

TOWNSHIP OF HOWELL

ORDINANCE COVER PAGE

Ordinance No. O-20-3

INTRODUCTION

February 4, 2020

PUBLIC HEARING & ADOPTION

February 18, 2020

AGENDA ITEM NUMBER

10.1

ORDINANCE NO. O-20-3

AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HOWELL, MONMOUTH COUNTY AUTHORIZING THE LEASING OF A PORTION OF THE PROPERTY LOCATED AT 4567 ROUTE 9 NORTH AND AT 251 PREVENTORIUM ROAD IN THE TOWNSHIP OF HOWELL PURSUANT TO N.J.S.A. 40:A:12-13 ET. SEQ.

WHEREAS, Howell Farmer's Market Association, LLC, is a New Jersey non-profit, limited liability company; and is organizing, managing and facilitating the creation and operation of a weekly Farmer's Market for the benefit of the residents of Howell regarding the consumption of healthy locally grown food products and to benefit local producers of farm products;

WHEREAS, it is anticipated that thousands of persons will benefit from the public purpose served by Howell Farmer's Market Association, LLC activities; and

WHEREAS, that the activities of Howell Farmer's Market Association, LLC will promote the health, safety, morals and general welfare of the Howell Township community; and

WHEREAS, the Township of Howell is desirous of facilitating the creation of an open air Farmer's Market for the sale of locally produced fruits, vegetables, dairy and other natural products; and

WHEREAS, facilitating the creation of an open air Farmer's Market for the sale of locally produced fruits, vegetables, dairy and other natural products will also permit the Township to claim additional points as part of the Sustainable Jersey certification initiative; and

WHEREAS, *N.J.S.A.* 40A:12-14(c), 15, and 15.1 permit a Township to lease and/or license to a non-profit corporation for a public purpose, real property owned by the Township; and

WHEREAS, the Township Council of the Township of Howell has determined that on certain days of the week, consistent with the goals and needs of the Howell Farmer's Market Association, LLC, a portion of the property owned by the Township located at 4567 Route 9 North, Howell, New Jersey is not needed for municipal purposes; and

WHEREAS, the Township Council of the Township of Howell has determined that on certain days of the week, consistent with the goals and needs of the Howell Farmer's Market Association, LLC, a portion of the property owned by the Township located at the Old Town Hall Complex, located at 251 Preventorium Road Howell, New Jersey 07731, is not needed for municipal purposes; and

WHEREAS, a lease of the property for no or nominal consideration to organizations such as the Howell Farmer's Market Association, LLC is permissible under *N.J.S.A.* 40A:12-14(c); and

WHEREAS, the Township of Howell and the Howell Farmer's Market Association, LLC, have negotiated a Limited Use and Occupancy Agreement for 4567 Route 9 North, Howell, New Jersey in the form attached to this Ordinance as Exhibit A; and

WHEREAS the Township of Howell and the Howell Farmer's Market Association, LLC, have not yet negotiated a Limited Use and Occupancy Agreement for the Old Town Hall Complex, located at 251 Preventorium Road Howell, New Jersey 07731, but anticipate a potential future need for the Howell Farmer's Market Association on limited occasions throughout the year, and will negotiate and sign a Limited Use and Occupancy Agreement as the need may arise; and

WHEREAS, the governing body of the Township of Howell has determined that it is in the public interest for the Township to lease a portion of 4567 Route 9 North, Howell, New Jersey to Howell Farmer's Market Association, LLC and to accommodate requests for the potential lease of space on occasion at the Old Town Hall Complex, located at 251 Preventorium Road Howell, New Jersey 07731;

NOW THEREFORE, BE IT ORDANED by the Township Council of the Township of Howell, County of Monmouth and State of New Jersey, that:

SECTION 1 Pursuant to N.J.S.A. 40A:12-14(c) and N.J.S.A. 40A:12-15, the governing body of the Township of Howell hereby authorizes the lease to Howell Farmer's Market Association, LLC in the manner set forth in the Exhibit A; and also subject to the following conditions:

SECTION 2. The Township Manager of the Township of Howell is hereby designated as the municipal official responsible for enforcement of the lease being authorized herein.

SECTION 3. For each calendar year, or portion thereof, the lease herewith authorized is in effect, Howell Farmer's Market Association, LLC shall be required to submit to the Township Manager and Township Chief Financial Officer a report containing the following information:

- A. The activities to which the leasehold was put during that year;
- B. The activities taken by Howell Farmer's Market Association, LLC in furtherance of the public purposes as identified in this ordinance;
- C. The approximate value or cost, if any, of the activities undertaken by Howell Farmer's Market Association, LLC in furtherance of such public purposes;

SECTION 4. The Mayor and Clerk are hereby authorized and directed to execute any and all such documents and undertake any and all such acts as necessary and prudent to effectuate to the terms of this ordinance, including the execution of a lease agreement with Howell Farmer's Market Association, LLC pursuant to the terms hereof and as approved by the Township Attorney as to form and substance.

SECTION 5. If any section, paragraph, subsection, clause or provision of this ordinance shall be adjudged by the Courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

SECTION 6. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 7. This Ordinance shall take effect upon passage, publication and as required by law. And that upon effective passage the Mayor or Deputy Mayor are authorized to execute the Lease on behalf of the Township.

NOTICE

The ordinance published herewith was introduced and passed on first reading by the Township Council of the Township of Howell on February 4, 2020 and will be further considered for final passage and adoption at the Township Municipal Building located at 4567 Route 9 North, Howell, NJ on February 18, 2020 at 6:30 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.

ALLISON CIRANNI, MUNICIPAL CLERK

This is to certify that the foregoing Ordinance was adopted by the Township Council at a regular meeting of the Township of Howell held on February 18, 2020.

ALLISON CIRANNI, MUNICIPAL CLERK

The effective date of this ordinance is March 9, 2020.

EXPLANATORY STATEMENT: An Ordinance of the Township of Howell authorizing the execution of lease agreements with the Howell Farmer's Market Association, LLC pursuant to *N.J.S.A.* 40A:12-14(c), 15, and 15.1.

TOWNSHIP OF HOWELL

ORDINANCE COVER PAGE

Ordinance No. O-20-4

INTRODUCTION

February 4, 2020

PUBLIC HEARING & ADOPTION

February 18, 2020

AGENDA ITEM NUMBER

10.2

ORDINANCE NO. O-20-4

**AN ORDINANCE OF THE TOWNSHIP OF HOWELL
AMENDING CHAPTER 7, SCHEDULE VII THROUGH
STREETS OF THE REVISED GENERAL ORDINANCES OF
THE TOWNSHIP OF HOWELL**

BE IT HEREBY ORDAINED by the Township Council of the Township of Howell that Chapter 7, Schedule VII Through Streets of the Revised General Ordinances of the Township of Howell is hereby amended as follows:

NOTE: The amended figures for Chapter 7, Schedule I No Parking, and Schedule IV Time Limit Parking are set forth below. All **additions** are shown in **bold italics with underlines**. All **~~deletions~~** are shown in **~~bold italics with strikeouts~~**. All other portions of Chapter 7 Schedule I No Parking and Schedule IV Time Limit Parking will remain unchanged.

Chapter 7, Schedule VII Through Streets shall be amended to include the following:

In accordance with the provisions of subsection 7-6.1, the following described streets or parts of streets are hereby designated as through streets. Stop signs shall be installed on the near right side of each street intersecting the through street except where yield signs are provided for in the designations.

Kenmore Road

Entire length

Traymore Road

Entire length

SECTION 2. REPEALER

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

SECTION 3. INCONSISTENT ORDINANCES

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

SECTION 4. SEVERABILITY

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

SECTION 5. EFFECTIVE DATE

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

NOTICE

The Ordinance published herewith was introduced and passed on first reading by the Township Council of the Township of Howell on February 4, 2020 and will be further considered for final passage and adoption at the Township Municipal Building on 4567 Route 9 North, Howell, New Jersey on February 18, 2020 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.

Allison Ciranni, Municipal Clerk

This is to certify that the foregoing Ordinance was adopted by the Township Council at a regular meeting of the Township of Howell held on February 18, 2020.

Allison Ciranni, Municipal Clerk

The effective date of this ordinance is March 9, 2020.

EXPLANATORY STATEMENT: An Ordinance by the Township Council of the Township of Howell Amending Chapter 7, Schedule VII Through Streets of the Revised General Ordinances of the Township of Howell to indicate that Kenmore Road and Traymore Road shall be designated through streets for their entire lengths.