TOWNSHIP OF WALL

2700 Allaire Road
P.O. Box 1168
Wall, New Jersey 07719-1168

George K. Newberry, Mayor
Carl Braun, Deputy Mayor
Timothy J. Farrell
Kevin P. Orender
Thomas M. Kingman

George K. Newberry
Mayor

(732) 449-8444 Ext. 2200
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4/8/20

WELCOME TO WALL TOWNSHIP'S REMOTE ACCESS TOWNSHIP COMMITTEE MEETING

ACCESS CAN BE ACHIEVED BY PHONE, COMPUTER OR SMART DEVICE

- **PHONE ONLY (audio only without the ability to ask questions)**
  1. You will hear Township Committee and hear Attendees' questions but NOT be able to participate in the Public Comment portion of the meeting
  2. **To enter meeting via Non-Smart Phone do the following:**
     United States (Toll Free): 1 877 568 4106
     United States: +1 (646) 749-3129
     Access Code: 334-595-117

  Please Note **You will have to re-start the call-in process if you enter a wrong number or the connection is not good.

- **SMART DEVICE (i.e. iPhone/ Android etc.)/ COMPUTER (audio and video you will have the ability to ask questions)**
  1. You will be able to hear and see the Township Committee and other Attendees and participate in the Public Comment portion of the meeting
  2. To join the Meeting via this option, click on the Township Committee's Meeting remote access URL below or copy into your browser: https://www.gotomeet.me/WallTwp/township-committee-meeting-2
  3. Please note if you have never used "GoToMeeting" you should download the App in advance, so you are prepared to view, listen and participate in the Township Committee's Meeting. To do so click here: https://global.gotomeeting.com/install/334595117

  Please Note In the event that your PC does not have a microphone please select the Phone Audio Option and follow the remaining instructions in the "Go to Meeting" App.

- **Meeting Guidelines and Participation Rules**
  a) We encourage you to join the meeting prior to its start time, you will be placed in a "waiting room" until the meeting starts.
  b) You will join muted and must remain muted until you are acknowledged during the Public Comment portion of the Meeting. Only the Meeting Organizer will "unmute/ mute" a participate and/ or attendee.
  c) In order to participate in the Public Comment portion of the Meeting you must type a request to the Meeting Organizer via the "Chat" feature in the app. You must state your Name and Address for the record.
  d) You will be acknowledged when it is your turn to comment.
  e) The "Chat" feature should only be used to indicate your desire to participate in the Public Comment portion of the meeting
  f) Please note Public Comments are limited to seven (7) minutes.

  Please Note In order maintain necessary decorum, violators of the above rules will be disconnected from the meeting.

TOWNSHIP OF WALL
EXECUTIVE MEETING AGENDA
APRIL 8, 2020

7:00 P.M.
REMOTE MEETING

Please be advised that while Townhall is closed to the public, the Township Committee will be conducting the following workshop meeting by remote access in accordance with the stipulations made by the State of New Jersey. The meeting will be accessible via phone or by computer. Please click the link below for instructions.
https://www.gotomeet.me/WallTwp/township-committee-meeting-2

1. Salute to the Flag and a Moment of Silence

2. Sunshine Statement

   In compliance with the "Open Public Meetings Act," Chapter 231, P.L. 1975, adequate notice of this meeting has been provided in the following manner: the annual notice was forwarded to the official township newspapers and was posted in the Wall Township Municipal Building. All notices are on file with the Township Clerk.

3. Roll Call

4. COVID-19 Update

5. For Action / Consent Agenda

Consent Agenda

All items listed on the "Consent Agenda" are considered routine by the Township and will be adopted or approved collectively by a single motion and roll-call vote of a majority of the Township Committee. All items are available for public inspection on the Township's website at wallnj.com and in the office of the Township Clerk. There will be no separate discussion of these items. If a discussion is desired on any item, it will be considered separately. The Mayor asks if any member of the Township Committee wishes to consider any item separately. If not, he/she requests a **Motion** to approve the items listed. **Motion-Second-Roll Call Vote**

A. **Resolution No. 20-0401 –** Approval of vouchers for March 26, 2020 through April 7, 2020 in the amount of $10,529,796.87

B. **Resolution No. 20-0402 –** Authorization to execute a contract with Kroll/ Feigus Office Furniture for the purchase of court office workstations in conjunction with internal renovations through State Contract #A81629 at a price not to exceed $17,724.40

C. **Resolution No. 20-0403 –** Authorization to approve temporary appropriations

D. **Resolution No. 20-0404 –** Authorization to execute a contract with TENTANDTABLE.COM for vinyl top tents and hardware at a price not to exceed $16,268.20

E. **Resolution No. 20-0405 –** Authorization to execute a contract with Solitude Lake Management for the treatment of Osborn's Pond at a price not to exceed $5,844.00

F. **Resolution No. 20-0406 –** Authorization to approve personnel action(s):

NAME	DEPARTMENT/POSITION	SALARY	EFFECTIVE DATE
Tyler Lokerson	Police/ Seasonal Part-time EMT	$20.00/hour	03/30/2020

6. **End of Consent Agenda**
   Motion - Second - Roll Call Vote

7. **Committee Reports:**

A. **Committeeman Kingman: Recreation**

a. Committee Chair's Reports:

b. Items for Discussion:

B. **Committeeman Kevin Orender: Public Works, Economic Development, Veteran's Services**

a. Committee Chair's Reports:

b. Items for Discussion:

C. **Committeeman Farrell**: **Administration and Finance, Education, Environmental**

a. Committee Chair's Report:

b. Items for Discussion:

i. Reminder of the second reading and public hearing of **ORDINANCE NO. 3-2020** AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING THE CODE OF THE TOWNSHIP OF WALL SPECIFICALLY CHAPTER 203 "TAX EXEMPTIONS AND ABATEMENT"

ii. Reminder of the second reading and public hearing **ORDINANCE NO. 4-2020** AN ORDINANCE AUTHORIZING THE TOWNSHIP OF WALL ("TOWNSHIP") TO PROVIDE LEGAL COUNSEL AND INDEMNIFICATION FOR OFFICIALS, EMPLOYEES AND APPOINTEES OF THE TOWNSHIP IN CERTAIN ACTIONS BROUGHT AGAINST SAID OFFICIALS, EMPLOYEES AND APPOINTEES

iii Authorization to execute fiscal year 2021-2023 agreement with Monmouth County for cooperative participation in the Community Development Program pursuant to the Interlocal Services Act

iv. Update on 2020 Budget

D. **Deputy Mayor Carl Braun: Department of Land Use and Development**

a. Committee Chair's Reports:

b. Items for Discussion:

E. **Mayor Newberry: Public Safety, West Belmar Gateway, Board of Health**

a. Committee Chair's Reports:

b. Items for Discussion:

8. **Public Comment:** Opportunity for anyone to comment with a limit of seven (7) minutes per speaker

The public comment portion of our meeting is to allow the public to bring to the Committee's attention their concerns or comments. In accordance with N.J.S.A. 10: 4-12(a), the Committee asks the public to limit their comments to seven minutes or less. The Committee will respect the public's time by refraining any comment until the speaker has finished with their allotted time. It should be further noted that the public comment portion of our meeting is not structured as a question and answer session. If a member of the public has questions, they seek answers to, an appointment can be made with the Township Administrator's office during regular business hours. The attorney will regulate the time during the comment portion of our meeting.

9. **Close Public Comment**
Motion – Second - Roll Call Vote

10. **Closing Comments from the Township Committee:**

11. **Resolution No. 20-0407**- Authorizing a discussion of matters in private session
Motion - Second – Roll Call Vote

12. **Return to Public Session and a Motion to Adjourn**
Motion - Second - Voice Vote - All in Favor

This agenda reflects to the extent known at the time of the posting, pursuant to N.J.S.A. 10:4-8(d). The agenda is tentative and is subject to amendment, additions or deletions prior to the meeting.

TOWNSHIP OF WALL

ORDINANCE NO. 3-2020

AN ORDINANCE OF THE TOWNSHIP OF WALL, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING THE CODE OF THE TOWNSHIP OF WALL SPECIFICALLY CHAPTER 203 "TAX EXEMPTIONS AND ABATEMENT"

WHEREAS, The New Jersey Constitution authorizes the state legislature to enact general laws under which municipalities may adopt ordinances granting exemptions or abatements from taxation on buildings and structures in areas declared in need of rehabilitation in accordance with statutory criteria, within such municipalities and to the land comprising the premises upon which such buildings or structures are erected and which is necessary for the fair enjoyment thereof. Such exemptions shall be for limited periods of time as specified by law, but not in excess of five years; and

WHEREAS, "The Five-Year Exemption and Abatement Law", P.L. 1991, Chapter 441, N.J.S.A. 40A:21-1 et seq. (the "Act"), requires a municipality to adopt an ordinance setting for the terms and conditions under which the Township may enter into a five-year tax abatement agreement with redevelopers constructing structures in an area declared in need of rehabilitation; and

WHEREAS, the Township of Wall wishes to amend the existing Chapter 203 "Tax Exemptions and Abatements" so that it conforms with the changes in the Act;

NOW, THEREFORE BE IT ORDAINED by the Mayor and Township Committee of the Township of Wall, in the County of Monmouth, in the State of New Jersey, as follows:

Section 1. Chapter 203 entitled "Tax Exemptions and Abatements" of the Code of the Township of Wall be and the same is hereby deleted in its entirety and replaced with the attached new Chapter 203 Five-Year Tax Exemption and Abatement:

Section 2. All Ordinances, or parts thereof, inconsistent with the provisions of this Ordinance be and the same are hereby repealed to the extent of such inconsistency.

Section 4. Should any section, paragraph clause or any other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect or impair the remainder of this Ordinance.

Section 5. This Ordinance shall take effect upon its passage and publication according to law.

Introduced: March 25, 20220

Adopted:

Attest: **Approve:**

Roberta M. Lang, RMC Township Clerk	George K. Newberry Mayor

Introduced

SUMMARY AND NOTICE
TOWNSHIP OF WALL
ORDINANCE NO. 3-2020

AN ORDINANCE OF THE TOWNSHIP OF WALL, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING THE CODE OF THE TOWNSHIP OF WALL SPECIFICALLY CHAPTER 203 "TAX EXEMPTIONS AND ABATEMENT"

Adoption of this Ordinance will replace the existing Chapter 203 entitled "Tax Exemptions and Abatements" with a new Chapter 203 entitled Five-Year Exemption and Abatement

Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading by the Township Committee of the Township of Wall on March 25, 2020, and finally adopted on April 22, 2020. Copies of said Ordinance will be made available at the Clerk's Office in the Township of Wall, to members of the general public who shall request the same or may be viewed in full on the Township's website www.wallnj.com under Legal Notices.

Roberta M. Lang, RMC
Township Clerk

Introduced

Chapter 203. Five-Year Exemption and Abatement

§ 203-1. Legislative authority.

A. The New Jersey Constitution authorizes the state legislature to enact general laws under which municipalities may adopt ordinances granting exemptions or abatements from taxation on buildings and structures in areas declared in need of rehabilitation in accordance with statutory criteria, within such municipalities and to the land comprising the premises upon which such buildings or structures are erected and which is necessary for the fair enjoyment thereof. Such exemptions shall be for limited periods of time as specified by law, but not in excess of five years. See Article 8, Section 1, paragraph 6.

B. This chapter is enacted pursuant to the Five-Year Exemption and Abatement Law, N.J.S.A. 40A:211 et seq. (hereinafter referred to as the "Act"). This article is also enacted pursuant to N.J.S.A. 40A:12A-5g of the Local Redevelopment and Housing Law.

§ 203-2. Findings and purpose.

The governing body of the municipality finds and declares that there are areas within the municipality which are in need of rehabilitation by private enterprise. The governing body further finds and declares that tax incentives are useful economic stimulants to promote the construction and rehabilitation of commercial and industrial structures in areas threatened with economic and social decline. It is the intent and purpose of this article to permit the municipality the greatest flexibility possible within the constitutional limitations to address problems of deterioration and decay.

§ 203-3. Definitions.

As used in this chapter, the following terms shall have the following meanings as set forth in the Act.

ABATEMENT

That portion of the assessed value of a property, as it existed prior to construction, improvement or conversion of a building or structure thereon, which is exempted from taxation pursuant to the Act.

ANNUAL PERIOD

A duration of time comprising 365 days, or 366 days when the included month of February has 29 days, that commences on the date that an exemption or abatement for a project becomes effective pursuant to § 16 of P.L. 1991, c. 441 (N.J.S.A. 40A:21-16).

AREA IN NEED OF REHABILITATION

A portion or all of a municipality which has been determined to be an area in need of rehabilitation or redevelopment pursuant to the Local Redevelopment and Housing Law, P.L. 1992, c. 79 (N.J.S.A. 40A:12A-1 et seq.),

ASSESSOR

The officer of a taxing district charged with the duty of assessing real property for the purpose of general taxation.

COMMERCIAL OR INDUSTRIAL STRUCTURE

A structure, or part thereof, used for the manufacturing, processing or assembling of material or manufactured products, or for research, office, industrial, commercial, retail, recreational, hotel or motel facilities, or warehousing purposes, or for any combination thereof, which the governing body determines will tend to maintain or provide gainful employment within the municipality, assist in the economic development of the municipality, maintain or increase the tax base of the municipality, and maintain or diversify and expand commerce within the municipality. It shall not include any

Introduced

structure, or part thereof, used or to be used by any business relocated from another qualifying municipality unless: the total square footage of the floor area of the structure, or part thereof, used or to be used by the business at the new site, together with the total square footage of the land used or to be used by the business, exceeds the total square footage of that utilized by the business at its current site of operations by at least 10%; and the property that the business is relocating to has been the subject of a remedial action plan costing in excess of $250,000 performed pursuant to an administrative consent order entered into pursuant to authority vested in the Commissioner of Environmental Protection under. P.L. 1970, c. 33 (N.J.S.A. 13:1D-1 et seq.), the Water Pollution Control Act, P.L. 1977, c. 74 (N.J.S.A. 58:10A-1 et seq.), the Solid Waste Management Act, P.L. 1970, c. 39 (N.J.S.A. 13:1E-1 et seq.), and the Spill Compensation and Control Act, P.L. 1976, c. 141 (N.J.S.A. 58:10-23.11 et seq.).

COMPLETION

Substantially ready for the intended use for which a building or structure is constructed, improved or converted.

CONSTRUCTION

The provision of a new dwelling, multiple-dwelling or commercial or industrial structure, or the enlargement of the volume of an existing multiple-dwelling or commercial or industrial structure by more than 30%, but shall not mean the conversion of an existing building or structure to another use.

EXEMPTION

That portion of the Assessor's full and true value of any improvement, conversion, alteration or construction not regarded as increasing the taxable value of a property pursuant to the Act.

IMPROVEMENT

A modernization, rehabilitation, renovation, alteration or repair which produces a physical change in an existing building or structure that improves the safety, sanitation, decency or attractiveness of the building or structure as a place for human habitation or work, and which does not change its permitted use. In the case of a multiple dwelling, it includes only improvements which affect common areas or elements or three or more dwelling units within the multiple dwelling. In the case of a multiple-dwelling or commercial or industrial structure, it shall not include ordinary painting, repairs and replacement of maintenance items, or an enlargement of the volume of an existing structure by more than 30%. In no case shall it include the repair of fire or other damage to a property for which payment of a claim was received by any person from an insurance company at any time during the three-year period immediately preceding the filing of an application pursuant to the Act.

PROJECT

The construction, improvement or conversion of a structure in an area in need of rehabilitation that would qualify for an exemption, or an exemption and abatement, pursuant to P.L. 1991, c. 441

Introduced

(N.J.S.A. 40A:21-1 et seq.).

§ 203-4. Municipal ordinance granting exemptions or abatements.

A. An ordinance adopted pursuant to the Act may be amended from time to time. An amendment to an ordinance shall not affect any exemption, abatement or tax agreement previously granted and in force prior to the amendment.

B. Application for exemptions and abatements from taxation may be filed pursuant to an ordinance so adopted to take initial effect in the tax year in which the ordinance is adopted, and for tax years thereafter as set forth in the Act, but no application for exemptions or abatements shall be filed in the 11th tax year, or any tax year thereafter, unless the ordinance is readopted by the governing body pursuant to the Act.

§ 203-5. Designation of areas in need of rehabilitation.

A. The areas within the municipality located within the West Belmar Gateway Area Redevelopment Area, as amended from time to time, are areas in need of rehabilitation. Application for exemptions and abatements from taxation may be filed with the Assessor of the municipality for eligible projects located within the West Belmar Gateway Redevelopment Area.

§ 203-6. Commercial and industrial projects.

A. This chapter provides for the exemption from taxation of improvements to commercial and industrial structures. In determining the value of real property, the municipality shall regard up to the Assessor's full and true value of the improvements as not increasing the value of the property for a period of five years, notwithstanding that the value of the property to which the improvements are made is increased thereby. During the exemption period, the assessment on the property shall not be less than the assessment thereon existing immediately prior to the improvements, unless there is damage to the structure through action of the elements sufficient to warrant a reduction.

B. Exemptions for commercial and industrial improvements shall be authorized on an individual basis after review, evaluation and approval of each application by the governing body of the municipality.

§ 203-7. Contents of application for tax agreement.

Applicants for exemptions or abatements from taxation for new construction of commercial or industrial structures shall provide the municipality with an application setting forth the following information:

A. A general description of a project for which exemption and abatement is sought;

Introduced

B. A legal description of all real estate necessary for the project;

C. Plans and drawings which illustrate the general design of the project and all the structures to be constructed;

D. The total number of full-time and part-time employees employed at the subject property prior to the new construction. A description of the number, classes and type of employees to be employed at the project site within two years of the completion of the project;

E. A statement of the reasons for seeking tax exemption and abatement on the project, and a description of the benefits to be realized by the applicant if a tax agreement is granted;

F. Estimates of the cost of completing such project;

G. A statement showing the real property taxes currently being assessed at the project site, estimated tax payments that would be made annually by the applicant on the project during the period of the agreement and estimated tax payments that would be made by the applicant on the project during the first full year following the termination of the tax agreement;

H. If the project is a commercial or industrial structure, a description of any lease agreements between the applicant and proposed users of the project, and a history and description of the users' businesses.

§ 203-8. Tax agreement.

All tax agreements shall be applied for and granted on a project basis in accordance with the following procedures:

A. All applications for exemptions and abatements from taxation shall be reviewed by the Assessor of the municipality to insure that they were filed in a timely manner, are complete and comply with the applicable state law and municipal law. The Assessor shall thereafter refer the application, along with a tax agreement and ordinance, to the governing body of the municipality for its review, evaluation and approval.

B. The Standard Form Five-Year Tax Agreement is hereby approved. All tax agreements shall be approved using only the standard form with the individual application for exemption and abatement from taxation attached as an exhibit to the agreement.

C. The governing body of the municipality must review and evaluate all applications for exemptions or abatements from taxation before approving them.

D. No exemption or abatement for a commercial or industrial improvement shall be granted until the application and tax agreement is approved by ordinance of the governing body of the municipality. The adopting ordinance shall include the following findings and determinations:

(1) The project is a commercial or industrial project which is eligible for exemption or abatement from taxation.

(2) The project will maintain or provide gainful employment within the municipality.

(3) The project will assist in the economic development of the municipality.

(4) The project will maintain or increase the tax ratable base of the municipality.

(5) The project will maintain or diversify and expand commerce within the municipality.

(6) The economic benefits derived from the project outweigh any negative effects associated with granting the exemption or abatement from taxation.

Introduced

§ 203-9. Formula for computation of payments in lieu of full property tax.

The tax agreement shall provide for the applicant to pay to the municipality, in lieu of full property tax payments, an amount annually based on the tax phase-in approach, which shall be an amount equal to a percentage of taxes otherwise due according to the following schedule:

A. In the first full year after completion, no payment in lieu of taxes otherwise due.

B. In the second full year after completion, an amount not less than 20% of the taxes otherwise due.

C. In the third full year after completion, an amount not less than 40% of taxes otherwise due.

D. In the fourth full year after completion, an amount not less than 60% of taxes otherwise due.

E. In the fifth full year after completion, an amount not less than 80% of taxes otherwise due.

§ 203-10. Duration of tax agreements.

A. All tax agreements entered into by the municipality pursuant to the Act shall be in effect for no more than the five full calendar years next following the date of completion of the project.

B. All projects subject to a tax agreement as provided herein shall be subject to all applicable federal, state and local laws and regulations on pollution control, worker safety, discrimination in employment, housing provisions, zoning, planning and building code requirements.

C. That percentage which the payment in lieu of taxes for a property bears to the property tax which would have been paid had an exemption and abatement not been granted for the property under the agreement shall be applied to the valuation of the property to determine the reduced valuation of the property to be included in the valuation of the municipality for determining equalization for county tax apportionment and school aid during the term of the tax agreements covering the properties, and at the termination of an agreement for a property, the reduced valuation procedure required under the Act shall no longer apply.

D. Within 30 days after the execution of a tax agreement, the City Clerk shall forward a copy of the agreement to the Director of the Division of Local Government Services in the Department of Community Affairs.

§ 203-11. Termination of agreement.

A. If during any tax year prior to the termination of the tax agreement the property owner ceases to operate or disposes of the property, or fails to meet the conditions for qualifying, then the tax which would have otherwise been payable for each tax year shall become due and payable from the property owner as if no exemption and abatement had been granted. The Assessor of the municipality shall notify the property owner and the tax collector forthwith. The tax collector shall, within 15 days thereof, notify the owner of the property of the amount of taxes due.

B. However, with respect to the disposal of the property, where it is determined that the new owner of the property will continue to use the property pursuant to the conditions which qualified the property, no tax shall be due, the exemption and the abatement shall continue, and the agreement shall remain in effect.

Introduced

C. At the termination of a tax agreement, a project shall be subject to all applicable real property taxes as provided by state law and regulation and local ordinance, but nothing herein shall prohibit a project, at the termination of an agreement, from qualifying for and receiving the full benefits of any other tax preferences provided by law.

§ 203-12. Assessed value of property under exemption or abatement.

The Assessor shall determine, on October 1 of the year following the date of the completion of an improvement, conversion or construction, the true taxable value thereof. Except for projects subject to a tax agreement pursuant to the Act and this article, the amount of tax to be paid for the tax year in which the project is completed shall be based on the following:

A. The assessed valuation of the property for the current tax year, minus the amount of the abatement, if any, allowed pursuant to the Act and prorated, plus any portion of the assessed valuation of the improvement, conversion or construction not allowed an exemption pursuant to the Act, also prorated.

B. Subject to the provisions of the adopting ordinance, the property shall continue to be treated in the appropriate manner for each of the four tax years subsequent to the original determination by the Assessor and shall be prorated for the final tax year in which the exemption or abatement expires.

§ 203-13. Subsequent exemptions or abatements.

A. This article also provides that an additional improvement, conversion or construction completed on a property granted a previous exemption or abatement pursuant to the Act during the period in which such previous exemption or abatement is in effect shall be qualified for an exemption, or exemption and abatement, just as if such property had not received a previous exemption or abatement.

B. In such case, the additional improvement, conversion or construction shall be considered as separate for the purposes of calculating exemptions and abatements, pursuant to the Act, except that the assessed value of any previous improvement, conversion or construction shall be added to the assessed valuation as it was prior to that improvement, conversion alteration or construction for the purpose of determining the assessed valuation of the property from which any additional abatement is to be subtracted.

§ 203-14. Ineligible properties.

A. No exemption or abatement shall be granted, or tax agreement entered into, pursuant to the Act with respect to any property for which property taxes are delinquent or remain unpaid. The existence of a tax installment agreement shall not make the property eligible.

B. Residential dwellings and multiple dwellings are not eligible for exemption or abatement from taxation for the improvements, conversion alteration or construction pursuant to this article.

§ 203-15. Application forms and date due; records.

A. No exemption or abatement shall be granted pursuant to the Act except upon written application filed with and approved by the Assessor of the taxing district wherein the improvement, conversion alteration or construction is made.

Introduced

B. Every application shall be on a form prescribed by the Director of the Division of Taxation in the Department of the Treasury and provided for the use of claimants by the governing body of the municipality constituting the taxing district and shall be filed with the Assessor within 30 days, including Saturdays and Sundays, following the completion of the improvement, conversion alteration or construction.

C. Every application for exemption, or exemption and abatement, within a municipality adopting the provisions of the Act which is filed within the time specified shall be approved and allowed by the Assessor to the degree that the application is consistent with the provisions of the adopting ordinance or the tax agreement, provided that the improvement, conversion alteration or construction for which the application is made qualifies as an improvement, a conversion alteration or construction pursuant to the provisions of the Act and the tax agreement, if any.

D. In the absence of a tax agreement to the contrary, the granting of an exemption, or exemption and abatement, shall relate back to, and take effect as of, the date of completion of the project, or portion or stage of the project for which the exemption, or exemption and abatement, is granted. It shall continue for five annual periods from that date. The grant of the exemption, or exemption and abatement, or tax agreement shall be recorded and made a permanent part of the official tax records of the taxing district, which record shall contain a notice of the termination date thereof.

Introduced

TOWNSHIP OF WALL

ORDINANCE NO. 4-2020

AN ORDINANCE AUTHORIZING THE TOWNSHIP OF WALL ("TOWNSHIP") TO PROVIDE LEGAL COUNSEL AND INDEMNIFICATION FOR OFFICIALS, EMPLOYEES AND APPOINTEES OF THE TOWNSHIP IN CERTAIN ACTIONS BROUGHT AGAINST SAID OFFICIALS, EMPLOYEES AND APPOINTEES

WHEREAS, it is not the intention of the Township to defend or indemnify public officials, employees or appointees against claims related to their intentional acts or omissions, gross negligence, willful or intentional acts or omissions or criminal conduct or activities; and

WHEREAS, the reference to officials shall include all elected and appointed officials such as the members of the Township Committee and the Mayor, the Township Clerk, the Township Administrator and all department heads; and

WHEREAS, persons who represent the Township of Wall as officials, employees and appointees provide critical services to the Township. In order for the Township to attract and retain qualified and dedicated persons who are willing to participate in public service it is advisable to assist such persons in protecting themselves against claims by third parties for their alleged negligent acts or omissions and to provide them with legal representation by an attorney assigned by the Township; and

WHEREAS, the way to provide that protection is for the Township to agree to indemnify and defend all Township officials, employees and appointees against claims made against them by third parties for alleged negligent acts or omissions.

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NOW, THEREFORE, BE IT ORDAINED by the Mayor and Township Committee of the Township of Wall that:

Section 1. Except as hereinafter provided, the Township shall, upon the request of any present or former official, employee or appointee of the Township provide for indemnification and legal defense of any civil action brought against said person or persons arising from a neglient act or omission falling within the scope of their public duties.

Section 2. The Township shall not indemnify any person against the payment of punitive damages, penalties, or fines, but may provide for the legal defense of such claims in accord with the standards set forth herein. The Township may refuse to provide for the defense and indemnification of any civil action referred to herein if the Mayor and Township Committee determines that: (a) the act or omission did not occur within the scope of a duty authorized or imposed by law; (b) the act or failure to act was the result of fraud, willful misconduct or malice of the person requesting defense and indemnification; or (c) the defense of the action or proceeding by the Township would create a conflict of interest between the Township and the person or persons involved.

Section 3. The terms of this ordinance and the definition of official, employee and appointee are to be construed liberally in order to effectuate the purposes of this ordinance except that these terms shall not mean: (a) any person who is not a natural person; (b) any person while providing goods or services of any kind under any contract with the Township except an employment contract; (c) any person while providing legal or engineering services for compensation unless said person is a full-time employee of the Township and (d) any person who as a condition of his or her appointment or contract is required to indemnify and defend the Township and/or secure insurance related to their acts or omissions.

Introduced

Section 4. The Township shall provide for the defense and indemnification of any present or former official, employee or appointee of the Township who becomes a defendant in a civil action if the person or persons involved: (a) acted or failed to act in a matter in which the Township has or had an interest; (b) acted or failed to act in the discharge of a duty imposed or authorized by law; and (c) acted or failed to take action in good faith. For purposes of this ordinance, the duty and authority of the Township to defend and indemnify shall extend to a cross-claim or counterclaim against said person.

Section 5. The Township may provide for the defense of any action set forth herein and as a condition of such defense the Township may assume exclusive control over the representation of the person who seeks a defense or indemnification and such person shall cooperate fully with the Township.

Section 6. The Township may provide for the defense pursuant to this ordinance by authorizing its attorney to act on behalf of the person being defended or by employing other counsel for this purpose or by asserting the right of the Township under any appropriate insurance policy that requires the insurer to provide a defense.

Section 7. The Township shall not indemnify or defend any person who is not an employee of the Township or who is employed by, or provides services to, a vendor to the Township or any entity that provides goods or services to the Township including, but not limited to, professional services.

Introduced: March 25, 20220

Adopted:

Attest: **Approve:**

Roberta M. Lang, RMC Township Clerk	George K. Newberry Mayor

Introduced

SUMMARY AND NOTICE

TOWNSHIP OF WALL

ORDINANCE NO. 4-2020

AN ORDINANCE AUTHORIZING THE TOWNSHIP OF WALL ("TOWNSHIP") TO PROVIDE LEGAL COUNSEL AND INDEMNIFICATION FOR OFFICIALS, EMPLOYEES AND APPOINTEES OF THE TOWNSHIP IN CERTAIN ACTIONS BROUGHT AGAINST SAID OFFICIALS, EMPLOYEES AND APPOINTEES

Adoption of this Ordinance will authorize the township to provide legal counsel and indemnification for officials, employees, and appointees of the township in certain actions brought against said officials, employees, and appointees

Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading by the Township Committee of the Township of Wall on March 25, 2020, and finally adopted on April 22, 2020. Copies of said Ordinance will be made available at the Clerk's Office in the Township of Wall, to members of the general public who shall request the same or may be viewed in full on the Township's website www.wallnj.com under Legal Notices.

Roberta M. Lang, RMC
Township Clerk

Introduced

TOWNSHIP OF WALL

RESOLUTION NO. 20-0401

CERTIFICATION OF TOWNSHIP FUNDS
MARCH 26, 2020 THROUGH APRIL 8, 2020 IN THE AMOUNT OF $10,529.87

We, the undersigned members of the Township Committee of the Townsnip of Wall have reviewed the information provided by the Township Administrator and rely on his recommendation that the attached vouchers are in proper order and may be executed for payment. This authorization for execution does not extend to any voucher that would constitute a conflict of interest for any of the undersigned Committee members.

_____
George K. Newberry, Mayor

_____
Carl Braun, Deputy Mayor

_____
Timothy J. Farrell, Committeeeman

_____
Kevin P. Orender, Committeeman

_____
Thomas M. Kingman, Committeeman

Draft

TOWNSHIP OF WALL

RESOLUTION NO. 20-0402

AUTHORIZATION TO EXECUTE A CONTRACT WITH KROLL/FEIGUS OFFICE FURNITURE FOR THE PURCHASE OF COURT OFFICE WORKSTATIONS THROUGH STATE CONTRACT #A81629 AT A PRICE NOT TO EXCEED $17,724.40

WHEREAS, the Township Committee wants to acquire court office workstations; and

WHEREAS, the Township Administrator has reviewed the requests for court office workstations and approves the request; and

WHEREAS, the Administrator received a proposal from Kroll/Feigus Furniture through State Contact #A81629.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Committee of the Township of Wall, County of Monmouth, New Jersey that the Township award the contract for court office workstations in the total amount of $17,724.40 (seventeen thousand seven hundred twenty-four dollars and forty cents).

BE IT FURTHER RESOLVED, that all Township officials including, but not limited to the Mayor, the Township Administrator and the Municipal Clerk, are hereby authorized and directed to take such ministerial actions as are necessary to effectuate the provisions of this resolution.

I, Roberta M. Lang, Municipal Clerk of the Township of Wall in the County of Monmouth and the State of New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Mayor and Committee of the Township of Wall in the County of Monmouth in the State of New Jersey at a meeting held on February 26, 2020

_____

Roberta M. Lang, RMC
Municipal Clerk

Draft

Certification of Funds

I, Thomas O'Hara, Chief Financial Officer of the Township of Wall, do hereby certify to the Township Committee of the Township of Wall that funds are available for the purchase of for court office workstations in the total amount of $17,724.40 (seventeen thousand seven hundred twenty-four dollars and forty cents).

Operating		
Account	**Description**	**Amount**
0-01-26-291-000-299	Court Furniture	$17,724.40

_____ Date: _____

Thomas O'Hara, CFO
Chief Financial Officer

Draft

TOWNSHIP OF WALL

RESOLUTION NO. 20-0403

AUTHORIZATION FOR 2020 EMERGENCY TEMPORARY APPROPRIATIONS

WHEREAS, an emergent condition has arisen in that the Township of Wall is expected to enter into contracts, commitments or payments prior to the 2020 budget adoption and no adequate provision has been made in the 2020 temporary budget for the aforesaid purposes; and

WHEREAS, N.J.S. 40A:4-20 provides for the creation of an emergency temporary appropriation for said purpose; and

WHEREAS, the total emergency temporary appropriation resolutions adopted in the year 2020 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S. 40A:4-20), including this resolution, total $8,734,031.78 for the Current Fund and $3,600,000.00 for the Water/Sewer Utility Operating Fund;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Wall, in the County of Monmouth, New Jersey, (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provisions of N.J.S. 40A-4-20:

1. Emergency temporary appropriations relating to the following funds be and same are hereby made in the amount of $8,734,031.78 for the Current Fund and $3,600,000.00 for the Water/Sewer Utility Operating Fund as follows:

EMERGENCY TEMPORARY APPROPRIATIONS-2020
[Detailed Listing Attached]

I, Roberta M. Lang, Township Clerk of the Township of Wall, do hereby certify that the foregoing is a true copy of a resolution adopted by the Township Committee of the Township of Wall at a regular meeting held on April 8, 2020.

Roberta M. Lang
Township Clerk

Draft

EMERGENCY TEMPORARY CURRENT FUND APPROPRIATIONS		
Account	**Description**	**Amount**
General Administration	Salaries and Wages	$50,000.00
	Other Expenses	-
Mayor and Township Committee	Salaries and Wages	$3,000.00
Municipal Clerk	Salaries and Wages	$50,000.00
	Other Expenses	$10,000.00
Financial Administration	Salary and Wages	$100,000.00
	Other Expenses	$50,000.00
Tax Assessment Administration	Salaries and Wages	$50,000.00
	Other Expenses	-
Revenue Administration	Salaries and Wages	$35,000.00
	Other Expenses	-
Legal Service	Other Expenses	$150,000.00
Municipal Prosecutor's Office	Other Expenses	$10,000.00
Engineering Services	Other Expenses	$10,000.00
Engineering and Land Use	Salaries and Wages	$100,000.00
	Other Expenses	-
Youth Center	Salaries and Wages	$50,000.00
	Other Expenses	-
Insurance	Disability	-
	General Liability	-
	Workers Compensation	-
	Employee Group Health	$1,000,000.00
Police Department	Salaries and Wages	$1,000,000.00
	Other Expenses	$240,000.00
Recreation Services and Programs	Salaries and Wages	$30,000.00
	Other Expenses	$50,000.00
Buildings and Grounds	Salaries and Wages	$200,000.00
	Other Expenses	$60,000.00
Streets and Roads Maintenance	Salaries and Wages	$350,000.00
	Other Expenses	$40,000.00
DPW – Special Projects	Other Expenses	$200,000.00
Open Space Maintenance	Other Expenses	$35,000.00
Street Lighting	Other Expenses	-
Electricity	Other Expenses	-
Gas (Natural or Propane)	Other Expenses	-
Solid Waste Collection	Salaries and Wages	$250,000.00
	Other Expenses	$50,000.00
Landfill/Solid Waste Disposal Costs	Other Expenses	$250,000.00
Gasoline	Other Expenses	$25,000.00
Telecommunications Costs	Other Expenses	$15,000.00
Community Services Act	Other Expenses	-
Computer/Technology Maintenance	Other Expenses	$55,000.00
Construction Official	Salaries and Wages	$125,000.00
	Other Expenses	-
Municipal Court	Salaries and Wages	$75,000.00
	Other Expenses	$7,000.00
Historical Society	Other Expenses	-
Environmental Committee	Other Expenses	$125.00
Snow Removal Costs	Salaries and Wages	-
	Other Expenses	-
Social Security System		$250,000.00
Public Employees Retirement System		$1,049,161.78
Police & Fire Retirement System		$2,356,745.00
Defined Contribution Retirement Program		$2,000.00
Shared Services – Health Services		0

Draft

Judgements		$100,000.00
Interest on Bonds		-
Interest on Notes		$251,000.00
Total Temporary Current Fund Appropriations		**$8,734,031.78**
EMERGENCY TEMPORARY WATER/SEWER UTILITY FUND APPROPRIATIONS		
Salaries and Wages		$500,000.00
Other Expenses		$50,000.00
Water Treatment Costs		$1,500,000.00
Sewer Treatment Costs		$1,500,000.00
Interest on Bonds		-
Social Security System		$50,000.00
Total Temporary Water/Sewer Fund Appropriations		**$3,600,000.00**

Draft

TOWNSHIP OF WALL

RESOLUTION NO. 20-0404

AUTHORIZATION TO EXECUTE A CONTRACT WITH TENTANDTABLE.COM FOR VINYL TOP TENTS WITH HARDWARE AT AN AMOUNT NOT TO EXCEED $16,268.20

WHEREAS, the Township of Wall solicited quotes for vinyl top tents with hardware; and

WHEREAS, the Wall Township Director of Public Works, Joseph Lentini, evaluated the proposals for qualifications, experience and cost reasonableness, and recommends the award of contract to TENTANDTABLE.COM in an amount not to exceed $16,268.20 (sixteen thousand two hundred sixty-eight dollars and twenty cents).

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Committee of the Township of Wall, that the Township award the contract for vinyl top tents with hardware in an amount not to exceed $16,268.20 (sixteen thousand two hundred sixty-eight dollars and twenty cents) to TENTANDTABLE.COM subject to proof of insurance coverage acceptable to the Township.

BE IT FURTHER RESOLVED, that all Township officials including, but not limited to the Mayor, the Township Administrator and the Municipal Clerk, are hereby authorized and directed to take such ministerial actions as are necessary to effectuate the provisions of this resolution.

I, Roberta M. Lang, Municipal Clerk, of the Township of Wall, County of Monmouth, State of New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Mayor and Council of the Township of Wall, County of Monmouth, State of New Jersey, at a meeting held April 22, 2020

_____

Roberta M. Lang, RMC
Municipal Clerk

Draft

Certification of Funds

I, Thomas O'Hara, Chief Financial Officer of the Township of Wall, do hereby certify to the Township Committee of the Township of Wall that funds are available for vinyl top tents with hardware in an amount not to exceed $16,268.20 (sixteen thousand two hundred sixty-eight dollars and twenty cents) to TENTANDTABLE.COM

Operating		
Account	**Description**	**Amount**
0-01-26-291-000-299	DPW Special Projects	$16,268.20

_____ Date: _____

Thomas O'Hara, CFO
Chief Financial Officer

Draft

TOWNSHIP OF WALL

RESOLUTION NO. 20-0405

AUTHORIZATION TO EXECUTE CONTRACT WITH SOLITUDE LAKE MANAGEMENT TO PERFORM AQUATIC PLANT MANAGEMENT AT A PRICE NOT TO EXCEED $5,844.00 AT OSBORNE'S MILLS POND

WHEREAS, the Township of Wall understands the importance of safeguarding, preserving and maintaining the natural environment so that residents and future generations may enjoy the benefits of the Township's precious natural resources; and,

WHEREAS, the Township is the owner of Osborne's Mills Pond which serves as an ecological, aesthetic and recreational site to the residents of the Township; and,

WHEREAS, the Township is aware that the condition of the pond has deteriorated given that sediment has accumulated, and nuisance and invasive aquatic plant and algae growth have negatively impacted the pond; and,

WHEREAS, the Township desires to invest in the pond in an effort to improve the ecological, aesthetic and recreational characteristics of the pond; and,

WHEREAS, the Township desires to contract with Solitude Lake Management to perform aquatic plant management; and

WHEREAS, the Township's Engineer has evaluated the proposal submitted by Solitude Lake Management and is of the opinion that this proposal will be advantageous to the Township; and,

WHEREAS, the Township desires to contract with Aquatic Plant Management for services in the amount of $5,844.00 (five thousand eight hundred forty-four dollars and zero cents); and,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Committee of the Township of Wall, County of Monmouth, New Jersey that the Township is authorized to contract with Solitude Lake Management for aquatic plant management at a price not to exceed $5,844.00;

BE IT FURTHER RESOLVED, that all Township officials including, but not limited to the Mayor, the Township Administrator and the Municipal Clerk, are hereby authorized and directed to take such ministerial actions as are necessary to effectuate the provisions of this resolution.

I, Roberta Lang, Municipal Clerk of the Township of Wall in the County of Monmouth and the State of New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Mayor and Council of the Township of Wall in the County of Monmouth in the State of New Jersey at a meeting held on April 8, 2020.

_____

Roberta M. Lang, RMC
Municipal Clerk

Draft

Certification of Funds

I, Thomas O'Hara, Chief Financial Officer of the Township of Wall, do hereby certify to the Township Committee of the Township of Wall that funds are available to perform aquatic plant management and to perform a pond study and action plan at Osborne's Mills Pond in the amount of $5,844.00

Operating		
Account	**Description**	**Amount**
0-01-20-165-000-299	Engineering-Other Expenses	$5,844.00

_____ Date: _____

Thomas O'Hara, CFO
Chief Financial Officer

Draft

TOWNSHIP OF WALL

RESOLUTION NO. 20-0406

AUTHORIZING CERTAIN PERSONNEL ACTIONS

WHEREAS, the Chief of Police has recommended the appointment of the following individual; and

WHEREAS, the Township Administrator concurs with the findings of the Chief of Police and hereby recommends to the Township Committee that the following appointment be made.

NAME	DEPARTMENT/POSITION	SALARY	EFFECTIVE DATE
Tyler Lokerson	Police/ Seasonal Part-time EMT	$20.00/hr.	3/30/2020

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Wall that the aforesaid personnel actions be and are hereby authorized on the effective date set forth below.

I, Roberta Lang, Municipal Clerk of the Township of Wall in the County of Monmouth and the State of New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Mayor and Committee of the Township of Wall in the County of Monmouth in the State of New Jersey at a meeting held on April 8, 2020

_____

Roberta M. Lang, RMC
Municipal Clerk

Draft