



TOWNSHIP OF WALL
REGULAR MEETING AGENDA
MAY 27, 2020

7:00 PM
REMOTE MEETING

Please be advised that while Townhall is closed to the public, the Township Committee will be conducting the following regular business meeting by remote access in accordance with the stipulations from 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/tc>

Executive Portion:

1. 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.

2. Roll Call
3. Review of the Public Business Meeting Agenda

7:30 PM
REMOTE MEETING

Public Business Portion:

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. Deputy Mayor Braun asks for a motion to elect a Mayor for the remainder of 2020
5. **Resolution No. 20-0507** – Authorization to elect the Mayor of the Township of Wall
Read – Offer- Second – Roll Call
6. Township Clerk Lang administers the Oath of Office to Mayor
7. The Mayor presides over the meeting
8. Mayor Braun asks for a motion to elect a Deputy Mayor for the remainder of 2020
9. **Resolution No. 20-0508** – Authorization to elect the Deputy Mayor of the Township of Wall
Read – Offer- Second – Roll Call

10. Township Clerk Lang administers the Oath of Office to Deputy Mayor

11. COVID-19 Update

12. SECOND READING OF **ORDINANCE NO. 5-2020** AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY TO EXCEED THE MUNICIPAL BUDGET APPROPRIATIONS LIMIT AND ESTABLISH A CAP BANK (N.J.S.A. 40A: 1-45.14) FOR CALENDAR YEAR 2020

Re: CAP Bank 2020

Upon completion of the Public Hearing followed by public comment, if any, a motion is made to close the Public Hearing and to adopt **ORDINANCE NO. 5-2020** as to its second and final reading and advertise it pursuant to law.

Motion - Seconded - Roll-Call Vote

13. **SECOND READING AND PUBLIC HEARING OF THE ADOPTION OF THE 2020 MUNICIPAL BUDGET**

Upon completion of the Public Hearing followed by public comment, if any, a motion is made to close the Public Hearing and to adopt **BUDGET RESOLUTION 20-0509**

Resolution No. 20-0509 – Adoption of the 2020 Municipal Budget

Motion - Seconded - Roll-Call Vote

14. **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. **Approval of Minutes:**

- o 04/22/2020

B. **Resolution No. 20-0510** - Approval of vouchers for May 14, 2020 through May 27, 2020 in the amount of \$10,336,886.75

C. **Resolution No. 20-0511** - Authorization to accept a Performance Guarantee posted by Church Street, LLC in connection with application PB#2-1017 Block 318 Lot 50 (New Lots 50.01, 50.02, 50.03, 50.04) - 1113 Church Street

D. **Resolution No. 20-0512** - Authorization to approve certain township refund(s):

- o Tax
- o Recreation

E. **Resolution No. 20-0513** - Authorization to reappoint the Deputy Tax Assessor, Anne Longo for the period of July 1, 2020 to June 30, 2024

F. **Resolution No. 20-0514** - Authorization to approve personnel actions:

<u>NAME</u>	<u>DEPARTMENT/POSITION</u>	<u>SALARY</u>	<u>EFFECTIVE DATE</u>
Trevor Spearer	Public Works/ PT Recycling Attendant	\$13.96/hour	6/1/2020

15. **End of Consent Agenda**

Motion - Second - Roll Call Vote

16. **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.

17. **Close Public Comment**

Motion - Second – Roll Call Vote

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

19. **Resolution No. 20-0515**– Authorization to discuss matters in private session

Motion – Second – Roll-Call Vote

20. **Motion to Adjourn**

Motion - Second - Voice Vote - All in Favor

TOWNSHIP OF WALL

RESOLUTION NO. 20-0506

AUTHORIZING THE ADOPTION OF THE 2020 MUNICIPAL BUDGET FOR THE TOWNSHIP OF WALL

WHEREAS, the local Municipal budget for the year 2020 was introduced by Resolution No. 20-0408 on April 22, 2020; and

WHEREAS, the public hearing on said budget has been held as advertised in the April 30, 2020 edition of the Coast Star; and

WHEREAS, a public hearing relating to the 2020 Budget was held on May 27, 2020; and

BE IT RESOLVED, by the Township Committee of the Township of Wall that the following statements of revenues and appropriations shall constitute the Municipal Budget of the Township of Wall, County of Monmouth for the Fiscal Year 2020;

GENERAL APPROPRIATIONS:

1	Appropriations within "CAPS"	\$34,381,449.18
2	Appropriations excluded from "CAPS"	\$6,501,677.35
3	Reserve for Uncollected Taxes (Item M, Sheet 29) -Based on Estimated 97.63 Percent of Tax Collections	\$2,773,638.86
4	Total General Appropriations (Item 9, Sheet 29)	\$43,656,765.39
5	Less: Anticipated Revenues Other than Current Property Tax (Item 5, Sheet 11) (i.e. Surplus, Miscellaneous Revenues and Receipts from Delinquent Taxes)	\$15,730,746.24
6	Difference: Amount to be raised by Taxes for support of Municipal Budget: (as follows) (a) Local Tax for Municipal Purposes including Reserve for Uncollected Taxes (Item 6(a), Sheet 11)	\$27,926,019.15

AND THAT, the Governing Body of the Township of Wall does hereby adopt the preceding as the Budget for the year 2020:

ROLL CALL			
Committeeman	Vote	Abstention	Absent
Committeeman Farrell		-	-
Committeeman Kingman		-	-
Committeeman Orender		-	-
Deputy Mayor Braun		-	-
Mayor		-	-

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

1. That the Mayor and Township Committee of the Township of Wall does hereby adopt the 2020 Municipal Budget as set forth above.
2. That the Municipal Clerk and Chief Financial Officer shall certify the budget and deliver one copy to the Division of Local Government Services as prescribed by law

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 the budget adopted by a Resolution of 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 May 27, 2020

Roberta M. Lang, RMC
Municipal Clerk

TOWNSHIP OF WALL

RESOLUTION NO. 20-05

**AUTHORIZATION TO ELECT THE DEPUTY MAYOR OF THE
TOWNSHIP OF WALL**

WHEREAS, N.J.S.A. 40A:63-6.b.(3) authorizes the Mayor and members of a Township Committee to create such offices and positions as they deem necessary;

WHEREAS, Ordinance _____ provides that the Township shall have a Deputy Mayor;

WHEREAS, upon the election of _____ as the Mayor, the office of _____ has become vacant;

WHEREAS, on May 27, 2020, _____ was elected to serve as the Mayor for the remainder of the year 2020;

THEREFORE, making the office of _____ vacant;

WHEREAS, on May 27, 2020, a majority of the remaining members of the Township Committee designated and elected _____ as the Deputy Mayor of the Township for the remainder of the year 2020.

I, Roberta M. Lang, 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 Meeting held on May 27, 2020.

Roberta M. Lang, RMC
Township Clerk

TOWNSHIP OF WALL

RESOLUTION NO. 20-05XX

**CERTIFICATION OF TOWNSHIP FUNDS
MAY 14, 2020 THROUGH MAY 27, 2020 IN THE AMOUNT OF \$10,336,886.75**

We, the undersigned members of the Township Committee of the Township 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.

Vacant, Mayor

Carl Braun, Deputy Mayor

Timothy J. Farrell, Committeeman

Kevin P. Orender, Committeeman

Thomas M. Kingman, Committeeman

TOWNSHIP OF WALL

RESOLUTION NO. 20-05

AUTHORIZATION TO ELECT THE MAYOR OF THE TOWNSHIP OF WALL

WHEREAS, N.J.S.A. 40A:63-3.f., provides that the members of the Township Committee shall have the power and authority to elect one of their members as the Mayor of the Township;

WHEREAS, on January ____, 2020, the members of the Township Committee elected George Newbury as the Mayor of the Township;

WHEREAS, on _____, George Newbury resigned as the Mayor of the Township;

WHEREAS, it is necessary for the members of the Township Committee to elect one of the four (4) remaining members of the Township Committee to serve as the Mayor of the Township;

WHEREAS, Ordinance _____ provides that the Township shall have a Mayor;

WHEREAS, on May 27, 2020, a majority of the remaining members of the Township Committee voted to designate and elect _____ as the Mayor of the Township;

NOW, THEREFORE, BE IT RESOLVED that by a vote taken on May 27, 2020, _____ shall be designated the Mayor of the Township for the balance of the year 2020.

I, Roberta M. Lang, 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 Meeting held on May 27, 2020

Roberta M. Lang, RMC
Township Clerk

TOWNSHIP OF WALL

RESOLUTION NO. 20-05

AUTHORIZATION TO ACCEPT A PERFORMANCE GUARANTEE POSTED BY CHURCH STREET, LLC IN CONNECTION WITH APPLICATION PB # 2 - 2017, KNOWN AS "COREEN WEIPERT" (NEW APPLICANT, "CHURCH STREET LLC", BLOCK 318 LOT 50 (NEW LOTS 50.01, 50.02, 50.03, 50.04))

WHEREAS, a performance guarantee has been posted with the Township of Wall ("Township") by Church Street LLC in the form of cash in the amount of \$75,013.20 in connection with PB # 2 – 2017 Block 318 Lot 50 (new lots 50.01, 50.02, 50.03, 50.04) and;

WHEREAS, the Township Engineer and the Township Attorney, recommend acceptance of the Performance Guarantee; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Wall, County of Monmouth and State of New Jersey on this 27th day of May, 2020, that the Performance Guaranty posted by Church Street LLC in the form of cash in the amount of \$ 75,013.20 is hereby accepted..

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 May 27, 2020.

Roberta M. Lang, RMC
Municipal Clerk

TOWNSHIP OF WALL

RESOLUTION NO. 20-05

AUTHORIZATION TO APPROVE TOWNSHIP REFUND(S)

WHEREAS, the appropriate Department Head(s) has notified the Chief Financial Officer that certain refunds are appropriate; and,

WHEREAS, the Chief Financial Officer has reviewed the circumstances surrounding these refunds and has recommended to the Township Committee that the appropriate Township officials be authorized to issue said refunds.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Wall that the appropriate Township officials be and are hereby authorized to issue the refunds in accordance with the memorandum from the respective Department Head(s) to the Chief Financial Officer:

TAX REFUNDS					
NAME	ADDRESS	BLOCK	LOT	AMOUNT	REASON
Navy Federal Credit Union	3411 Sleepy Hollow Court	801	2.1006	\$2,592.74 – 2020	TDV – Mtg Paid in error
Patrick & Sharai Jost	1645 Glendola Rd	762	16	\$3,738.12 – 2020	TDV – Mtg Paid in error

RECREATION REFUNDS		
NAME	AMOUNT	REASON
Chocolate Carousel – Abby Tonzola	\$300.00	Adult Softball

I, Roberta M. Lang, 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 May 27, 2020.

Roberta M. Lang, RMC
Township Clerk

TOWNSHIP OF WALL

RESOLUTION NO. 20-05

AUTHORIZATION FOR THE TOWNSHIP COMMITTEE TO RE-APPOINT ANNE LONGO TO FOR THE POSITION OF WALL TOWNSHIP DEPUTY TAX ASSESSOR

WHEREAS, Anne Longo was originally appointed to the position of Deputy Tax Assessor for a four-year term as of 09/28/2017 on resolution 17-0929; and,

WHEREAS, the Wall Township Mayor and Committee desires to reappoint Anne Longo to the position of Deputy Tax Assessor; and,

WHEREAS, Anne Longo has successfully obtained and maintains her Certified Tax Assessor Certificate and;

WHEREAS, the Wall Township Mayor and Committee recognize their statutory ability to appoint a Deputy Tax Assessor pursuant to N.J.S.A. 40A:9-146 et seq.; and,

WHEREAS, the Wall Township Mayor and Committee believe that Anne Longo has satisfactorily performed her duties Deputy Tax Assessor during the prior four-year term and are confident that she will continue to do so moving forward; and,

WHEREAS, the Wall Township Mayor and Committee herewith authorize the appointment of Anne Longo to the position of Deputy Tax Assessor with a term commencing from July 1, 2020 to June 30, 2024 at a rate of compensation to be determined by ordinance; 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 reappoint Anne Longo; and,

BE IT FURTHER RESOLVED, that all Township officials including, but not limited to the Mayor, the Township Administrator, the Township Attorney 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, 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 May 27, 2020.

Roberta M. Lang, RMC
Township Clerk

TOWNSHIP OF WALL

RESOLUTION NO. 20-05

AUTHORIZATION TO APPROVE CERTAIN PERSONNEL ACTIONS

WHEREAS, the Department Head has recommended the appointment of the following individual(s); and

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

<u>NAME</u>	<u>DEPARTMENT/POSITION</u>	<u>SALARY</u>	<u>EFFECTIVE DATE</u>
Trevor Spearer	Public Works/ PT Recycling Attendant	\$13.96/hour	6/1/2020

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 May 27, 2020

Roberta M. Lang, RMC
Municipal Clerk

MONMOUTH COUNTY

MUNICIPAL CORONAVIRUS RELIEF FUND PROGRAM

REIMBURSEMENT AGREEMENT

This Municipal Coronavirus Relief Fund Program Reimbursement Agreement (the "Agreement"), dated this 27 day of May, 2020 between the County of Monmouth ("Monmouth County") located at One East Main Street, Hall of Records, Freehold, New Jersey 07728 and the Township of Wall located at 2700 Allaire Road Wall, , New Jersey

WHEREAS, the United States of America, the State of New Jersey, Monmouth County and the Municipality have become victims of the COVID-19 Virus and Pandemic (the "Coronavirus"); and

WHEREAS, the Coronavirus has caused economic damage and hardships to states, counties and municipalities throughout the United States of America; and

WHEREAS, on March 27, 2020 the Coronavirus Aid Relief and Economic Security Act (the "CARES Act") was signed by President Donald J. Trump; and

WHEREAS, the CARES Act was enacted, among other purposes, in order to combat the economic damage caused to states, counties and municipalities because of the Coronavirus; and

WHEREAS, Monmouth County has received CARES Act funds from the United States Treasury (the "Stimulus Funds") to be used to reimburse Monmouth County due to economic damage caused to them by the Coronavirus; and

WHEREAS, as the recipient of the "Stimulus Funds" it will be the responsibility of Monmouth County to disburse the Stimulus Funds to eligible recipients in accordance with the terms and provisions of the CARES Act and any guidelines or regulations issued by United States government or any of its agencies and/or departments; and

WHEREAS, the Freeholders have determined that it is in the best interest of the citizens of Monmouth County to dedicate a share of the funding to reimburse municipalities for COVID-19 related costs and expenses under the Municipal Coronavirus Relief Fund Program.

NOW, THEREFORE, it is stipulated and agreed as follows:

1. Purpose of Stimulus Funds. The Municipality understands and agrees that its eligibility for the receipt of any Stimulus Funds shall be determined by the terms of the "Coronavirus Relief Fund - Guidance for State, Territorial, Local and Tribal Governments -

April 22, 2020" (the "Guidelines"), attached hereto as Schedule A, and any subsequent amendments and/or changes to the Guidelines. Currently excluded from the "Guidelines" as eligible reimbursements are the categories detailed in Schedule B.

2. Role of County. As the recipient of the Stimulus Funds, it shall be the responsibility of Monmouth County to act as an intermediary and establish a reasonable process for the Municipality to submit an eligible reimbursement from the Stimulus Funds. The Municipality agrees and understands that the decision as to the eligibility for reimbursement sought by the Municipality is within the sole discretion of Monmouth County.

3. Use of Stimulus Funds. The Municipality understands that the Stimulus Funds represent an amount of funds which Monmouth County has received from the Federal Government for COVID-19 related expenses. The Freeholders have determined that it is in the best interest of the citizens of Monmouth County that municipalities be permitted to request reimbursement which meets the eligibility requirements established by the CARES Act and the Federal Guidelines.

4. Processing of Claims. Monmouth County shall process and accept claims for reimbursement and shall pay eligible claims. All requests for expenditure reimbursement must be submitted to Monmouth County (using the forms and process prescribed by Monmouth County) on a cost reimbursement basis.

5. Non-Liability of Monmouth County. The Municipality understands that Monmouth County cannot guaranty that a claim for reimbursement is eligible for payment nor that any claims for reimbursements beyond the amount of the Stimulus Funds can be paid.

6. Indemnification by Municipality. The Municipality acknowledges that the role of Monmouth County as to the distribution of the Stimulus Funds shall be as an intermediary. Consequently, if, as the result of any audit performed by the United States Treasury or any other auditing agency, department or office of the United States Government, State of New Jersey, or County determines that any reimbursement made to the Municipality by Monmouth County from the Stimulus Funds was not eligible for reimbursement, then the Municipality shall repay any ineligible reimbursement within the time mandated by the United States Treasury or the agency, department or office of the United States Government for the return of any Stimulus Funds. The Municipality shall indemnify and hold harmless Monmouth County from any claim made by the United States Treasury or any agency, department or office of the Government of the United States for the return of any payment received by the Municipality from the Stimulus Funds. Included in the claim for reimbursement shall be any legal fees, court costs or professional fees incurred by Monmouth County in defense of any claim made for return of any Stimulus Funds received by the Municipality.

7. Documents Required and Preservation of Records. Any application for reimbursement must be sufficiently documented so that Monmouth County can determine the eligibility of the claim for reimbursement including a provision whereby the Municipality certifies that it has not applied to the State or Federal governments or any insurer for the reimbursement of the same claim submitted to Monmouth County. The Municipality agrees that it will not destroy or discard any documents or records maintained and/or relied upon by the Municipality until December 31, 2027. Monmouth County shall have the right to make copies of any documents or records pertinent to the claim for Stimulus Funds and the Municipality shall provide Monmouth County with reasonable access to the documents and records.

8. Funding Reimbursement and Schedule. As Monmouth County is obligated to expend funds on or before December 30, 2020, Monmouth County will provide reimbursement for eligible expenditures incurred by participating municipalities for the period that begins March 1, 2020 and ends on November 30, 2020 using the following schedule:

- Participating municipalities shall submit requests for expenditure reimbursement for eligible expenditures to Monmouth County by no later than June 15, 2020 for the period of March 1, 2020 through June 14, 2020.
- Participating municipalities shall forward requests for expenditure reimbursement for eligible expenditures to Monmouth County by no later than September 15, 2020 for the period of March 1, 2020 through August 31, 2020. *Monmouth County will allow Municipality to submit expenses for monies expended during the prior reporting period not previously submitted.*
- Participating municipalities shall forward requests for expenditure reimbursement for eligible expenditures to Monmouth County by no later than December 15, 2020 for the period of March 1, 2020 through November 30, 2020. *Monmouth County will allow Municipality to submit expenses for monies expended during the two prior reporting periods not previously submitted.*
- Participating municipalities shall ensure that all eligible expenditures are disbursed, in cash, by no later than December 15, 2020.

Monmouth County shall review the claims for reimbursement and may make adjustments to the reimbursement based upon a determination of eligible expenditures.

Municipality understands that availability of funds is contingent on appropriations made by funding sources external to Monmouth County, such as Federal funds, and appropriations by the Monmouth County Board of Chosen Freeholders. If, at any time, Monmouth County determines that federal, state or local funds are insufficient to sustain

existing or anticipated spending levels, Monmouth County may reduce, suspend, or terminate any cash, reimbursements, other payments, or allocations of funds provided by Monmouth County to Municipality, or other form of financial assistance as Monmouth County determines appropriate. If funding sources external to Monmouth County, such as Federal funds, or the Monmouth County Board of Chosen Freeholders fails at any time to continue funding Monmouth County for the payments due under this Agreement, this Agreement will be terminated as of the date funding expires without further obligation of Monmouth County.

Because there is only a finite amount of Federal funding, a pro rata allocation may be required. Municipality understands that the availability of funds is based on the total Monmouth County-wide apportionment of funds resulting from cost-based reimbursement claims reported by each municipality participating in this program as well as cost-based reimbursement claims incurred by Monmouth County. Depending on the total amount of cost-based reimbursement claims, Monmouth County may find it necessary to reapportion funds to each participating Municipality to ensure that the total cost-based reimbursement does not exceed the total amount of funds available under this program.

9. Subsequent Funds. Should Monmouth County be in receipt of any additional funds provided by the United States Government and/or the State of New Jersey to combat the Coronavirus for which the Municipality may be eligible to receive payment, at the discretion of Monmouth County, the terms and provisions of this Agreement shall apply to the disposition and processing of those claims.

10. Compliance with Federal Law and New Jersey Law. The Municipality acknowledges that the Stimulus Funds are subject to the oversight of the United States government and its agencies. Consequently, in incurring expenses for which reimbursements will be sought from the Stimulus Funds, the Municipality shall adhere to the procedures established by the Federal government. Additionally, the Municipality shall, when incurring any expenses for which reimbursement is sought, adhere to all New Jersey purchasing and procurement laws and regulations.

As a subrecipient of federal funds, Municipality hereby specifically acknowledges its obligations relative to the expenditure reimbursement provided under this Agreement and pursuant to Federal cost principles, 2 CFR Part 200, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards", as applicable under other federal, state and local laws, including, but not limited to:

- a. Fiscal and account procedures;
- b. Accounting records;
- c. Internal control cover cash, real and personal property, and other assets;

- d. Budgetary control to compare actual expenditures or outlays to budgeted amounts;
- e. Source documentation; and
- f. Cash management.

11. **Applicable Law and Attorney Fees.** Any action for the enforcement of any term or provision of this Agreement shall be governed by the law of the State of New Jersey and shall be filed in the Superior Court of the State of New Jersey, Monmouth County.

12. **Duration of Agreement.** This Agreement shall begin on the date first written and shall continue until either party terminates it upon thirty (30) days written notice, the depletion of the Stimulus Funds, or the end of the program period, whichever event occurs sooner.

13. **Approval.** By signing below the individual signing this Agreement represents that this Agreement has been approved and ratified by the governing body of the party signing it.

14. **Counterparts.** This Agreement may be fully executed in any number of counterparts, each of which shall be deemed to be an original and all of which taken together shall constitute one agreement binding upon all parties, notwithstanding that all parties have not signed the same counterpart. Such executions may be transmitted to the parties electronically or by facsimile, and such electronic or facsimile execution shall have the same force and effect as an original signature.

15. **Notices.** Any notices that are provided pursuant to this Contract shall be in writing (including facsimile and electronic transmissions) and mailed or transmitted or delivered as follows:

To Monmouth County:

County of Monmouth
Hall of Records, Room 236
1 East Main Street
Freehold, NJ 07728
Attn: Michael D. Fitzgerald, County Counsel
Email: michael.fitzgerald@co.monmouth.nj.us
Fax: 732-431-0437

To the Municipality:

Township of Wall

2700 Allaire Road
Wall, NJ 07719
Attn: Administrator Jeffrey Bertrand
Email: jbertrand@townshipofwall.com
Fax: 732-449-8996

16. Severability. If any part of this Agreement is declared unenforceable or invalid, the remainder of the Agreement will continue in full force and effect.

17. Force Majeure. No party shall be liable or responsible to the other party, nor be deemed to have defaulted under or breached the Agreement, for the delay in performance of this Agreement when and to the extent such failure or delay is caused by acts beyond the parties' control.

18. Amendment. This Agreement cannot be modified in any way except in writing signed by the parties to the Agreement.

19. Assignment. This agreement will not be assignable by "Municipality" in whole or in part without the prior written consent of the "County".

IN WITNESS WHEREOF, the parties have signed and sealed this Agreement on the date set forth above.

ATTEST:

COUNTY OF MONMOUTH

ATTEST:

Township of Wall

