

TOWNSHIP OF HOWELL

RESOLUTION COVER PAGE

REGULAR MEETING DATE

April 7, 2020

AGENDA ITEM NUMBER

9A.1

Mr(s)._____ offered the following resolution, seconded by Mr(s)._____.

RESOLUTION R-20-154

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HOWELL, COUNTY OF MONMOUTH, STATE OF NEW JERSEY CERTIFYING COMPLIANCE WITH THE UNITED STATES EQUAL OPPORTUNITY COMMISSION’S “Enforcement Guidance on the Considerations of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964”.

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit’s hiring practices comply with the United States Equal Employment Opportunity Commission’s “Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964,” *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit’s hiring practices as they pertain to the consideration of an individual’s criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, That the Township Council of the Township of Howell, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit’s hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

ROLL CALL:

VOTE: AYES NAYS ABSTAIN ABSENT

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

I, Allison Ciranni, 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 April 7, 2020.

ALLISON CIRANNI, TOWNSHIP CLERK

GOVERNING BODY CERTIFICATION PURSUANT TO P.L. 2017, C.183 OF
COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION'S

"Enforcement Guidance on the Consideration of Arrest and Conviction Records in
Employment Decisions Under Title VII of the Civil Rights Act of 1964"

GROUP AFFIDAVIT FORM FOR MUNICIPALITIES AND COUNTIES
NO PHOTO COPIES OF SIGNATURES

STATE OF NEW JERSEY
COUNTY OF MONMOUTH

We, members of the governing body of the Township of Howell being duly sworn according to law, upon our oath depose and say:

1. We are duly elected (or appointed) members of the Township Council of the Township of Howell in the county of Monmouth;
2. Pursuant to P.L. 2017, c.183, we have familiarized ourselves with the contents of the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012);
3. We are familiar with the local unit's hiring practices as they pertain to the consideration of an individual's criminal history;
4. We certify that the local unit's hiring practices comply with the above-referenced enforcement guidance.

(L.S.)	(L.S.) Theresa Berger
(L.S.)	(L.S.) Evelyn O'Donnell
(L.S.)	(L.S.) John Bonevich
(L.S.)	(L.S.) Pamela Richmond
(L.S.)	(L.S.) Thomas Russo

Sworn to and subscribed before me this
_____ day of _____
Notary Public of New Jersey

Allison Ciranni, Township Clerk

The Municipal Clerk (or Clerk of the Board of Chosen Freeholders as the case may be) shall set forth the reason for the absence of signature of any members of the governing body.

IMPORTANT: This certificate must be executed before a municipality or county can submit its approved budget to the Division of Local Government Services. The executed certificate and the adopted resolution must be kept on file and available for inspection.

TOWNSHIP OF HOWELL

RESOLUTION COVER PAGE

REGULAR MEETING DATE

April 7, 2020

AGENDA ITEM NUMBER

9A.2

Mr(s). _____ offered the following Resolution for adoption seconded by
Mr(s). _____.

Resolution No. R-20-155

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HOWELL AUTHORIZING THE RETURN OF DRIVEWAY AND/OR STABILIZATION (WINTER) GUARANTEE:

DEVELOPER: EMES EQUITIES, LLC/HOLLYWOOD OAKS, LLC
PROJECT: SUBDIVISION OF: BLOCK 213 LOTS 1 & 2
BLOCK 216 LOTS 1 THROUGH 6
WILLOW AVE, HOLLYWOOD AVE, CATALPA AVE, SCHULTE AVE, BEECHWOOD AVE
CASE NUMBER: SD-2961F

WHEREAS, the above-named developer of the above-named land use development, in order to secure a recommendation from the Engineering Division for a Certificate of Occupancy, posted a guarantee to insure the completion of the driveway and/or stabilization for block 213.01 lot 1.04, which is a part of the above-named project; and

WHEREAS, the developer completed the driveway and/or stabilization and said items were inspected by the Engineering Division; and

WHEREAS, by report dated 3/12/2020, the Engineering Division recommends the return of the driveway and/or stabilization (winter) guarantee, which was posted in the amount of \$1,500.00.

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 the driveway and/or stabilization (winter) guarantee in the amount of 1,500.00, plus interest if any, said funds to be returned to the developer from the developer’s escrow account E-37-00-22961-021.
2. A certified copy of this Resolution shall be provided by the Township Clerk to each of the following:
 - a. Engineering Division
 - b. Township Treasurer
 - c. Guarantees Coordinator
 - d. Hollywood Oaks, LLC, 576 Central Ave., Suite 301, East Orange, NJ 07018

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 April 7, 2020.

ALLISON CIRANNI, TOWNSHIP CLERK

TOWNSHIP OF HOWELL

RESOLUTION COVER PAGE

REGULAR MEETING DATE

April 7, 2020

AGENDA ITEM NUMBER

9A.3

Mr(s) _____ offered the following Resolution for adoption seconded by Mr(s) _____

Resolution No. R-20-156

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

DEVELOPER: SMC PROPERTIES, LLC
PROJECT: ASSISTED LIVING FACILITY
BLOCK 183 LOT 22
ROUTE 33 (APPROX. ½ MILE EAST OF BRICKYARD RD)
CASE NO.: BA-16-10

WHEREAS, the above-named developer of the above-named land use project located on property known as block 183 lot 22 is posting as a condition of the Zoning Board Approval, and in accordance with the requirements of the Township, for the development of said property, a performance guarantee to ensure proper construction of real property improvements therein; and

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

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

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

1. The Township Council hereby accepts the following performance guarantee posted by the developer with the Township of Howell in accordance with the approval previously granted by the Howell Township Zoning Board and the Division of Engineering's Performance Guarantee Estimate dated 3/9/2020:
 - a. Check No. 00002681 in the amount of \$6,000.00 representing 100% of the Performance Guarantee.
2. The Township Clerk is hereby directed to forward a duly certified copy of this Resolution to the following:
 - a. Division of Engineering
 - b. Guarantees Coordinator
 - c. Chief Financial Officer
 - d. SMC Properties, LLC, 92 Bell Street, Orange, NJ 07050

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 April 7, 2020.

ALLISON CIRANNI, TOWNSHIP CLERK

TOWNSHIP OF HOWELL

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REGULAR MEETING DATE

April 7, 2020

AGENDA ITEM NUMBER

9A.4

Mr(s) _____ offered the following Resolution for adoption seconded by Mr(s)

Resolution No. R-20-157

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

DEVELOPER: MILL CLUB, LLC/AAM MILL, LLC
PROJECT: MILL CLUB AT GREENLEAF SHOPPING CENTER (LA FITNESS)
BLOCK 25 LOTS 54.02, 54.03, 54.04, 70 & 71
CASE NO.: BA-08-06 SP-A2

WHEREAS, the above-named developer of the above-named land use development located at property known as block 25 lots 54.02, 54.03, 54.04, 70 & 71 posted a maintenance guarantee in the form of Maintenance Bond No. CM100294M issued by First Indemnity of America Insurance Company in the amount of 87,205.23

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 4/1/2020 that said maintenance guarantee should be returned.

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

1. The Township Council of the Township of Howell hereby formally authorizes the return of the maintenance guarantee in the form of Maintenance Bond No. CM100294M issued by First Indemnity of America Insurance Company in the amount of \$87,205.23 to the developer of the site.
2. Said release of the maintenance guarantee is specifically contingent upon the developer reimbursing the Township for the cost of any and all outstanding construction inspection fees and the cost of any and all charges as per Township Ordinance for the release of said maintenance guarantee.
3. Upon the adoption of the within resolution, the Clerk is authorized and directed to forward a certified copy of it to the following:
 - a. Division of Engineering
 - b. Guarantees Coordinator
 - c. Chief Financial Officer
 - d. Mill Club, LLC/AAM Mill, LLC, 475 Oberlin Avenue South, Suite 207, Lakewood, NJ 08701

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 April 7, 2020.

ALLISON CIRANNI, TOWNSHIP CLERK

TOWNSHIP OF HOWELL

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9A.5

RESOLUTION R-20-158

RESOLUTION OF THE HOWELL TOWNSHIP COUNCIL TO AUTHORIZE THE TAX COLLECTOR TO ACCEPT PAYMENT OF LESS THAN ONE HUNDRED PERCENT (100%) OF THE AMOUNT DUE BUT NO LESS THAN THE FULL AMOUNT OF INTEREST DUE

WHEREAS, N.J.S.A. 54:4-68 authorizes the Governing Body to adopt a resolution authorizing the Tax Collector to accept as partial payment less than one hundred percent (100%) of the amount due and owing; and

WHEREAS, the tax collection computer program is set up under strict guidelines, as per the Division of Local Government Services and must be in accordance with the Mod 4 formula and will allow for accepting such partial payments.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Howell, Monmouth County, New Jersey to authorize the Tax Collector to accept payment of less than 100%, but no less than the full amount of interest due.

BE IT FURTHER RESOLVED that certified copies of this Resolution be forwarded to the Tax Collector and Chief Financial Officer.

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 April 7, 2020.

ALLISON CIRANNI, TOWNSHIP CLERK

TOWNSHIP OF HOWELL

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9A.6

TOWNSHIP OF HOWELL

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REGULAR MEETING DATE

April 7, 2020

AGENDA ITEM NUMBER

9A.7

Mr.(s) ____ offered the following Resolution for adoption seconded by Mr.(s) _____.

Resolution No: R-20-160

RESOLUTION FOR THE ACCEPTANCE OF THE PROJECT, ACCEPTANCE OF THE FINAL CHANGE ORDER AND ACCEPTANCE OF THE MAINTENANCE BOND FOR THE 2018 CAPITAL PROGRAM #2 – MILL & OVERLAY PROJECT

WHEREAS, the Township and its engineering consultant, CME Associates, received and opened bids for Contract #18-09 on August 7, 2018 for the 2018 Capital Program #2 – Mill & Overlay Project; and

WHEREAS, the Township Council of the Township of Howell contracted with Earle Asphalt Company, 1800 Route 34, Bldg. 2, Suite 205, Wall, NJ 07719 for the 2018 Capital Program #2 – Mill & Overlay in the amount of \$2,133,113.13; and

WHEREAS, Earle Asphalt Company has submitted a Federal Insurance Company for two (2) year Maintenance Bond No. 82463287M in the amount of \$212,803.72 for legal review and approval; and

WHEREAS, the Township has received a request for final pay estimate #4 in the amount of \$483,192.64 and a close out change order for a decrease in the project cost, from the original contract amount of \$2,133,113.13 to an adjusted total of \$2,128,037.20 for a net decrease of \$5,075.93; and

WHEREAS, in concurrence with CME Associates, the Consulting Engineer, the Township agrees with the changes of certain quantities of the items in the contract in order to complete the project; and

WHEREAS, the Township Manager and Consulting Engineer have recommended acceptance of the project, acceptance of the closeout change order which is a net decrease of \$5,075.93, authorization of the final payment of \$483,192.64 and acceptance of the Maintenance Bond subject to legal review and approval.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Howell that they hereby accept the aforescribed project, accept the closeout change order, authorize final payment and accept the Maintenance Bond subject to legal review and approval.

BE IT FURTHER RESOLVED that the Manager, Chief Financial Officer, QPA and such other officials of the Township as shall be required are hereby authorized and empowered to perform all acts and execute all documents necessary to accept the project, process the final payment and accept the Maintenance Bond.

BE IT FURTHER RESOLVED that the appropriation to be charged to the previous encumbered accounts in the amount of \$483,192.64.

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 April 7, 2020.

Allison Ciranni, Township Clerk