   a. Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the Township of Howell and the provisions of N.J.A.C. 5:80-26.15; and
   b. Providing counseling or contracting to provide counseling services to low and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.

2. Household Certification:
   a. Soliciting, scheduling, conducting and following up on interviews with interested households;
   b. Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low or moderate-income unit;
   c. Providing written notification to each applicant as to the determination of eligibility or non-eligibility;
   d. Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1 et seq.;
   e. Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located;
   f. Employing a random selection process as provided in the Affirmative Marketing Plan of the Township of Howell when referring households for certification to affordable units; and
   g. Notifying the following entities of the availability of affordable housing units in the Township of Howell: FSHC, the New Jersey State Conference of the NAACP, the Latino Action Network, STEPS, OCEAN Inc., the Greater Red Bank, Asbury Park/Neptune, Bayshore, Greater Freehold, Greater Long Branch, and Trenton Branches of the NAACP and the Supportive Housing Association

3. Affordability Controls:
   a. Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;
   b. Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;
c. Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the Monmouth County Register of Deeds or the Monmouth County Clerk’s office after the termination of the affordability controls for each restricted unit;

d. Communicating with lenders regarding foreclosures; and

e. Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.

4. Resales and Re-rentals:

a. Instituting and maintaining an effective means of communicating information between owners and the Township’s Administrative Agent, or any Administrative Agent appointed by a specific developer, regarding the availability of restricted units for resale or re-rental; and

b. Instituting and maintaining an effective means of communicating information to very-low, low and moderate-income households regarding the availability of restricted units for resale or re-rental.

5. Processing Requests from Unit Owners:

a. Reviewing and approving requests for determination from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership that the amount of indebtedness to be incurred will not violate the terms of this Section;

b. Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air conditioning systems;

c. Notifying the Township of an owner’s intent to sell a restricted unit; and

d. Making determinations on requests by owners of restricted units for hardship waivers.

6. Enforcement:

a. Securing annually from the Township a list of all affordable housing units for which tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;
b. Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Township’s Administrative Agent, or any Administrative Agent appointed by a specific developer;

c. Posting annually, in all rental properties (including two (2) family homes), a notice as to the maximum permitted rent together with the telephone number of the Township’s Administrative Agent, or any Administrative Agent appointed by a specific developer, where complaints of excess rent or other charges can be made;

d. Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;

e. Establishing a program for diverting unlawful rent payments to the Township's Affordable Housing Trust Fund; and

f. Creating and publishing a written operating manual for each affordable housing program administered by the Township’s Administrative Agent, or any Administrative Agent appointed by a specific developer, to be approved by the Township Committee and the Superior Court, setting forth procedures for administering the affordability controls.

7. Additional Responsibilities:

   a. The Administrative Agent shall have the authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.

   b. The Administrative Agent shall prepare monitoring reports for submission to the Municipal Housing Liaison in time to meet the Court-approved monitoring and reporting requirements in accordance with the deadlines set forth in this Section. The Township’s Administrative Agent will be responsible for collecting monitoring information from any Administrative Agents appointed by specific developers.

   c. The Township’s Administrative Agent, or any Administrative Agent appointed by a specific developer, shall attend continuing education sessions on affordability controls, compliance monitoring, and affirmative marketing at least annually and more often as needed.

U. Affirmative Marketing Requirements.

   1. The Township of Howell shall adopt by resolution an Affirmative Marketing Plan that is compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.
2. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The Affirmative Marketing Plan is intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs marketing activities toward Housing Region 4 and is required to be followed throughout the period of restriction.

3. The Affirmative Marketing Plan shall provide a regional preference for all households that live and/or work in Housing Region 4, comprised of Mercer, Monmouth and Ocean Counties.

4. The Township has the ultimate responsibility for adopting the Affirmative Marketing Plan and for the proper administration of the Affirmative Marketing Program, including initial sales and rentals and re-sales and re-rentals. The Township’s Administrative Agent designated by the Township of Howell, or any Administrative Agent appointed by a specific developer, shall implement the Affirmative Marketing Plan to assure the affirmative marketing of all affordable units.

5. In implementing the Affirmative Marketing Plan, the Township’s Administrative Agent, or any Administrative Agent appointed by a specific developer, shall provide a list of counseling services to very-low, low, and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.

6. The Affirmative Marketing Plan shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Plan, the Township’s Administrative Agent, or any Administrative Agent appointed by a specific developer, shall consider the use of language translations where appropriate.

7. The affirmative marketing process for available affordable units shall begin at least one hundred and twenty days (120) prior to the expected date of occupancy.

8. Applications for affordable housing shall be available in several locations, including, at a minimum, the County Administration Building and/or the County Library for each county within the housing region; and the municipal building in which the units are located; and the developer's rental office. Applications shall be mailed to prospective applicants upon request.

9. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner.
V. Enforcement of Affordable Housing Regulations.

1. Upon the occurrence of a breach of any of the regulations governing an affordable unit by an Owner, Developer or Tenant, the Township shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.

2. After providing written notice of a violation to an Owner, Developer or Tenant of a low- or moderate-income unit and advising the Owner, Developer or Tenant of the penalties for such violations, the Township may take the following action(s) against the Owner, Developer or Tenant for any violation that remains uncured for a period of sixty (60) days after service of the written notice:

   a. The Township may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation or violations of the regulations governing the affordable housing unit. If the Owner, Developer or Tenant is adjudged by the Superior Court to have violated any provision of the regulations governing affordable housing units the Owner, Developer or Tenant shall be subject to one (1) or more of the following penalties, at the discretion of the Court:

      i. A fine of not more than two thousand dollars ($2,000.00) per day or imprisonment for a period not to exceed ninety (90) days, or both, provided that each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not a continuation of the initial offense;

      ii. In the case of an Owner who has rented a very-low, low or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Township of Howell Affordable Housing Trust Fund of the gross amount of rent illegally collected;

      iii. In the case of an Owner who has rented a very-low, low or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the Court.

   b. The Township may file a court action in the Superior Court seeking a judgment that would result in the termination of the Owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any such judgment shall be enforceable as if the same were a judgment of default of the First Purchase Money Mortgage and shall constitute a lien against the low or moderate-income unit.
i. The judgment shall be enforceable, at the option of the Township, by means of an execution sale by the Sheriff, at which time the low and moderate-income unit of the violating Owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any First Purchase Money Mortgage and prior liens and the costs of the enforcement proceedings incurred by the Township, including attorney's fees. The violating Owner shall have his right to possession terminated as well as his title conveyed pursuant to the Sheriff's sale.

ii. The proceeds of the Sheriff's sale shall first be applied to satisfy the First Purchase Money Mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the Township for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the Township in full as aforesaid, the violating Owner shall be personally responsible for the full extent of such deficiency, in addition to any and all costs incurred by the Township in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the Township for the Owner and shall be held in such escrow for a maximum period of two (2) years or until such earlier time as the Owner shall make a claim with the Township for such. Failure of the Owner to claim such balance within the two (2) year period shall automatically result in a forfeiture of such balance to the Township. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the Township, whether such balance shall be paid to the Owner or forfeited to the Township.

iii. Foreclosure by the Township due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the very-low, low and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The Owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.
iv. If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the First Purchase Money Mortgage and any prior liens, the Township may acquire title to the very-low, low and moderate-income unit by satisfying the First Purchase Money Mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the First Purchase Money Mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the very-low, low and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.

v. Failure of the very-low, low and moderate-income unit to be either sold at the Sheriff's sale or acquired by the Township shall obligate the Owner to accept an offer to purchase from any qualified purchaser which may be referred to the Owner by the Township, with such offer to purchase being equal to the maximum resale price of the very-low, low and moderate-income unit as permitted by the regulations governing affordable housing units.

vi. The Owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the Owner.

W. Appeals.

Appeals from all decisions of an Administrative Agent appointed pursuant to this Section shall be filed in writing with the Superior Court.

Section 2. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

Section 3. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township of Howell, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Revised General Ordinances of the Township of Howell are hereby ratified and confirmed, except where inconsistent with the terms hereof.
Section 4. This Ordinance shall take effect immediately upon (1) adoption; (2) approval by the Mayor pursuant to N.J.S.A. 40:69A-149.7; (3) publication in accordance with the laws of the State of New Jersey; and (4) filing of the final form of adopted ordinance by the Clerk with (a) the Monmouth County Planning Board pursuant to N.J.S.A. 40:55D-16, and (b) the Township Tax Assessor as required by N.J.S.A. 40:49-2.1.

NOTICE

The Ordinance published herewith was introduced and passed on first reading by the Township Council of the Township of Howell on October 22, 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 November 12, 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

The Township entered into a Settlement Agreement with Fair Share Housing Center on or about October 9, 2018 and an Amended Settlement Agreement on November 20, 2018. The Court Order approving the Settlement Agreements requires the Township to incorporate state affordable housing law into the Township Code, which is achieved by this Ordinance.
TOWNSHIP OF HOWELL

ORDINANCE COVER PAGE

Ordinance No. O-19-51

INTRODUCTION          October 22, 2019

PUBLIC HEARING & ADOPTION   November 12, 2019

AGENDA ITEM NUMBER  10.4
ORDINANCE NO. O-19-51
TOWNSHIP OF HOWELL
COUNTY OF MONMOUTH

AN ORDINANCE AMENDING ARTICLE XXI ENTITLED “MANDATORY DEVELOPMENT FEES” DELETING SECTION 188-179 THROUGH 188-186.1 AND REPLACING IT WITH A NEW SECTION 188-179 ENTITLED “DEVELOPMENT FEES”

WHEREAS, the Township of Howell (“Township”) filed a Mt. Laurel declaratory judgment action in the Superior Court of New Jersey, Law-Division, bearing the caption In the Matter of the Township of Application of the Township of Howell, Docket No. MON-L-2525-15 following the New Jersey Supreme Court’s decision in Mt. Laurel IV; and

WHEREAS, the Township entered into a Settlement Agreement with Fair Share Housing Center on or about October 9, 2018 and an Amended Settlement Agreement on November 20, 2018 (collectively referred to as the “Settlement Agreements”) establishing the Township’s Third Round affordable housing obligation for the period 1999-2025 and the compliance mechanisms by which the Township will meet its constitutional obligation to provide for its fair share of affordable housing; and

WHEREAS, the Court conducted a Fairness Hearing on February 27, 2019 and entered an order on April 5, 2019 approving the Settlement Agreements by and between the Township and Fair Share Housing Center finding on a preliminary basis that the Settlement Agreement is fair to low- and moderate-income households; and

WHEREAS, the Court Order approving the Settlement Agreements requires the Township to amend its Development Fee Ordinance to ensure it is in compliance with current law; and

WHEREAS, the Township Council find it is in the best interest of the Township to comply with the Court’s Order and implement the terms and conditions of the Settlement Agreements which includes amending its Development Fee section of the Code.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Township Council of the Township of Howell, County of Monmouth, and State of New Jersey that Article XXI entitled Mandatory Development Fees”, Sections 188-179-188-186.1 are hereby deleted in their entirety and replaced with a new Section 188-179 entitled “Development Fees” as follows:

188-179. Development Fees

a. Purpose

1. In Holmdel Builder’s Association v. Holmdel Township, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985, N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the adoption of Rules by the Council on Affordable Housing (COAH).
2. Pursuant to P.L. 2008, c. 46, Section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), COAH was authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that were under the jurisdiction of COAH and that are now before a court of competent jurisdiction and have a Court-approved Spending Plan may retain fees collected from non-residential development.

3. This Chapter establishes standards for the collection, maintenance, and expenditure of development fees that are consistent with COAH’s regulations developed in response to P.L. 2008, c. 46, Sections 8 and 32-38 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7). Fees collected pursuant to this Chapter shall be used for the sole purpose of providing low- and moderate-income housing in accordance with a Court-approved Spending Plan.

b. Basic Requirements

   1. This Ordinance shall not be effective until approved by the Court.

   2. The Township of Howell shall not spend development fees until the Court has approved a plan for spending such fees (Spending Plan).

c. Definitions

The following terms, as used in this Chapter, shall have the following meanings:

“Affordable housing development” means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable housing development.

“COAH” or the “Council” means the New Jersey Council on Affordable Housing established under the Fair Housing Act.

“Construction Official” means the construction office or his/her designee.

“Development fee” means money paid by a developer for the improvement of property as permitted at N.J.A.C. 5:97-8.3.

“Developer” means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.
“Equalized assessed value” means the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with Sections 1, 5, and 6 of P.L. 1973, c.123 (C.54:1-35a through C.54:1-35c).

“Green building strategies” means those strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

“Township” means the Township of Howell

d. Residential Development Fees

   1. Imposition of Fees

      (a) Within the Township of Howell, all residential developers, except for developers of the types of developments specifically exempted below and developers of developments that include affordable housing, shall pay a fee of one and a half percent (1.5%) of the equalized assessed value for all new residential development provided no increased density is permitted. Development fees shall also be imposed and collected when an additional dwelling unit is added to an existing residential structure; in such cases, the fee shall be calculated based on the increase in the equalized assessed value of the property due to the additional dwelling unit.

      (b) When an increase in residential density is permitted pursuant to a “d” variance granted under N.J.S.A. 40:55D-70d(5), developers shall be required to pay a “bonus” development fee of six percent (6%) percent of the equalized assessed value for each additional unit that may be realized, except that this provision shall not be applicable to a development that will include affordable housing. If the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

      (c) Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and replaced, or is expanded, if the expansion is not otherwise exempt from the development fee requirement. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.
2. Eligible Exactions, Ineligible Exactions and Exemptions for Residential Developments

(a) Affordable housing developments, developments where the developer is providing for the construction of affordable units elsewhere in the municipality, and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.

(b) Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.

(c) Developers of educational facilities shall be exempt from paying a development fee.

(d) Developers of houses of worship and other uses that are entitled to exemption from New Jersey real property tax shall be exempt from the payment of a development fee, provided that such development does not result in the construction of any additional housing or residential units, including assisted living and continuing care retirement communities.

(e) A development shall be exempt from an increase in the percentage of the development fee, provided the building permit was issued prior to the effective date of this article, or prior to any subsequent ordinance increasing the fee percentage. The developer shall have the right to pay the fee based on the percentage in effect on the date the building permit was issued.

(f) Any development or improvement to structures of owner-occupied property in which there is located an affordable accessory residence. This exemption shall only apply to development or improvements to the property during the period of affordability controls.

(g) The construction of a new accessory building or other structure on the same lot as the principal building shall be exempt from the imposition of development fees if the assessed value of the structure is determined to be less than $100,000.
e. Non-Residential Development Fees

1. Imposition of Fees

(a) Within all zoning districts, non-residential developers, except for developers of the types of developments specifically exempted below, shall pay a fee equal to two and one-half (2.5) percent of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.

(b) Within all zoning districts, non-residential developers, except for developers of the types of developments specifically exempted below, shall also pay a fee equal to two and one-half (2.5) percent of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.

(c) Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of two and a half percent (2.5%) shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvements and the equalized assessed value of the newly improved structure, i.e. land and improvements, and such calculation shall be made at the time a final Certificate of Occupancy is issued. If the calculation required under this Section results in a negative number, the non-residential development fee shall be zero.

(d) The nonresidential portion of a mixed-use inclusionary or market rate development shall be subject to the development fee of 2.5% unless otherwise exempted below.

2. Eligible Exactions, Ineligible Exactions and Exemptions for Non-residential Development

(a) The two and a half percent (2.5%) development fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within the existing footprint, reconstruction, renovations and repairs.

(b) Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to the Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1 through 8.7), as specified in Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption". Any exemption claimed by a developer shall be substantiated by that developer.
(c) A developer of a non-residential development exempted from the non-residential development fee pursuant to the Statewide Non-Residential Development Fee Act shall be subject to the fee at such time as the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final Certificate of Occupancy for the non-residential development, whichever is later.

(d) If a property which was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this Section within 45 days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by the Township of Howell as a lien against the real property of the owner.

(e) Pursuant to P.L. 2009, c. 90 and P.L. 2011, c. 122, the non-residential statewide development fee of two and one-half (2.5%) percent for non-residential development is suspended for all non-residential projects that received preliminary or final site plan approval subsequent to July 17, 2008 until July 1, 2013, provided that a permit for the construction of the building has been issued prior to January 1, 2015.

f. **Collection Procedures**

1. Upon the granting of a preliminary, final or other applicable approval for a development, the approving authority or entity shall notify or direct its staff to notify the Construction Official responsible for the issuance of a Construction Permit.

2. For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF “State of New Jersey Non-Residential Development Certification/ Exemption” to be completed as per the instructions provided. The developer of a non-residential development shall complete Form N-RDF as per the instructions provided. The Construction Official shall verify the information submitted by the non-residential developer as per the instructions provided in the Form N-RDF. The Tax Assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.

3. The Construction Official responsible for the issuance of a Construction Permit shall notify the Township Tax Assessor of the issuance of the first Construction Permit for a development which is subject to a development fee.

4. Within 90 days of receipt of such notification, the Township Tax Assessor shall prepare an estimate of the equalized assessed value of the development based on the plans filed.
5. The Construction Official responsible for the issuance of a final Certificate of Occupancy shall notify the Township Tax Assessor of any and all requests for the scheduling of a final inspection on a property which is subject to a development fee.

6. Within 10 business days of a request for the scheduling of a final inspection, the Township Tax Assessor shall confirm or modify the previously estimated equalized assessed value of the improvements associated with the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.

7. Should the Township of Howell fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in Subsection b. of Section 37 of P.L. 2008, c.46 (C.40:55D-8.6).

8. Except as provided in hereinabove, fifty percent (50%) of the initially calculated development fee shall be collected at the time of issuance of the Construction Permit. The remaining portion shall be collected at the time of issuance of the Certificate of Occupancy. The developer shall be responsible for paying the difference between the fee calculated at the time of issuance of the Construction Permit and that determined at the time of issuance of the Certificate of Occupancy.

9. Appeal of Development Fees

   (a) A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest bearing escrow account by the Township of Howell. Appeals from a determination of the Board may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S. 54:48-1, et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
(b) A developer may challenge non-residential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest bearing escrow account by the Township of Howell. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1, et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

g. Affordable Housing Trust Fund

1. There is hereby created a separate, interest-bearing Affordable Housing Trust Fund to be maintained by the Chief Financial Officer of the Township of Howell for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.

2. The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:

   (a) Payments in lieu of on-site construction of a fraction of an affordable unit, where permitted by Ordinance or by Agreement with the Township of Howell;

   (b) Funds contributed by developers to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached dwelling unit development accessible;

   (c) Rental income from municipally operated units;

   (d) Repayments from affordable housing program loans;

   (e) Recapture funds;

   (f) Proceeds from the sale of affordable units; and

   (g) Any other funds collected in connection with Highland Township’s affordable housing program.
3. In the event of a failure by the Township of Howell to comply with trust fund monitoring and reporting requirements or to submit accurate monitoring reports; or a failure to comply with the conditions of the judgment of compliance or a revocation of the judgment of compliance; or a failure to implement the approved Spending Plan and to expend funds within the applicable required time period as set forth in In re Tp. of Monroe, 442 N.J. Super. 565 (Law Div. 2015) (aff'd 442 N.J. Super. 563); or the expenditure of funds on activities not approved by the Court; or for other good cause demonstrating the unapproved use(s) of funds, the Court may authorize the State of New Jersey, Department of Community Affairs, Division of Local Government Services (LGS), to direct the manner in which the funds in the Affordable Housing Trust Fund shall be expended, provided that all such funds shall, to the extent practicable, be utilized for affordable housing programs within the Township of Howell, or, if not practicable, then within the County or the Housing Region.

Any party may bring a motion before the Superior Court presenting evidence of such condition(s), and the Court may, after considering the evidence and providing the municipality a reasonable opportunity to respond and/or to remedy the non-compliant condition(s), and upon a finding of continuing and deliberate non-compliance, determine to authorize LGS to direct the expenditure of funds in the Trust Fund. The Court may also impose such other remedies as may be reasonable and appropriate to the circumstances.

4. Interest accrued in the Affordable Housing Trust Fund shall only be used to fund eligible affordable housing activities approved by the Court.

h. Use of Funds

1. The expenditure of all funds shall conform to a Spending Plan approved by the Court. Funds deposited in the Affordable Housing Trust Fund may be used for any activity approved by the Court to address the Township of Howell’ fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls; housing rehabilitation; new construction of affordable housing units and related costs; accessory apartments; a market to affordable program; Regional Housing Partnership programs; conversion of existing non-residential buildings to create new affordable units; green building strategies designed to be cost saving and in accordance with accepted national or State standards; purchase of land for affordable housing; improvement of land to be used for affordable housing; extensions or improvements of roads and infrastructure to affordable housing sites; financial assistance designed to increase affordability; administration necessary for implementation of the Housing Element and Fair Share Plan; and/or any other activity permitted by the Court and specified in the approved Spending Plan.
2. Funds shall not be expended to reimburse the Township of Howell for past housing activities.

3. At least 30 percent of all development fees collected and interest earned on such fees shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30 percent or less of the median income for Housing Region 4, in which Howell Township is located.

(a) Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, and assistance with emergency repairs. The specific programs to be used for affordability assistance shall be identified and described within the Spending Plan.

(b) Affordability assistance to households earning 30 percent or less of median income may include buying down the cost of low or moderate income units in the municipal Fair Share Plan to make them affordable to households earning 30 percent or less of median income. The specific programs to be used for very low income affordability assistance shall be identified and described within the Spending Plan.

(c) Payments in lieu of constructing affordable housing units on site, if permitted by Ordinance or by Agreement with the Township of Howell, and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.

4. The Township of Howell may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including its programs for affordability assistance.

5. No more than 20 percent of all revenues collected from development fees may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultants’ fees necessary to develop or implement a new construction program, prepare a Housing Element and Fair Share Plan, and/or administer an affirmative marketing program or a rehabilitation program.

(a) In the case of a rehabilitation program, the administrative costs of the rehabilitation program shall be included as part of the 20 percent of collected development fees that may be expended on administration.
(b) Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with COAH’s monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or related to securing or appealing a judgment from the Court are not eligible uses of the Affordable Housing Trust Fund.

i. Monitoring

The Township of Howell shall provide annual reporting of Affordable Housing Trust Fund activity to the State of New Jersey, Department of Community Affairs, Council on Affordable Housing or Local Government Services or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs, Council on Affordable Housing or Local Government Services. The reporting shall include an accounting of all Affordable Housing Trust Fund activity, including the sources and amounts of funds collected and the amounts and purposes for which any funds have been expended. Such reporting shall include an accounting of development fees collected from residential and non-residential developers, payments in lieu of constructing affordable units on site (if permitted by Ordinance or by Agreement with the Township), funds from the sale of units with extinguished controls, barrier free escrow funds, rental income from Township owned affordable housing units, repayments from affordable housing program loans, and any other funds collected in connection with Howell Township’s affordable housing programs, as well as an accounting of the expenditures of revenues and implementation of the Spending Plan approved by the Court.

j. Ongoing Collection of Fees

1. The ability for the Township of Howell to impose, collect and expend development fees shall expire with the expiration of the repose period covered by its Judgment of Compliance unless the Township of Howell has first filed an adopted Housing Element and Fair Share Plan with the Court or with a designated State administrative agency, has petitioned for a Judgment of Compliance from the Court or for Substantive Certification or its equivalent from a State administrative agency authorized to approve and administer municipal affordable housing compliance and has received approval of its Development Fee Ordinance from the entity that will be reviewing and approving the Housing Element and Fair Share Plan.
2. If the Township of Howell fails to renew its ability to impose and collect development fees prior to the expiration of its Judgment of Compliance, it may be subject to forfeiture of any or all funds remaining within its Affordable Housing Trust Fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to Section 20 of P.L. 1985, c. 222 (C. 52:27D-320).

3. The Township of Howell shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its Judgment of Compliance, nor shall the Township of Howell retroactively impose a development fee on such a development. The Township of Howell also shall not expend any of its collected development fees after the expiration of its Judgment of Compliance.

Section 2. Howell Township's existing Ordinances or parts of existing Ordinances that are in conflict or inconsistent with the requirements of this Ordinance are hereby expressly repealed to the extent that they are in conflict or inconsistent with this Ordinance.

Section 3. In the event that any Section or provision of this Ordinance is found or determined to be unenforceable or invalid by a competent Court of Jurisdiction, such holding of the competent Court of Jurisdiction shall be deemed not to affect the validity of the Ordinance as a whole, or any part thereof, other than the parts specifically so held to be unenforceable or invalid by said Court of Competent Jurisdiction.

Section 4. This Ordinance shall not be effective until approved by the Superior Court of New Jersey after a compliance hearing and after the proper adoption of the Ordinance including first and second reading and publication, in accordance with New Jersey law.

NOTICE

The Ordinance published herewith was introduced and passed on first reading by the Township Council of the Township of Howell on October 22, 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 November 12, 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
The Township entered into a Settlement Agreement with Fair Share Housing Center on or about October 9, 2018 and an Amended Settlement Agreement on November 20, 2018. The Court Order approving the Settlement Agreements requires the Township to amend its Development Fee Ordinance to ensure it is in compliance with current law, which is achieved by this Ordinance.
Ordinance No. O-19-52

INTRODUCTION

PUBLIC HEARING & ADOPTION

AGENDA ITEM NUMBER

October 22, 2019

November 12, 2019

10.5
ORDINANCE NO. O-19-52
TOWNSHIP OF HOWELL
COUNTY OF MONMOUTH

AN ORDINANCE AMENDING ARTICLE X OF THE TOWNSHIP CODE
ENTITLED “ZONES” CREATING A NEW SECTION 188-84.2
ENTITLED “MODERATE AND LOW-INCOME HOUSING ZONE
TWELVE (12)” TO BE KNOWN AS ML-12

WHEREAS, in accordance with “In the Matter of Adoption of N.J.A.C. 5:96 & 5:97 by
the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015)” (“Mount Laurel IV”), the
Township of Howell filed an action for declaratory judgment entitled In the matter of the
Township of Howell, Docket No. L-2525-15 (“The DJ Matter”) requesting that the court declare
Howell Township in compliance with its Third Round constitutional obligation to provide a
realistic opportunity for the development of affordable housing for low and moderate income
families and individuals; and

WHEREAS, the DJ Matter was settled and the agreement settling the DJ Matter was
reviewed and approved by the court after a Fairness Hearing, which review and approval has
been memorialized in an Order of Fairness and Preliminary Compliance entered and filed by the
court on April 5, 2019 (the “Settlement Approval Agreement”) which Settlement Approval
Agreement required among other things that Howell Township adopt various implementing Land
Development Ordinances for further review at a Compliance Hearing; and

WHEREAS, one of the implementing ordinances that the Township of Howell is
required to adopt is an amendment to the Land Use Ordinance of the Township of Howell to
allow for the development of the property known as Block 110, Lots 166, 181, 182 and Block
135, Lot 2 (said property referred to herein as the FP Howell site) as an inclusionary residential
development with 227 for sale residential, market-rate lots/units and 92 multifamily for sale
affordable housing units for a total of 319 residential lots/units. Of the 227 market rate lots/units,
155 will be townhouse units of up to four bedrooms each, in either fee simple or condominium
ownership in developer’s discretion; and 72 will be single family detached houses of up to four
bedrooms on the second floor with an optional fifth bedroom on the first floor each in fee simple.
The market rate lots/units shall have basements in the developer’s discretion. The 92 for sale
affordable dwelling units shall be two bedroom and three bedroom condo flat style units.

WHEREAS, FP Howell LLC and the Township of Howell have entered into a
Developer’s Agreement for purposes of identifying the standards of development of the FP
Howell site; and

WHEREAS, the Developer’s Agreement contemplated the revision of the Township of
Howell’s zoning ordinances and zoning map to provide for a scope of development that would
allow as a permitted use a for sale residential development of 319 residential lots/units as more
fully described above; and as described in the Developer’s Agreement.
NOW, THEREFORE, BE IT THEREFORE ORDAINED by the Township Council of the Township of Howell, County of Monmouth, State of New Jersey as follows:

Section I. The Land Use Ordinance, Article X, Section 188-84.2 entitled “Moderate and Low-Income Housing Zone 12 (ML-12) Zone” shall be amended to read as follows:

Bulk and Lot Regulations. The development of the FP Howell property shall be consistent with the attached Exhibit A entitled “Concept Plan Drawing” which includes conceptual building footprints, building orientation, and building locations. Said plan is entitled “Overall Plan Qualifying Map” prepared by Challoner Associates, LLC by Stuart Challoner, P.E. dated May 26, 2017, last revised November 19, 2018 as Sheet 2 of 4.

A. Purpose and Intent:

The intent of the ML-12 district is to provide for inclusionary affordable and market rate housing development consistent with the Settlement Agreements by and between the Township and Fair Share Housing Center dated October 18, 2018 and November 20, 2018, the Township is obligated to create an affordable housing inclusionary zoning district on certain lands in the Township in accordance with the applicable rules of the New Jersey Council On Affordable Housing (COAH) in order to meet its constitutional obligation to provide for its fair share of affordable housing.

B. Permitted Uses:

1) Principal uses:
   i. Single Family Detached Dwellings
   ii. Townhouse Dwellings
   iii. Multi-family Dwellings

2) Accessory Uses:
   i. Parking
   ii. Utilities
   iii. Patios, decks & porches
   iv. Parks and playgrounds
   v. Fences and Walls
   vi. Any use which is customarily incidental and subordinate to the principal use.
C. **Minimum Tract Area:**
   1) 100 acres

D. **Overall Tract Requirements:**
   1) There shall be a building setback of at least 50 feet along the perimeter of the tract. Within this 50 foot perimeter setback, a vegetative buffer with a minimum width of 25 feet shall be provided.

E. **Minimum Front Yard Setbacks for Principal Structures:**
   1) Single Family Detached Dwellings: 25 feet
   2) Townhouses: 28 feet from the edge of pavement to the face of principal structure
   3) Multifamily Dwellings: 15 feet
   4) Chimneys, bay windows, or oriel overhangs are permitted to encroach into a front yard setback by a maximum of 3 feet.
   5) Porches or stoops are permitted to encroach into a front yard setback by a maximum of 6 feet. A covered porch which encroaches into a front yard setback shall have a maximum height of 12 feet.

F. **Minimum Side Yard and Rear Yard for Principal Structures:**
   1) Single Family Detached Dwellings: Side setback – 8 feet; rear setback - 25 feet
   2) Townhouses: Side clearance - 25 feet between buildings; rear clearance – 50 feet between back of structures
   3) Multifamily Dwellings: Side setback – 25 feet between buildings; rear setback – 50 feet between buildings
   4) Chimneys, bay windows, or oriel overhangs are permitted to encroach into a side yard or rear yard setback by a maximum of 3 feet.
   5) Decks and patios are permitted as follows:
      i. Single Family Detached Dwellings: Follow Chapter 188-15 Entitled “Decks” of the Township Ordinance.
      ii. Townhouses: Deck or patio may extend a maximum of 12’ off the rear of the main structure and no more than 75% of the total width of the unit.
      iii. Multifamily Dwellings: No decks or patios are permitted.

G. **Maximum Density:** 319 residential units/lots
H. **Maximum Building Height:**
   1) Single Family Detached Dwellings: 38 feet or 3.5 stories
   2) Townhouses: 45 feet or 4 stories
   3) Multifamily Dwellings: 45 feet or 4 stories

I. **Minimum Lot Area and Width:**
   1) Single Family Detached Dwellings: lot area – 6,000 s.f; lot width – 60 feet; however lots which front on a curved portion of a street or a cul-de-sac may have a minimum lot frontage of 50 feet.

J. **Maximum Impervious Coverage:**
   1) Overall tract: 55 percent of gross tract
   2) Single Family Dwellings: 55 percent

K. **Maximum Number of Dwelling Units Per Building:**
   1) Townhouses: 8 dwelling units per building
   2) Multifamily Dwellings: 16 units per building

L. **Additional Requirements:**
   1) Common recreation facilities, consisting of any of the following: walking trails, playgrounds, athletic fields, courts or other such grounds shall be provided within the development at a ratio of 10 square feet per market rate dwelling unit.
   2) Off-street parking stalls shall have a minimum width of 9 feet and a minimum depth of 18 feet.
   3) All parking, garages and circulation shall be designed in accordance with the New Jersey Residential Site Improvement Standards (RSIS).
   4) Waiver of Cost Generative Measures pursuant to N.J.A.C. 5:93-10.1, et seq. In order to permit the intended, agreed upon development of the Property, the Township agrees to abide by the COAH Regulations against cost generative measures as set forth at N.J.A.C. 5:93-10.1(b). Specifically:
i. Any inclusionary development within the ML-12 zone shall be exempt from the Township Tree Replacement Regulations set forth at §188-194, et seq., within the Township code. It is understood that any costs that may have accrued, but are waived for any inclusionary development within the ML-12 zone pursuant to the Tree Replacement Regulations may be paid to the Township from the Township’s Affordable Housing Trust Fund in Accordance with the approved Spending Plan.

ii. There shall be no affordable housing fees assessed against the market rate units.

iii. Any inclusionary development within the ML-12 zone shall be subject to the provisions of N.J.A.C. 5:93-10.2 which set forth limitations on application requirements and provide a standard of review for the Planning Board for necessary variances or deviations necessary to accomplish the intent of this district.

M. Affordable Housing Requirements:

1) A minimum of ninety-two (92) of the dwelling units must be made affordable to low and moderate income households in accordance with Superior Court’s April 5, 2019 Order entered In the Matter of the Application of the Township of Howell, County Monmouth, Docket No. L-2525-15 and in accordance with the Developer’s Agreement between FP Howell, LLC, and Howell Township dated November 18, 2018.

2) Ninety-two (92) of the residential dwelling units shall be restricted in accordance with the provisions of the Uniform Housing Affordability Controls N.J.A.C. 5:80-26.1, et seq. (UHAC), which shall govern the number of bedrooms of the affordable units.

3) All Affordable Units shall comply with the regulations of UHAC and/or the New Jersey Council on Affordable Housing (“COAH”), as may be applicable, including, but not limited to those concerning (a) income qualification, (b) controls on affordability for a period of thirty (30) years, (c) deed restrictions, (d) bedroom distribution, (e) low/moderate income split, (f) affirmative marketing and (g) handicap accessibility.

4) All Affordable Units shall be subject to deed restrictions on income limits for a period not less than thirty (30) years.

5) The affordable dwelling units shall be split equally between moderate income units and low income units.

6) In the event that an equal split of the affordable dwelling units between moderate and low income units results in a fraction of a unit, the additional unit shall be reserved for low income households.
7) Any phasing of development of market rate units in comparison to affordable units shall include the construction of affordable units in accordance with the schedule established by N.J.A.C. 5:93-5.6(d), and in accordance with the phasing requirements of the Township’s Affordable Housing Ordinance, found in Chapter 8. However aside from phasing requirements for the construction of market rate units to affordable units, the Developer may phase any portion of the remaining development at its own discretion to be approved by the Planning Board.

Section II. All Howell Township existing Ordinances or parts of existing Ordinances that are in conflict or inconsistent with the requirements of this Ordinance are hereby expressly repealed to the extent that they are in conflict or inconsistent with this Ordinance.

Section III. In the event that any Section or provision of this Ordinance is found or determined to be unenforceable or invalid by a competent Court of Jurisdiction, such holding of the competent Court of Jurisdiction shall be deemed not to affect the validity of the Ordinance as a whole, or any part thereof, other than the parts specifically so held to be unenforceable or invalid by said Court of Competent Jurisdiction.

Section IV. This Ordinance shall not be effective until approved by the Superior Court of New Jersey after a compliance hearing and after the proper adoption of the Ordinance including first and second reading and publication, in accordance with New Jersey law.

NOTICE

The Ordinance published herewith was introduced and passed on first reading by the Township Council of the Township of Howell on October 22, 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 November 12, 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
TOWNSHIP OF HOWELL

ORDINANCE COVER PAGE

Ordinance No. O-19-53

INTRODUCTION  

PUBLIC HEARING & ADOPTION

AGENDA ITEM NUMBER 10.6

October 22, 2019

November 12, 2019
AN ORDINANCE AMENDING ARTICLE X OF THE TOWNSHIP CODE ENTITLED “ZONES” CREATING A NEW SECTION 188-84.3 ENTITLED “MODERATE AND LOW-INCOME HOUSING ZONE THIRTEEN (13)” TO BE KNOWN AS ML-13

WHEREAS, the Township of Howell (“Township”) filed a Mt. Laurel declaratory judgment action in the Superior Court of New Jersey, Law-Division bearing the caption In the Matter of the Township of Application of the Township of Howell, Docket No. MON-L-2525-15 following the New Jersey Supreme Court’s decision in Mt. Laurel IV; and

WHEREAS, the Township entered into a Settlement Agreement with Fair Share Housing Center on or about October 9, 2018 and an Amended Settlement Agreement on November 20, 2018 (collectively referred to as the “Settlement Agreements”) establishing the Township’s Third Round affordable housing obligation for the period 1999-2025 and the compliance mechanisms by which the Township will meet its constitutional obligation to provide for its fair share of affordable housing; and

WHEREAS, the Court conducted a Fairness Hearing on February 27, 2019 and entered an order on April 5, 2019 approving the Settlement Agreements by and between the Township and Fair Share Housing Center finding on a preliminary basis that the Settlement Agreement is fair to low and moderate-income households; and

WHEREAS, the Court Order approving the Settlement Agreements requires the Township to adopt zoning for the inclusionary project referenced as Zaback Properties for the properties identified on the Howell Township Tax Map as Block 137, Lots 22-26 so as to meet its obligation to create a realistic opportunity to provide for the Township’s fair share of affordable housing; and

WHEREAS, the Township Council find it is in the best interest of the Township to comply with the Court’s Order and implement the terms and conditions of the Settlement Agreements which includes the creation of the Moderate and Low-Income Housing Zone 13 (“ML-13”).

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Township Council of the Township of Howell, County of Monmouth, and State of New Jersey that Article X of the Township Code entitled “Zones” is hereby amended to create a new Section entitled “Moderate and Low-Income Housing Zone 13” as follows:
Section 1.

A. **Purpose and Intent.**

In accordance with the executed Settlement Agreements by and between the Township and Fair Share Housing Center dated October 18, 2018 and November 20, 2018, the Township is obligated to create an affordable housing inclusionary zoning district on certain lands in the Township in accordance with the applicable rules of the New Jersey Council On Affordable Housing (COAH) in order to meet its constitutional obligation to provide for its fair share of affordable housing.

B. **Permitted uses.** The following shall be permitted in the ML-13 District:

1. **Principal uses.**
   - (a) Townhouse.
   - (b) Dwelling, multiple.

2. **Conditional uses:** None.

3. **Accessory uses:** The following accessory uses are permitted:
   - (a) Any use which is customarily incidental and subordinate to the principal use including sheds, decks, fences, utilities, signs and entry features (including gate house) located in a manner that is consistent with a plan approved by the Planning Board at the time the development receives its development approvals which authorizes specific locations or typical locations for each dwelling type. Sheds may only be for the storage of equipment, supplies, tools, materials, etc., as required for the maintenance of the property by the property owner and shall not be used as additional storage for a tenant of any particular unit. Accessory structures shall be depicted on the site plans for review by the Planning Board and its professionals.
   
   (b) Recreation facilities, structures, buildings and parks for the use of the residents of the community including a swimming pool. Such open space and community facilities must be owned, operated and maintained by the property owner. Any community building may be used to provide services and activities primarily for the benefit and enjoyment of the residents of the community.
   
   (c) Sales and construction offices and storage of materials and equipment associated with and necessitated by the development of the tract for the uses approved by the Planning Board in conformance with any phasing requirements set forth by the Board.
(d) Garages and parking and loading areas consistent with New Jersey’s Residential Site Improvement Standards.

C. **Area, yard, bulk, and architectural requirements.** The following tract requirements shall apply:

1. The following intensity and design ratios are applicable to the entire tract and shall not be applied to any individual lot or lots which may be created as part of the overall plan of development:

   a. Maximum number of dwellings: 360
   b. Thirty percent (30%) of the total number of units constructed shall be reserved for very low, low, and moderate income households in conformance with Section G below.
   c. Maximum building coverage: 30%
   d. Maximum impervious coverage: 70%

2. Perimeter Setback. A fifty (50) foot perimeter residential building setback shall be provided along the sides and rear boundary of the property. Within the 50 foot setback, the applicant shall provide a 6 foot high “pedestrian level” visual buffer between any proposed residential buildings and adjacent properties. The perimeter setback may contain one or more of the following in order to create the required buffer: existing wooded areas, supplemental landscaping, berming, solid fences and walls. Within the 50 foot setback, the following structures and activities are permitted as per Site Plan approval from the Planning Board: clearing, grading, driveways, landscaping, sidewalks, lighting, benches, walkways, utilities, stormwater basins, fire lanes, walls, fences, sheds, and access roads. A maximum of fifty percent (50%) of the area within the perimeter setback may be disturbed to allow for the structures and activities listed herein. After a CO has been issued for the property and construction is completed no disturbances within the perimeter setback are permitted except those specifically shown on the Site Plan as approved by the Planning Board.

3. Setbacks applicable to buildings:

   a. For residential buildings: Longest building side shall be known as the primary side (including two sides of the building if applicable); shortest building side shall be known as the secondary side (including two sides of the building if applicable). Where a façade faces a parking area it shall be treated as a practical front facade.

   1. Minimum distance from any residential building to any cartway: 12 feet.
(2) Minimum distance from secondary side to secondary side of building: 30 feet.

(3) Minimum distance from primary side to secondary side of building: 40 feet.

(4) Minimum distance from primary side to primary side of building: 50 feet.

(5) Minimum distance from parking area shall be 10 feet.

(b) For non-residential structures and buildings:

(1) Sheds - A maximum of 4 shed structures shall be permitted within the district. Each shed shall conform to the requirements of §188-11 of the Township Land Use Ordinance regarding accessory structures and sheds.

(2) Recreation facilities, structures, buildings - Minimum distance from parking area shall be 10 feet. Minimum distance to any cartway shall be 12 feet.

(3) Entry features – Minimum distance to any cartway: 5 feet.

(4) Gatehouses – Minimum distance from any public right-of-way shall be 5 feet. No minimum distance shall be required from any internal roadway or cartway.

D. Recreational requirements.

(1) Recreational facilities including sidewalks and pedestrian pathways, small parks and gathering areas with seating, picnic areas with graded grass areas for spontaneous activities and other recreational amenities may be located within the development at the discretion of the applicant, subject to Planning Board approval, but in no event within 25 feet of a residential building.

(2) Provision for long-term maintenance of all open lands and recreational uses must be provided in a manner satisfactory to the Planning Board, and the responsibility for the cost of such maintenance shall be borne by the applicant.

(3) Active recreational opportunities provided within the residential community may be restricted against use by nonresidents of the community if owned and maintained by the property owner and shall be accessible to residents in perpetuity.
E. **Additional Site requirements.**

(1) Maximum height building height: 45 feet. Four stories inclusive of any garage level.

(2) Maximum height building height (accessory building or non-residential structure): 15 feet.

(3) All multi-family structures constructed within the district shall be exempt from the standards found within §188-138, look alike design standards.

(4) Cartway width 24 feet (two-way traffic). Cartway width 18 feet (one-way traffic).

(5) Mechanical equipment, roof top antenna or other utility hardware on roofs, the ground, or buildings shall be screened from public view with materials harmonious with the building, or they shall be so located as not to be visible from any public ways.

(6) Parking stalls shall have minimum dimensions of 9 feet in width and 18 feet in depth.

(7) All other parking areas, loading areas, and garages shall be constructed in accordance with the New Jersey Residential Site Improvement Standards (RSIS).

F. **Additional requirements and exceptions from other requirements.**

(1) Waiver of Cost Generative Measures Pursuant to N.J.A.C. 5:93-10.1, et seq. In order to permit the intended, agreed upon development of the Property, the Township agrees to abide by the COAH regulations against cost generative measures as set forth at N.J.A.C. 5:93-10.1(b). Specifically:

(a) Any inclusionary development within the ML-13 zone shall be exempt from the Township Tree Replace Regulations set forth at §188-194, et seq., within the Township code. It is understood that any costs that may have accrued, but are waived for any inclusionary development within the ML-13 zone pursuant to the Tree Replacement Regulations may be paid to the Township from the Township’s Affordable Housing Trust Fund in accordance with the approved Spending Plan.;

(b) Any inclusionary development within the ML-13 zone shall be subject to the provisions of N.J.A.C. 5:93-10.2 which set forth limitations on application requirements and provide a standard of review for the Planning Board for necessary variances or deviations necessary to accomplish the intent of this district.
G. **Affordable Housing Requirements**

(1) Thirty percent (30%) of the units constructed within the ML-13 zone are to be family rental units affordable to very low, low, and moderate income households (“Affordable Units”) in accordance with the Superior Court’s April 5, 2019 Order entered In the Matter of the Application of the Township of Howell, County Monmouth, Docket No. L-2525-15 and in accordance with the Developer’s Agreement between Kenneth Zaback and Howell Township dated November 20, 2018.

(2) Thirty percent (30%) of the residential units shall be deed restricted in accordance with the provisions of the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1, et seq. (“UHAC”), which shall govern the number of bedrooms and rents for the Affordable Units.

(3) Phasing for construction of the market rate units in comparison to Affordable Units shall be in accordance with COAH's phasing schedule established by N.J.A.C. 5:93-5.6(d).

(4) All Affordable Units shall comply with the regulations of UHAC and/or the New Jersey Council on Affordable Housing (“COAH”), as may be applicable, including, but not limited to those concerning (a) income qualification, (b) controls on affordability for a period of thirty (30) years, (c) deed restrictions, (d) bedroom distribution, (e) low/moderate income split, (f) affirmative marketing and (g) handicap accessibility.

(5) All Affordable Units shall be subject to deed restrictions on income limits for a period not less than thirty (30) years.

(6) The affordable dwelling units shall be split equally between moderate income units and low income units. The low income portion of the split shall be inclusive of the very low income units.

(7) In the event that an equal split of the affordable dwelling units between moderate and low income units results in a fraction of a unit, the additional unit shall be reserved for low income households.

(8) At minimum, 13 percent (13%), or 18 units, whichever is greater, of all the affordable dwelling units shall be made available to very-low income households.

**Section 2.** Howell Township’s existing Ordinances or parts of existing Ordinances that are in conflict or inconsistent with the requirements of this Ordinance are hereby expressly repealed to the extent that they are in conflict or inconsistent with this Ordinance.
Section 3. In the event that any Section or provision of this Ordinance is found or determined to be unenforceable or invalid by a competent Court of Jurisdiction, such holding of the competent Court of Jurisdiction shall be deemed not to affect the validity of the Ordinance as a whole, or any part thereof, other than the parts specifically so held to be unenforceable or invalid by said Court of Competent Jurisdiction.

Section 4. This Ordinance shall not be effective until approved by the Superior Court of New Jersey after a compliance hearing and after the proper adoption of the Ordinance including first and second reading and publication, in accordance with New Jersey law.

NOTICE

The Ordinance published herewith was introduced and passed on first reading by the Township Council of the Township of Howell on October 22, 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 November 12, 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
TOWNSHIP OF HOWELL

ORDINANCE COVER PAGE

Ordinance No. O-19-54

INTRODUCTION

PUBLIC HEARING & ADOPTION

AGENDA ITEM NUMBER

October 22, 2019

November 12, 2019

10.7
ORDINANCE NO. O-19-54
TOWNSHIP OF HOWELL
COUNTY OF MONMOUTH

AN ORDINANCE AMENDING ARTICLE X OF THE TOWNSHIP CODE
ENTITLED “ZONES” CREATING A NEW SECTION 188-84.4
ENTITLED “MODERATE AND LOW-INCOME HOUSING ZONE FOURTEEN (14)” TO BE KNOWN AS ML-14

WHEREAS, the Township of Howell (“Township”) filed a Mt. Laurel declaratory judgment action in the Superior Court of New Jersey, Law-Division, bearing the caption In the Matter of the Township of Application of the Township of Howell, Docket No. MON-L-2525-15 following the New Jersey Supreme Court’s decision in Mt. Laurel IV; and

WHEREAS, the Township entered into a Settlement Agreement with Fair Share Housing Center on or about October 9, 2018 and an Amended Settlement Agreement on November 20, 2018 (collectively referred to as the “Settlement Agreements”) establishing the Township’s Third Round affordable housing obligation for the period 1999-2025 and the compliance mechanisms by which the Township will meet its constitutional obligation to provide for its fair share of affordable housing; and

WHEREAS, the Court conducted a Fairness Hearing on February 27, 2019 and entered an order on April 5, 2019 approving the Settlement Agreements by and between the Township and Fair Share Housing Center finding on a preliminary basis that the Settlement Agreement is fair to low- and moderate-income households; and

WHEREAS, the Court Order approving the Settlement Agreements requires the Township to adopt zoning for the inclusionary project referenced as the Trypak Road Group, LLC, for the properties identified on the Howell Township Tax Map as Block 143, Lots 6 and 6.01 (“North Parcel”); and Block 144, Lots 14, 15, 20, 35, 111, 112, 142, 145-150, 160-165, 165.01, 167, 177, 178, 178.01, and 178.02 (“South Parcel”) so as to meet is obligation to create a realistic opportunity to provide for the Township’s fair share of affordable housing; and

WHEREAS, the Township Council find it is in the best interest of the Township to comply with the Court’s Order and implement the terms and conditions of the Settlement Agreements which includes the creation of the Moderate and Low-Income Housing Zone 14 (“ML-14”).

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Township Council of the Township of Howell, County of Monmouth, and State of New Jersey that Article X of the Township Code entitled “Zones” is hereby amended to create a new Section 188-84.4 entitled “Moderate and Low-Income Housing Zone 14” as follows:
Section 1. Purpose and intent.

A. In accordance with the executed Settlement Agreements by and between the Township and Fair Share Housing Center dated October 18, 2018 and November 20, 2018, the Township is obligated to create an affordable housing inclusionary zoning district on certain lands in the Township in accordance with the applicable rules of the New Jersey Council On Affordable Housing (COAH) in order to meet its constitutional obligation to provide for its fair share of affordable housing.

The Moderate and Low Income Housing Zone 14 (ML-14) District is intended to assist the Township in complying with its affordable housing obligation. The following properties shall be included within the ML-14 District: Block 143, Lots 6 and 6.01 (“North Parcel”); and Block 144, Lots 14, 15, 20, 35, 111, 112, 142, 145-150, 160-165, 165.01, 167, 177, 178, 178.01 and 178.02 (“South Parcel”).

B. Permitted uses. The following shall be permitted in the ML-14 District:

(1) Principal uses.
   a) Single-family dwelling
   b) Townhouse dwelling
   c) Multiple dwelling

(2) Conditional uses: none.

(3) Accessory uses. The following accessory uses are permitted:
   a) Sheds, decks, patios, porches, swimming pools, signs, fences, walls, gatehouses and landscaping features, such as benches, trellises, and gazebos, that are customarily incidental to residential uses, located in a manner approved by the Planning Board at the time the development receives its development approvals which authorizes specific locations or typical locations for each dwelling type.

   b) Active and passive recreational facilities for the use of the residents of the community, including fitness centers, swimming pools, playgrounds, landscaped trails and parks, and clubhouses. Such facilities must be owned, operated and maintained by the property owner. Any community building may be used to provide services and activities primarily for the benefit and enjoyment of the residents of the community.

   c) Home occupations as per §188-64.

   d) Utilities and related services, such as transformers, pumping stations, treatment facilities, meters, etc., necessary for the proper distribution and monitoring of these services.
e) Sales and construction offices and storage of materials and equipment associated with and necessitated by the development of the tract for the uses approved by the Planning Board in conformance with any phasing requirements set forth by the Board.

f) Garages and off-street parking areas.

g) Any other uses that are customarily incidental and subordinate to a principal use.

C. Area, yard, bulk and site design requirements.

(1) The following intensity and design ratios are applicable to the North Parcel in its entirety and shall not be applied to any individual lot or lots which may be created as part of the overall plan of development.
   a) Maximum number of dwelling units: 58.
   b) Minimum number of very low, low, and moderate income dwelling units: 58.
   c) Maximum building coverage: 30%.
   d) Maximum impervious coverage: 60%.

(2) The following intensity and design ratios are applicable to the South Parcel in its entirety and shall not be applied to any individual lot or lots which may be created as part of the overall plan of development.
   a) Maximum number of dwelling units: 400.
   b) Minimum number of very low, low, and moderate income dwelling units: 80.
   c) Maximum building coverage: 20%.
   d) Maximum impervious coverage: 40%.

(3) Perimeter landscape buffer. A landscaped buffer of a minimum width of 50 feet shall be provided along any tract boundary, except where such boundary abuts public open space or lands to be dedicated as public or private open space, in which instance the required buffer shall not be less than 25 feet. The buffer shall be designed in accordance with Ordinance Section 188-63.
4) Requirements for single family detached houses.
   a) No single family detached dwelling shall exceed 35 feet in height and 2 ½ stories.
   b) Setback and building requirements:

<table>
<thead>
<tr>
<th>Standard</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum lot area</td>
<td>6,000 square feet</td>
</tr>
<tr>
<td>Minimum lot frontage</td>
<td>60 feet</td>
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<tr>
<td>Minimum front yard setback</td>
<td>25 feet</td>
</tr>
<tr>
<td>Minimum rear yard setback</td>
<td>25 feet</td>
</tr>
<tr>
<td>Minimum side yard setback</td>
<td>8 feet</td>
</tr>
<tr>
<td>Minimum side or rear yard setback for accessory structure or use</td>
<td>5 feet</td>
</tr>
</tbody>
</table>

5) Townhouse requirements.
   a) No townhouse shall exceed 45 feet in height and 3 stories.
   b) Setback and building requirements:

<table>
<thead>
<tr>
<th>Standard</th>
<th>Requirement</th>
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</thead>
<tbody>
<tr>
<td>Maximum number of units per building</td>
<td>8</td>
</tr>
<tr>
<td>Maximum building length</td>
<td>200 feet</td>
</tr>
<tr>
<td>Minimum setback from right-of-way</td>
<td>75 feet</td>
</tr>
<tr>
<td>Minimum setback from all other property lines</td>
<td>50 feet</td>
</tr>
<tr>
<td>Minimum setback from off-street parking areas</td>
<td>10 feet</td>
</tr>
<tr>
<td>Minimum setback from internal streets</td>
<td>25 feet</td>
</tr>
<tr>
<td>Minimum distance between buildings</td>
<td></td>
</tr>
<tr>
<td>Front to front</td>
<td>60 feet</td>
</tr>
<tr>
<td>Side to side</td>
<td>25 feet</td>
</tr>
<tr>
<td>Side to front/rear</td>
<td>35 feet</td>
</tr>
<tr>
<td>Rear to rear</td>
<td>50 feet</td>
</tr>
</tbody>
</table>

6) Requirements for multi-family dwellings.
   a) No building containing multi-family dwelling units shall exceed 45 feet in height and 4 stories.
   b) Setback and building requirements:

<table>
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<tr>
<th>Standard</th>
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</thead>
<tbody>
<tr>
<td>Maximum number of units per building</td>
<td>24 units</td>
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<tr>
<td>Maximum building length</td>
<td>250 feet</td>
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<tr>
<td>Minimum setback from right-of-way</td>
<td>100 feet</td>
</tr>
<tr>
<td>Minimum setback from all other property lines</td>
<td>75 feet</td>
</tr>
<tr>
<td>Minimum setback from internal streets</td>
<td>25 feet</td>
</tr>
<tr>
<td>Minimum setback from off-street parking areas</td>
<td>10 feet</td>
</tr>
<tr>
<td>Minimum distance between buildings</td>
<td>40 feet</td>
</tr>
</tbody>
</table>
(7) Internal streets and off-street parking shall be provided and designed in accordance with the New Jersey Residential Site Improvement Standards set forth at N.J.A.C. 5:21-1.1 et seq.

(8) Recreational requirements.

a) Recreational facilities such as sidewalks and pedestrian pathways, small parks and gathering areas with seating, picnic areas with graded grass areas for spontaneous activities and other recreational amenities shall be located within the development a minimum ratio of 10 square feet per market rate dwelling unit.

b) Provision for long-term maintenance of recreational facilities must be provided in a manner satisfactory to the Planning Board, and the responsibility for the cost of such maintenance shall be borne by the applicant.

c) Active recreational opportunities provided within the residential community may be restricted against use by nonresidents of the community if owned and maintained by the property owner and shall be accessible to residents in perpetuity.

(9) Additional requirements and exceptions from other requirements.

a) Waiver of cost generation measures pursuant to N.J.A.C. 5:93-10.1, et seq. In order to permit the intended, agreed upon development of the property, the Township agrees to abide by the COAH regulations against cost generative measures as set forth at N.J.A.C. 5:93-10.1(b), in conformance with the specific provisions of the Developer’s Agreement between the Township and Tyrpak Road Group, LLC. Specifically:

1) Any inclusionary development within the within the ML-14 zone shall be exempt from the Township Tree Replacement regulations set forth at §188-194, et seq., within the Township code. It is understood that any costs that may have accrued, but are waived for any inclusionary development within the ML-14 zone pursuant to the Tree Replacement regulations may be paid to the Township from the Townships Affordable Housing Trust Fund in accordance with the approved spending plan.

2) Any inclusionary development within the ML-14 zone shall be subject to the provisions N.J.A.C. 5:93-10.2 which set forth limitations on application requirements and provide a standard of review for the Planning Board for necessary variances or deviations necessary to accomplish the intent of this district.

b) Any off-site improvements or payments in lieu thereof related to the provision of potable water and sanitary service provision shall be imposed on a fair share basis strictly in accordance with N.J.S.A. 40:55D-42.

c) All multifamily dwellings shall be exempt from the standards found within §188-138, regarding look alike standards for residential construction.
d) Mechanical equipment or other utility hardware on roofs, the ground, or buildings shall be screened from public view with materials harmonious with the building, or they shall be so located as not to be visible from any public ways.

e) Environmentally sensitive features on the tract, including wetlands and steep slopes areas shall be maintained and conserved either through dedication to Howell Township or by private covenant or deed restriction. The area of such dedicated or restricted environmentally sensitive areas shall continue to be considered as part of the tract area for purposes of compliance with the bulk regulations set forth in this section.

f) Open space lands may be maintained by the owner, a tenant association or a homeowner’s association, or may be dedicated to Howell Township as determined by the Planning Board. The area of such dedicated open space shall continue to be considered as part of the tract area for purposes of compliance with the bulk regulations as set forth in this section.

(10) Affordable Housing Requirements.

a) The total affordable housing obligation is 138 units, a minimum of 58 of which shall be affordable family rental units.

b) Thirty percent (30%) or 138, whichever is greater, of the units constructed within the ML-14 District are to be affordable to low and moderate income households (“Affordable Units”) in accordance with the Superior Court’s April 5, 2019 Order entered In the Matter of the Application of the Township of Howell, County Monmouth, Docket No. L-2525-15.

c) Thirty percent (30%) of the residential units shall be deed restricted in accordance with the provisions of the Uniform Housing Affordability Controls, (N.J.A.C. 5:80-26.1, et seq.) (“UHAC”), which shall govern the number of bedrooms and rents for the Affordable Units.

d) The affordable dwelling units shall be split equally between moderate income units and low income units. Very low income units shall be included within the low income portion of the split.

e) In the event that an equal split of the affordable dwelling units results in a fraction of a unit, the additional unit shall be made available to low income households.

f) A minimum of thirteen percent (13%) of the total number of affordable dwelling units, or 22 units, whichever is greater, shall be made available to households categorized as “very low income” households.

g) Phasing for construction of the Affordable Units shall be in accordance with COAH’s phasing schedule established by N.J.S.A. 5:93-5.6(d). The phasing schedule shall apply based on the percentage constructed of the total number of Affordable Units on both the North and South Parcels combined as compared to the total number of market-rate units on the South Parcel.
h) All Affordable Units shall comply with the regulations of UHAC and/or the New Jersey Council on Affordable Housing ("COAH"), as may be applicable, including, but not limited to those concerning (a) income qualifications, (b) controls on affordability for a period of thirty (30) years, (c) deed restrictions, (d) bedroom distribution, (e) low/moderate income split, (f) affirmative marketing and (g) handicap accessibility. Notwithstanding the foregoing, it is understood and agreed that the Affordable Units may be constructed in buildings separate and apart from buildings containing market rate units.

i) All Affordable Units shall be subject to deed restrictions on income limits for a period not less than thirty (30) years.

Section 2. Howell Township’s existing Ordinances or parts of existing Ordinances that are in conflict or inconsistent with the requirements of this Ordinance are hereby expressly repealed to the extent that they are in conflict or inconsistent with this Ordinance.

Section 3. In the event that any Section or provision of this Ordinance is found or determined to be unenforceable or invalid by a competent Court of Jurisdiction, such holding of the competent Court of Jurisdiction shall be deemed not to affect the validity of the Ordinance as a whole, or any part thereof, other than the parts specifically so held to be unenforceable or invalid by said Court of Competent Jurisdiction.

Section 4. This Ordinance shall not be effective until approved by the Superior Court of New Jersey after a compliance hearing and after the proper adoption of the Ordinance including first and second reading and publication, in accordance with New Jersey law.

NOTICE

The Ordinance published herewith was introduced and passed on first reading by the Township Council of the Township of Howell on October 22, 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 November 12, 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
Ordinance No. O-19-55

INTRODUCTION

PUBLIC HEARING & ADOPTION

AGENDA ITEM NUMBER

October 22, 2019

November 12, 2019

10.8
ORDINANCE NO. O-19-55

AN ORDINANCE OF THE TOWNSHIP OF HOWELL, MONMOUTH COUNTY, NEW JERSEY AMENDING CHAPTER 7-11 ENTITLED “SPEED LIMITS” AND SCHEDULE XVI IN ORDER TO ESTABLISH A REDUCED RATE OF SPEED

WHEREAS, the Township Council of the Township of Howell has, in the interest of public safety, investigated the need to amend the existing speed limit along Frederick Avenue; and

WHEREAS, having evaluated the traffic study and recommendations of the Director of Community Development, the Township of Howell finds it in the interest of public safety to reduce the speed limit to 25 MPH the entire length of the roadway pursuant to the powers vested in the Township of Howell by N.J.S.A. 39:4-8.b.(1), N.J.S.A. 39:4-197.(1)a and N.J.S.A. 39:4-98; and

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

1. Section 7-11, entitled “Speed Limits” of the Code of the Township of Howell is hereby amended and supplemented by the inclusion of the following in Schedule XVI as follows:

<table>
<thead>
<tr>
<th>Street</th>
<th>Direction</th>
<th>Speed</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Frederick Avenue</td>
<td>Both</td>
<td>25 MPH</td>
<td>Entire Length</td>
</tr>
</tbody>
</table>

2. The speed limits for the directions of traffic along Frederick Avenue shall be reduced in accordance with Schedule XVI.

3. The speed limits from both directions shall be 25 MPH.

4. Every person convicted of a violation of any provision of this Ordinance or any supplement thereto shall be subject to a penalty as expressly provided by New Jersey Statute.

5. If any provision of this ordinance or the application of this ordinance to any person or circumstances is held invalid, the remainder of this ordinance shall not be affected and shall remain in full force and effect.

6. All ordinances or parts of ordinances or resolutions that are inconsistent or in opposition to the provisions of this ordinance are hereby repealed in their entirety.

7. This ordinance will take effect after publication and passage according to law.

8. Copies of this ordinance shall be supplied to the Commissioner of the New Jersey Department of Transportation and to the Howell Township Clerk, the Monmouth County Clerk, Clerk of Adjoining Municipalities, and the Howell Township Police Department.
NOTICE

The ordinance published herewith was introduced and passed on first reading by the Township Council of the Township of Howell on October 22, 2019 and will be further considered for final passage and adoption at the Township Municipal Building on 4567 Rt. 9 North, Howell, New Jersey on November 12, 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 the same.

[Signature]

PENNY WOLLMAN, MUNICIPAL CLERK
EXPLANATORY STATEMENT: This ordinance amends Chapter 7-11 amending the speed to 25 MPH the entire length of Frederick Avenue and to allow for the proper signage and placement of signage to implement the amendments.