



TOWNSHIP OF WALL  
EXECUTIVE MEETING AGENDA  
NOVEMBER 9, 2022

7:00 P.M.

**MAIN MEETING ROOM**

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.

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. Introduction of **ORDINANCE NO. 24-2022** A BOND ORDINANCE PROVIDING FOR VARIOUS 2022 WATER AND SEWER UTILITY IMPROVEMENTS, BY AND IN THE TOWNSHIP OF WALL, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$665,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$615,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

**Re:** Bond Ordinance for Various Water Sewer Utility Improvements

Motion that **ORDINANCE NO. 24-2022** be adopted as to its first reading and advertised for second reading and public hearing on December 7, 2022, at 7:00 pm. Pursuant to law.

**Motion - Seconded - Roll-Call Vote**

5. Second reading and public hearing of **ORDINANCE NO. 21-2022** AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING THE SALE OF 1738 OLD MILL ROAD – BLOCK 80 LOT 8 IN THE TOWNSHIP OF WALL TO BE SOLD AT PRIVATE SALE IN ACCORDANCE WITH N.J.S.A. 40A:12-13(B)(5)

**Re:** Sale of 1738 Old Mill Road - Block 80 Lot 8

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. 21-2022** as to its second and final reading and advertise it pursuant to law

**Motion - Seconded - Roll-Call Vote**

6. Second reading and public hearing of **ORDINANCE NO. 22-2022** AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, ESTABLISHING CHAPTER 224, A VACANT PROPERTY AND/OR FORECLOSURE REGISTRATION ORDINANCE PURSUANT TO P.L. 2021 C.444

**Re:** Abandoned Properties

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. 22-2022** as to its second and final reading and advertise it pursuant to law

**Motion - Seconded - Roll-Call Vote**

7. Second reading and public hearing of **ORDINANCE NO. 23-2022** A BOND ORDINANCE PROVIDING FOR VARIOUS 2022 GENERAL CAPITAL IMPROVEMENTS, BY AND IN THE TOWNSHIP OF WALL, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$4,866,200 THEREFOR (INCLUDING A GRANT IN THE AMOUNT OF \$271,200) AND AUTHORIZING THE ISSUANCE OF \$4,094,700 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF

**Re:** Bond Ordinance for General Capital Improvements

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. 23-2022** as to its second and final reading and advertise it pursuant to law

**Motion - Seconded - Roll-Call Vote**

8. **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 at this meeting and in the office of the Township Clerk. There will be no separate discussion of these items. If 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.

A. **Approval of Minutes:**

- o 10/12/2022

B. **Resolution No. 22-1101** - Approval of vouchers for October 27, 2022, through November 9, 2022, in the amount of \$9,715,204.78

C. **Resolution No. 22-1102** - Authorization to execute TWA permit application for Sea Glass on Atlantic- Block 819 Lot 13- 1809 Atlantic Avenue

D. **Resolution No. 22-1103** - Authorization to the execution of a first amendment to the October 7, 2022, Developers Agreement with Allaire Senior Apartments, LLC

E. **Resolution No. 22-1104** – Authorization to execute and enter into an amendment to the municipally sponsored affordable housing agreement between Coastal Habitat for Humanity Inc. and the Township of Wall

F. **One Day Social Affair Permit** - Wall Fire Company No.1 Inc. at Wall Fire Company No. 1 -1511 18th Avenue -January 1, 2023, 11:00 am to 9:30 pm benefitting Wall Fire Company No. 1

**End of Consent Agenda**

Motion - Second - Roll Call Vote

9. **Committee Reports:**

A. **Committeewoman Mangan: Recreation, Monmouth County Library, Wall Community Alliance, Senior Citizen Advisory**

a. Committee Chair Report:

b. Items for Discussion:

- i. Authorization to execute a contract with Feigus Furniture for the purchase of new office furniture for the Wall Township Youth and Community Services Center through the Educational Services Commission of New Jersey Cooperative Purchasing Program at a cost not to exceed \$8,213.58
- ii. Authorization to execute a contract with County of Monmouth for Special Citizens Transportation (SCAT) for the period January 1, 2023, through December 31, 2023, at a no increase to the Township

B. **Committeeman Kingman: Administration, Finance, Personnel, Board of Education, Economic Development**

a. Committee Chair Report:

b. Items for Discussion:

- i. Authorization to renew membership with the Monmouth Municipal Joint Insurance Fund
- ii. Authorization to execute contract with Philadelphia Indemnity Insurance Company for blanket accident insurance coverage for all registered Volunteer Firemen and First Aid Squad members at a premium cost of \$3,264.00 for the period of January 1, 2023, through January 1, 2024,

C. **Committeeman Farrell: Department of Land Use and Development, West Belmar Gateway, InfoAge, Environmental Advisory Committee**

a. Committee Chair's Report:

b. Reminders

- i. Authorization to execute Change Order No. 1 Final in connection with the 202 repaving of various Township roads with P&A Construction Inc. for an increase in the amount of \$23,828.05

c. Items for Discussion:

- i. Reminder of the second reading and public hearing of **ORDINANCE NO. 20-2022 AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL CREATING NEW SINGLE-FAMILY SCATTERED SITE ZONES AND AMENDING THE ZONING MAP WITHIN CHAPTER 140 OF THE CODE OF THE TOWNSHIP OF WALL ENTITLED, "LAND USE AND DEVELOPMENT REGULATIONS" TO REZONE PROPERTY INTO THE SCATTERED SITE SINGLE-FAMILY RESIDENTIAL ZONES**

D. **Deputy Mayor Becht: Public Safety, Municipal Court, Board of Health**

a. Committee Chair Report:

b. Items for Discussion:

E. **Mayor Orender: Public Works, Veteran Service's**

a. Committee Chair Report:

b. Items for Discussion:

- i. Authorization to execute a contract with Pilot Electric Company for the purchase of new pumps for the Lakewood Road pump station through public bid at a price not to exceed \$52,740.00
- ii. Authorization to execute a contract with Pilot Electric Company for the purchase of new Sulzer pumps and drives for the Lakewood Road pump station through public bid at a price not to exceed \$122,670.00

10. **Public Comment:** Opportunity for anyone to comment with a limit of five (5) 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 five 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.

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

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

13. **Resolution No. 22-1105** - Authorization to discuss matters in private session  
Motion - Second – Roll Call Vote

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

**TOWNSHIP OF WALL**

**BOND ORDINANCE NO. 24-2022**

**BOND ORDINANCE PROVIDING FOR VARIOUS 2022 WATER AND SEWER UTILITY IMPROVEMENTS, BY AND IN THE TOWNSHIP OF WALL, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$665,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$615,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF**

**BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY** (not less than two-thirds of all members thereof affirmatively concurring) **AS FOLLOWS:**

**SECTION 1.** The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Township of Wall, in the County of Monmouth, State of New Jersey (the "Township"). For the said improvements or purposes stated in Section 3 hereof, there is hereby appropriated the sum of \$665,000, said sum being inclusive of a down payment in the amount of \$50,000 now available for said improvements or purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law"), by virtue of a provision or provisions in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes.

**SECTION 2.** For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$665,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$615,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in a principal amount not exceeding \$615,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

**SECTION 3.** (a) The improvements hereby authorized and purposes for the financing of which said bonds or notes are to be issued are various water and sewer utility improvements including, but not limited to, the rehabilitation of sanitary sewer manholes and trunk lines; the acquisition and installation, as applicable, of fire hydrants, a backhoe and a Supervisory Control and Data Acquisition System. Such improvements shall also include all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$615,000.

(c) The estimated cost of said improvements or purposes is \$665,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the down payment in the amount of \$50,000 available for such improvements or purposes.

**SECTION 4.** In the event the United States of America, the State of New Jersey, the County of Monmouth, and/or a private entity make a contribution or grant in aid to the Township, for the improvements and purposes authorized hereby and the same shall be received by the Township prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, the County of Monmouth, and/or a private entity. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, the County of Monmouth, and/or a private entity shall be received by the Township after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Township as a result of using funds from this bond ordinance as “matching local funds” to receive such contribution or grant in aid.

**SECTION 5.** All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Township, provided that no note shall mature later than one (1) year from its date unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

**SECTION 6.** The Capital Budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs will be on file in the office of the Clerk and will be available for public inspection.

**SECTION 7.** The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements or purposes which the Township may lawfully undertake as general improvements or purposes, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 18.37 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$615,000 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$133,000 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the purposes or improvements hereinbefore described.

**SECTION 8.** Unless paid from other sources, the full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the bonds or notes authorized by this bond ordinance. The bonds or notes shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Township for the payment of the bonds or notes and the interest thereon without limitation as to rate or amount.

**SECTION 9.** The Township hereby declares the intent of the Township to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 9 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

**SECTION 10.** The Township Chief Financial Officer is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The Township Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

**SECTION 11.** The Township covenants to maintain the exclusion from gross income under Section 103(a) of the Code of the interest on all bonds and notes issued under this ordinance.

**SECTION 12.** This bond ordinance shall take effect twenty (20) days after the first publication thereof as provided by the Local Bond Law.

**ADOPTED ON FIRST READING**

**DATED:** November 9, 2022

**Attest:** \_\_\_\_\_

Roberta Lang, RMC  
Township Clerk

**ADOPTED ON SECOND READING**

**DATED:** December 7, 2022

**Attest:** \_\_\_\_\_

Roberta Lang, RMC  
Township Clerk

**Approve:** \_\_\_\_\_

Kevin Orender  
Mayor

Draft

**TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL  
PUBLIC NOTICE**

**NOTICE OF PENDING BOND ORDINANCE AND SUMMARY  
ORDINANCE NO. 24-2022**

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the Township Committee of the Township of Wall, in the County of Monmouth, State of New Jersey, on November 9, 2022. It will be further considered for final passage, after public hearing thereon, at a meeting of the Township Committee to be held at the Township Municipal Complex, 2700 Allaire Road, Wall, New Jersey, on December 7, 2022 at 7:00 p.m. During the week prior to and up to and including the date of such meeting copies of the full ordinance will be available at no cost and during regular business hours, at the Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

**Title:** BOND ORDINANCE PROVIDING FOR VARIOUS 2022 WATER AND SEWER UTILITY IMPROVEMENTS, BY AND IN THE TOWNSHIP OF WALL, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$665,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$615,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

**Purpose(s):** Various 2022 Water And Sewer Utility Improvements Including, But Not Limited To, The Rehabilitation Of Sanitary Sewer Manholes And Trunk Lines; The Acquisition And Installation, As Applicable, Of Fire Hydrants, A Backhoe And A Supervisory Control And Data Acquisition System.

**Appropriation:** \$665,000

**Bonds/Notes Authorized:** \$615,000

**Grants Appropriated:** None

**Section 20 Costs:** \$133,000

**Useful Life:** 18.37 years

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**ROBERTA M. LANG, RMC  
Clerk of the Township of Wall**



Draft

**TOWNSHIP OF WALL**

**ORDINANCE NO. 21-2022**

**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING THE SALE OF 1738 OLD MILL ROAD – BLOCK 80 LOT 8 IN THE TOWNSHIP OF WALL TO BE SOLD AT PRIVATE SALE IN ACCORDANCE WITH N.J.S.A. 40A:12-13(B)(5)**

**WHEREAS**, the Township Committee has determined that certain municipally owned land located at 1738 Old Mill Road and designated at Block 80, Lot 8 in the official tax maps for Township of Wall, consisting of undersized lot, is no longer necessary for municipal purposes and as such shall be sold at private sale in accordance with N.J.S.A. 40A:12-13(b)(5), and

**WHEREAS** N.J.S.A. 40A:12-13(b)(5) authorizes the Township to sell municipally owned real property at a private sale to an owner of real property contiguous thereto where the Township owned Property is less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvement thereon; and

**WHEREAS**, N.J.S.A. 40A:12-13(b)(5) further provides that where there is more than one (1) owner of real property contiguous thereto, the municipal property shall be sold to the highest bidder from among all such contiguous owners and that the sale shall be for not less than the fair market value of the said real property; and

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

**Section 1.** The Township of Wall in the County of Monmouth is the owner of property located at 1738 Old Mill Road and designated at Block 80, Lot 8 in the official tax maps for Township of Wall (hereinafter referred to as the “Property”).

**Section 2.** The Township Committee has determined it to be in the public interest to sell said Property at private sale to an owner of real property contiguous thereto to the highest bidder in accordance with N.J.S.A. 40A: 12-13(b)(5).

**Section 3.** N.J.S.A. 40A:12-13(b)(5) further provides that where there is more than one owner of real property contiguous thereto, the municipal property shall be sold to the highest bidder from among all such contiguous owners and that the sale shall be for not less than the fair market value of said real property

**Section 4.** The Township Committee declares the Property to be surplus and not needed for public use.

**Section 5.** The following conditions for the sale of the Property apply:

- a) The minimum bid for the Property shall be \$4,200.00.
- b) The highest bidder will be the purchaser.

- c) The Township will only accept bids calling for an all cash purchase of the Property. Full payment of the purchase price must be received within 30 days of the date of the acceptance of the bid. The successful bidder will be required to pay, by either cash, wire transfer or bank check, a deposit equal to ten (10%) percent of minimum price of the bid at the close of bidding, with the balance to be paid by either cash, wire transfer or bank check at closing. Pending closing of title, this deposit will be held by the Township of Wall in a non-interest bearing escrow account, with the total deposit to be credited to the purchase price at closing.
- d) The sale of the Property is being made subject to the terms, conditions, restrictions and limitations of a Contract of Sale, which is on file with the Municipal Clerk, including but not limited to the following terms and conditions:
- 1) The Property is being sold in an "AS IS" "WHERE-IS" condition. The successful bidder is responsible for conducting any and all inspections and testing of the Property at its own cost and expense.
  - 2) The successful bidder shall pay prorated real estate taxes for the balance of the current year as of the date of closing of title.
  - 3) The closing of title to the Property is "TIME OF THE ESSENCE" and must take place on a date as described above, and the failure of the successful bidder to close title as agreed shall result in the successful bidder's forfeiture of any and all money deposited with the Township.
  - 4) The successful bidder shall consolidate the Property purchased with other contiguous lot or lots so as to be part of a reconfigured lot in conformance with the zoning requirements.
  - 5) No variances shall be requested and/or permitted for either Property and there shall be no further subdivision of the Property until it is consolidated with a contiguous parcel.
  - 6) The deed must be recorded within thirty (30) days of closing or title to the Property shall automatically revert back to the Township of Wall without the necessity of entry or reentry.
  - 7) In the event that the successful bidder fails to close title to the Property, the bidder shall forfeit all deposit monies made to the Township. No refunds whatsoever will be made by the Township of Wall in the event that the successful bidder fails to complete the purchase of the Property within thirty (30) days from the acceptance of the bid.
  - 8) The purchaser(s) shall pay the cost of recording fees.
  - 9) The purchaser(s) shall pay any and all realty transfer and "mansion" taxes assessed in connection with the sale of the Property.
  - 10) With respect to the sale of the Property herein, NO real estate commission is owed.
  - 11) The Property is being sold "AS IS" "WHERE IS." The Property is sold subject to existing encumbrances, liens, easements, zoning ordinances, other restrictions of record, such facts as an accurate survey would reveal and any present or future assessments for the construction of improvements benefiting the Property. A survey of the Property may be conducted by any prospective bidder, at its discretion, as part of its due diligence.
  - 12) No representation is made by the Township as to the utility, usability or environmental condition of the Property.

- 13) The purchaser will pay at the time of closing a fee per lot of \$155 to change the tax map.
- e) All bids must satisfy any requirements and meet any terms and conditions of the Contract of Sale. The successful bidder will execute the Contract upon completion of bidding and its payment of the required deposit. To execute the Contract, the bidder shall properly execute the Contract in the signature spaces at the end. Failure to execute the Contract properly shall not affect the obligation of the successful bidder or the validity of the sale. The deed given by Wall Township for the Property will be a Quit Claim Deed. No title contingencies or conditions are permitted.
  - f) The sale shall be subject to adjournment or cancellation by the Township Committee.
  - g) The Township reserves the right to accept the highest responsive bid if equal to or greater than the minimum bid price, or to reject all and not to award to the highest bidder. The Township reserves the right to waive any and all defects and informalities in any proposal, and to accept or reject the highest responsible and responsive bid deemed to be in the best interest of the Township.
  - h) It is suggested and recommended that potential bidders perform title searches and/or last owner and lien searches on the properties that they are interested in bidding upon prior to the date of bid submission in order that the potential bidder may be adequately apprised of any encumbrances or restrictions of record affecting the use and enjoyment of the Property. It is further suggested and recommended that potential bidders exercise due diligence with respect to every state of facts including open permits, local fines, penalties, taxes, assessments, etc., which may not be of record but which may nonetheless affect the use and enjoyment of the Property. The Township of Wall shall not be responsible for the costs associated with such searches in the event that the Township of Wall is unable to convey title and/or if a bid is rejected.

**Section 6.** That notice of the Township's intention to sell the Property and the minimum bid price therefore shall be sent by certified mail, return receipt requested, to all property owners listed on the municipal tax records who own properties contiguous to the Property.

**Section 7.** That said notice and a certified copy of this Ordinance shall be posted on the bulletin board or other conspicuous place in the municipal building.

**Section 8.** That any offer(s) for the Property may thereafter be made to the Township Administrator for a period of twenty (20) days following the newspaper advertisement, for not less than the minimum price provided herein.

**Section 9.** That if more than one bid is received, the Township Administrator may hold such bids without opening, advise the Township Committee of such multiple bids, and said Township Committee shall decide whether to invite said bidders to a public meeting for purposes of an open auction between the original submitting bidders, or to open said original bids.

**Section 10.** That, if sold, the Property shall be awarded to the highest bidder in

excess of the minimum bid price for the Property.

**Section 11.** That the Township Committee of the Township of Wall may reconsider its decision to sell the subject Property within thirty (30) days after the enactment of this Ordinance and either offer the Property for sale at a public sale pursuant to N.J.S.A. 40A:12-13 (a) or reject any or all bids and retain any or all of the Property for Township use.

**Section 12.** That all Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

**Section 13.** If any section, subsection, paragraph, sentence or any part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance not directly involved in the controversy in which such judgment shall have been rendered.

**Section 14.** This Ordinance shall take effect upon final passage and publication in accordance with law.

**Introduced:** October 12, 2022

**Adopted:** November 9, 2022

**Attest:** \_\_\_\_\_  
Roberta Lang, RMC  
Township Clerk

**Approve:** \_\_\_\_\_  
Kevin P. Orender  
Mayor

**SUMMARY AND NOTICE  
TOWNSHIP OF WALL**

**ORDINANCE NO 21-2022**

**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF  
WALL AUTHORIZING THE SALE OF 1738 OLD MILL ROAD – BLOCK 80 LOT  
8 IN THE TOWNSHIP OF WALL TO BE SOLD AT PRIVATE SALE IN  
ACCORDANCE WITH N.J.S.A. 40A:12-13(B)(5)**

Adoption of this ordinance will authorize the sale of certain municipally owned land located at 1738 Old Mill Road and designated at Block 80, Lot 8 in the official tax maps for Township of Wall, consisting of undersized lot, is no longer necessary for municipal purposes and as such shall be sold at private sale in accordance with N.J.S.A. 40A:12--13(b)(5)

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 **October 12, 2022** and will further be considered for final passage and adoption at the Wall Township Municipal Building, 2700 Allaire Road, Wall, New Jersey, on **November 9, 2022** at 7:00 p.m., or as soon thereafter as the matter can be reached on the agenda, at which time and place all persons interested therein shall be given an opportunity to be heard, and during the week prior to and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's Office in the Township of Wall, Town Hall, to the members of the general public who shall request the same or may be viewed on our website at [www.wallnj.com](http://www.wallnj.com).

**Roberta M. Lang, R.M.C.  
Municipal Clerk**

**TOWNSHIP OF WALL**

**ORDINANCE NO. 22-2022**

**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, ESTABLISHING CHAPTER 224, A VACANT PROPERTY AND/OR FORECLOSURE REGISTRATION ORDINANCE PURSUANT TO P.L. 2021 C.444**

**WHEREAS**, In January 2022, Governor Murphy signed Assembly Bill A2877 into law as P.L. 2021 c.444 which required all municipalities to revise and/or establish a Vacant/Abandoned Property Ordinances and Fee Schedules; and,

**WHEREAS**, the Township Committee recognizes that the Township of Wall contains structures that are vacant and/or abandoned in whole or in large part; and,

**WHEREAS**, in many cases the owners or other responsible parties of these vacant and/or abandoned structures are neglectful of them, and are failing to maintain them or secure them to adequate standards, or restore them to productive use; and,

**WHEREAS**, many of these structures are in violation of state and local housing and property maintenance codes; and,

**WHEREAS**, it has been established that vacant and abandoned structures cause severe harm to the health, safety, and general welfare of the community, including diminution of neighboring property values, loss of property tax revenues, accumulations of debris, increased risk of fire, and potential increases in criminal activity and public health risk; and,

**WHEREAS**, the Township of Wall incurs disproportionate costs in order to deal with the problems of vacant and abandoned structures, including but not limited to, police and fire calls, and property inspections; and,

**WHEREAS**, the Township Committee determined it is in the public interest for the Township of Wall to establish minimum standards of accountability on the owners or other responsible parties of vacant and abandoned structures in order to protect the health, safety, and general welfare of the residents of the Township of Wall; and,

**WHEREAS**, the Township Committee determined it is in the public interest for the Township of Wall to impose a fee in conjunction with a registration ordinance for vacant and abandoned structures in light of the disproportionate costs imposed on the Township by the presence of these structures.

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

**CHAPTER 224 – VACANT PROPERTY REGISTRATION**

**§ 224-1 Findings.**

Pursuant to P.L. 2021 c.444 all municipalities are required to revise and/or establish a Vacant/Abandoned Property Ordinances and Fee Schedules. Further, the Township Committee determined that it is in the public interest for the Township of Wall to establish minimum standards of accountability, including an applicable fee schedule, on the owners or other responsible parties of vacant and abandoned structures in order to protect the health, safety, and general welfare of the residents of the Township of Wall.

**§ 224-2 Definitions**

As used in this article, the following terms have the meanings set forth:

**OWNER**

The title holder; any agent of the title holder having authority to act with respect to a vacant property; any foreclosing entity subject to the provisions of N.J.S.A. 46:10B-51, and any amendments or supplements thereto; or any other entity determined by the Township of Toms River to have authority with respect to the property.

**VACANT PROPERTY**

Any building or structure to be used as a residence or commercial or industrial facility which is not legally occupied or at which substantially all lawful construction operations or residential occupancy has ceased, and which is in such condition that it cannot be legally reoccupied without repair or rehabilitation, including but not limited to any property that constitutes abandoned property pursuant to N.J.S.A. 55:19-80 et seq.; provided, however, that any property where all building systems are in working order, where the building and grounds are maintained in good order, or where the building is in habitable condition, and where the building is being actively marketed by its owner for sale or rental, shall not be deemed a vacant property.

**§ 224-3 Registration Requirements.**

- A. The owner of any vacant property, or his or her authorized agent, shall file a registration statement for that property with the Division of Code Enforcement on forms promulgated by the Division of this purpose.
- B. The registration statement must be filed no later than 30 days after the property becomes vacant, or the assumption of ownership of vacant property, whichever is later; or no later than 10 days after receiving written notice from the Township. Failure to receive notice from the Township does not constitute grounds for failure to register.
- C. Each vacant property having a separate block and lot number as designated in official records of the Township must be separately registered.
- D. The registration statement must include the following information:
  - (1) Name, street address, telephone number, and e-mail address (if applicable) of a person 21 years of age or older, designated by the owner or owners as the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement action.
  - (2) Name, street address, telephone number, and e-mail address (if applicable) of the entity, and the names of the individual principals thereof, if any, responsible for managing and maintaining the property.
- E. The registration is effective for the calendar year in which issued and must be renewed annually on or before January 31.
- F. The owner, or his or her authorized agent, must file an amended registration statement on forms provided for this purpose no later than 30 days following any change of information.
- G. The owner or authorized agent must certify to the truth of all information provided on the registration statement. False or misleading information on the registration statement constitutes a violation of this article.

**§ 224-4 Access to Vacant Properties.**

The owner, or authorized agent thereof, of vacant property registered under this article must provide the Township with access thereto for the purpose of conducting interior and exterior inspections to determine compliance with all applicable laws, regulations, codes, and ordinances. The Township shall provide the owner or authorized agent with reasonable notice of such inspections, which will be carried out during regular business hours, or at such other times as circumstances warrant or as agreed to by the parties.

**§ 224-5 Responsible Owner or Agent.**



- A. The owner must appoint an authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement action. The owner may serve in this capacity, or may designate a third party to do so.
- B. By designating an authorized agent as provided hereunder, the owner consents to receive, by service of process on the authorized agent, any and all notices of code violations, and service of process in any court proceeding or administrative enforcement action, concerning the registered vacant property.
- C. The authorized agent designated pursuant to this subsection and identified on the registration statement pursuant to § 224-3D(1) & (2) is hereby deemed to continue in that capacity until the filing of an amended registration statement designating a replacement.
- D. Owners who fail to register vacant properties pursuant to this article are hereby deemed to have consented to receive any and all notices of code violations and process in any court proceeding or administrative enforcement actions served in the following manner: 1) by plain-view posting on the structure; and 2) by service of notice, via regular and certified mail, at the owners' last known address on record with the Township.
- E. Out-of-state creditors must include the full name and contact information of the in-state representative or agent, and any other person or entity retained by the creditor or representative of the creditor in the notice provided pursuant to N.J.S.A. 46:10B-51.
- F. Any creditor serving a summons and complaint in an action to foreclose on a mortgage on commercial property within the Township shall, within 10-days of serving the summons and complaint, notify the Township Clerk and the Code Enforcement Officer that at a summons and complaint in an action to foreclose on a mortgage has been filed against the subject property.

**§ 224-6 Fee Schedule.**

- A. Registration of vacant properties under this section is subject to the following fees:
  - 1. Initial registration: \$1,000.
  - 2. First renewal: \$2,000.
  - 3. Second renewal: \$3,000.
  - 4. Third and subsequent renewals: \$5,000
- B. At least twenty (20%) percent of all income resulting from the application of this chapter shall be used for the sole purpose of carrying out municipal activities with respect to vacant and distressed properties, including but not limited to code enforcement, abatement of nuisance conditions, stabilization, rehabilitation, and other activities designed to minimize blight and further productive reuse of properties.

**§ 224-7 Standards for Maintenance.**

The owner, or authorized agent thereof, and any person or entity maintaining, operating, or collecting rent for any structure that has become vacant as defined in this article, must, within thirty (30) days thereof, undertake all of the following measures:

- A. Enclose and secure the structure as provided by the applicable sections of the Township of Wall Property Maintenance Code, Chapter 171, et seq., of the Township of Wall or as set forth in rules and regulations adopted by the municipal officer to implement those codes.
- B. Ensure that the grounds of the structure, including yards, fences, sidewalks, walks, and driveways, are well-maintained and kept free from trash or debris.
- C. Post a sign affixed to the structure with the name, address, and telephone number of the owner and the owner's authorized agent for the purpose of service of process; and the name, address, and telephone number of the entity responsible for maintenance of the property, which may be the same as the owner or authorized agent. If the structure is set back from the street, the sign may be posted on a well-secured post or stake in the front yard of the property. The sign shall be at least eighteen (18) inches by twenty-four (24) inches in dimension, shall include the following language: "To report a problem

with this building, call (contact information for owner or agent)" and shall be placed in a location where it is clearly visible and legible from the nearest public street or sidewalk, whichever is nearer; and

- D. Maintain the structure in a secure and closed condition, keep the grounds in a clean and well-maintained condition, and ensure that the sign is visible and intact until the building is again occupied or demolished, or until repair or rehabilitation of the building is complete.
- E. Fines and penalties imposed under this article for failing to properly register are recoverable from the owner and, if not paid, will be enforced and recorded as a judgment against the property. To the extent the Township must perform work to maintain and secure a registered property, such costs shall be imposed as a lien against the property.

§ 224-8 **Enforcement.**

- A. The Division of Code Enforcement is hereby charged with the enforcement of this article, with the assistance, as circumstances warrant, of other Township agencies within their respective jurisdictions.
- B. Any person or entity violating this article shall be subject to the maximum fines and penalties established under N.J.S.A. 40:49-5 and N.J.S.A. 40:69A-29, and any subsequent amendments to those statutes, or as otherwise prescribed by law.
- C. Each day that a violation continues constitutes a separate and distinct offense.
- D. Fines and penalties imposed under this article are recoverable from the owner and, if not paid, may be imposed as a lien against the property.
- E. No less than 20% of any money collected by the Township pursuant to this article shall be earmarked for code enforcement purposes.
- F. For purposes of this section, failure to file a registration statement within thirty (30) calendar days after a building becomes vacant property or within thirty (30) calendar days after assuming ownership of a vacant property, whichever is later, or within ten (10) calendar days of receipt of notice by the municipality, and failure to provide correct information on the registration statement, or failure to comply with the provisions of such provisions contained herein shall be deemed to be violations of this section.

**Introduced:** October 12, 2022

**Adopted:** November 9, 2022

**Attest:** \_\_\_\_\_  
Roberta Lang, RMC  
Township Clerk

**Approve:** \_\_\_\_\_  
Kevin Orender  
Mayor

**SUMMARY AND NOTICE  
TOWNSHIP OF WALL  
ORDINANCE NO. 22-2022**

**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF  
WALL, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY,  
ESTABLISHING CHAPTER 224, A VACANT PROPERTY AND/OR  
FORECLOSURE REGISTRATION ORDINANCE PURSUANT TO P.L. 2021 C.444**

Adoption of this ordinance will establish Chapter 224 for vacant property and/or a foreclosure registration ordinance, pursuant to P.L. 2021 C. 444

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 **October 12, 2022** and will further be considered for final passage and adoption at the Wall Township Municipal Building, 2700 Allaire Road, Wall, New Jersey, on **November 9, 2022** at 7:00 p.m., or as soon thereafter as the matter can be reached on the agenda, at which time and place all persons interested therein shall be given an opportunity to be heard, and during the week prior to and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's Office in the Township of Wall, Town Hall, to the members of the general public who shall request the same or may be viewed on our website at [www.wallnj.com](http://www.wallnj.com).

**Roberta M. Lang, R.M.C.  
Municipal Clerk**

TOWNSHIP OF WALL

ORDINANCE NUMBER 23-2022

**BOND ORDINANCE PROVIDING FOR VARIOUS 2022 GENERAL CAPITAL IMPROVEMENTS, BY AND IN THE TOWNSHIP OF WALL, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$4,866,200 THEREFOR (INCLUDING A GRANT IN THE AMOUNT OF \$271,200) AND AUTHORIZING THE ISSUANCE OF \$4,094,700 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF**

**BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY** (not less than two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

**SECTION 1.** The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Township of Wall, in the County of Monmouth, State of New Jersey (the “Township”) as general capital improvements. For the said improvements or purposes stated in Section 3, there is hereby appropriated the sum of \$4,866,200, which is inclusive of a grant from the New Jersey Department of Transportation in the amount of \$271,200, allocable to Baileys Corner Road, Phase II Improvements (the “Grant”), and \$500,300 as the amount of down payment for said improvements or purposes required by the Local Bond Law, N.J.S.A. 40A:2-1 *et seq.* (the “Local Bond Law”). Said down payment is now available therefor by virtue of a provision or provisions in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes.

**SECTION 2.** For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$4,866,200 appropriation not provided for by application hereunder of said Grant and down payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$4,094,700 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in a principal amount not exceeding \$4,094,700 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

**SECTION 3. (a)** The improvements hereby authorized and purposes for the financing of which said bonds or notes are to be issued include, but are not limited to, as follows:

<u>Description</u>	<u>Appropriation</u>	<u>Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
(i) <b>Roads</b> – Various Roadway And Drainage Improvements Throughout The Township Including, But Not Limited To, Baileys Corner Road, Phase II, Such Improvements To Include, But Not Be Limited To, As Applicable, Excavation, Milling, Paving, Reconstruction And Boxing Out	\$1,971,200 (Inclusive of the Grant)	\$1,500,000	\$200,000	20 years

<u>Description</u>	<u>Appropriation</u>	<u>Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
And Resurfacing Or Full Depth Pavement Replacement Using Flexible Pavement As Defined Under The Local Bond Law, And Where Necessary, The Repairing And/Or Installation Of Curbs, Sidewalks And Driveway Aprons, Installation Of Curb Ramps, Resetting Utility Castings, Drainage Work And Improvements, Roadway Painting, Landscaping And Aesthetic Improvements; And				
(ii) <b><u>Township Facilities</u></b> – Improvements To Various Township Facilities Including, But Not Limited To, Radio System Replacement, Phase II, And Security Camera System Replacement For The Police Department; Construction Of Pickleball Courts; And Construction Of A Vehicle Wash Bay System;	\$1,099,000	\$999,000	\$100,000	9.28 years
(iii) <b><u>Vehicles And Equipment</u></b> - Acquisition And Installation, As Applicable, Of Various Non-Passenger Vehicles And Equipment, Including, But Not Limited To, Two (2) Automated Sanitation Trucks, A Front Loading Sanitation Truck, An Ambulance Remount, A Hook Lift Truck And A Dump Truck.	\$1,796,000	\$1,595,700	\$200,300	5 years
<b>TOTALS</b>	<b><u>\$4,866,200</u></b>	<b><u>\$4,094,700</u></b>	<b><u>\$500,300</u></b>	

(b) All such improvements or purposes set forth in Section 3(a) shall include, but are not limited to, all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

(c) The estimated maximum amount of bonds or notes to be issued for said improvement or purpose is \$4,094,700.

(d) The estimated cost of said improvement or purpose is \$4,866,200, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor, is comprised of the Grant in the aggregate amount of \$271,200, and the down payment in the amount of \$500,300 for said improvement or purpose.

**SECTION 4.** Except for the Grant, in the event the United States of America, the State of New Jersey, the County of Monmouth and/or a private entity make a contribution or grant in aid to the Borough, for the improvement and purpose authorized hereby and the same shall be received by the Borough prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, the County of Monmouth and/or a private entity. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, the County of Monmouth and/or a private entity, shall be received by the Borough after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Borough as a result of using funds from this bond ordinance as “matching local funds” to receive such contribution or grant in aid.

**SECTION 5.** All bond anticipation notes issued hereunder shall mature at such time as may be determined by the Chief Financial Officer of the Township, provided that no note shall mature later than one (1) year from its date unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer of the Township shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

**SECTION 6.** The capital budget of the Capital Fund of the Township is hereby amended to conform with the provisions of this bond ordinance, and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Fund capital budget and capital programs as approved by the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs will be on file in the Office of the Clerk and will be available for public inspection.

**SECTION 7.** The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements or purposes which the Township may lawfully undertake as general improvements or purposes, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvements or purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 11.53 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$4,094,700 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$973,240 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements hereinbefore described.

**SECTION 8.** Unless paid from other sources, the full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. Unless paid from other sources, the obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Township for the payment of the obligations and the interest thereon without limitation as to rate or amount.

**SECTION 9.** The Township hereby declares the intent of the Township to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 9 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

**SECTION 10.** The Township Chief Financial Officer is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The Township Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission<sup>4</sup> (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

**SECTION 11.** The Township covenants to maintain the exclusion from gross income under Section 103(a) of the Code of the interest on all bonds and notes issued under this ordinance.

[Remainder of Page Intentionally Left Blank.]

**SECTION 12.** This bond ordinance shall take effect twenty (20) days after final adoption as provided by the Local Bond Law.

**ADOPTED ON FIRST READING**

**DATED:** October 12, 2022

**Attest:** \_\_\_\_\_

Roberta Lang, RMC  
Township Clerk

**ADOPTED ON SECOND READING**

**DATED:** November 9, 2022

**Attest:** \_\_\_\_\_

Roberta Lang, RMC  
Township Clerk

**Approve:** \_\_\_\_\_

Kevin Orender  
Mayor



**TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL  
PUBLIC NOTICE**

**NOTICE OF PENDING BOND ORDINANCE NO 23-2022 AND SUMMARY**

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a regular meeting of the governing body of the Township of Wall, in the County of Monmouth, State of New Jersey on **October 12, 2022**. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at the Township Municipal Complex, 2700 Allaire Road, Wall, in said County on **November 9, 2022**, at 7:00 p.m. During the week prior to and up to and including the date of such meeting, copies of the full ordinance will be available at no cost and during regular business hours, at the Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

**Title:** BOND ORDINANCE PROVIDING FOR VARIOUS 2022 GENERAL CAPITAL IMPROVEMENTS, BY AND IN THE TOWNSHIP OF WALL, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$4,866,200 THEREFOR (INCLUDING A GRANT IN THE AMOUNT OF \$271,200) AND AUTHORIZING THE ISSUANCE OF \$4,094,700 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF

**Purpose(s):** Various 2022 General Capital Improvements Including, But Not Limited To, Roadway and Drainage Improvements, Various Facility Improvements for The Police Department and Recreational Areas; and Acquisition of Various Non-Passenger Vehicles and Equipment

**Appropriation:** \$4,866,200

**Bonds/Notes** \$4,094,700

**Authorized:**

**Grant(s)** \$271,200 New Jersey Department of Transportation Grant

**Appropriated:**

**Section 20 Costs:** \$973,240

**Useful Life:** 11.53 years

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**ROBERTA LANG, RMC**  
Clerk of the Township of Wall

**TOWNSHIP OF WALL**

**RESOLUTION NO. 22-1101**

**CERTIFICATION OF TOWNSHIP FUNDS  
OCTOBER 27, 2022 THROUGH NOVEMBER 9, 2022 IN THE AMOUNT OF  
\$9,715,204.78**

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.

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**Kevin P. Orender, Mayor**

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**Daniel Becht, Deputy Mayor**

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**Timothy J. Farrell, Committeeman**

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**Thomas M. Kingman, Committeeman**

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**Erin M. Mangan, Committeewoman**

**TOWNSHIP OF WALL**

**RESOLUTION NO. 22-1102**

**AUTHORIZATION TO EXECUTE A NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION TREATMENT WORKS APPROVAL PERMIT APPLICATION (TWA-1) AND STATEMENT OF CONSENT (WQM-003) FOR THE EXTENSION OF THE SANITARY SEWER SYSTEM TO BLOCK 819, LOT 13, ALSO KNOWN AS 1809 ATLANTIC AVENUE, BY REQUEST FROM SEA GLASS ON ATLANTIC**

**WHEREAS**, the extension of the sanitary sewer system will be required as stated by the Township Engineer for Block 819, Lot(s) 13 – 1809 Atlantic Avenue, as shown on the tax map of the Township of Wall. The project will have no impact on the Wall Township Sanitary Collection System, and it is necessary for Sea Glass on Atlantic to seek consent on behalf of the Township of Wall for an approval from the New Jersey Department of Environmental Protection (NJDEP) for a Treatment Works Approval (TWA-1) Permit as a result of a proposed extension of the sanitary sewer system associated with Planning Board Resolution No. 2022-1; and

**WHEREAS**, it is necessary for the Township of Wall to consent to the TWA-1 Permit application to be filed by the applicant with the NJDEP; and

**WHEREAS**, the TWA-1 application has been reviewed and approved by Matt Zahorsky, the Township Engineer; and

**WHEREAS**, the Township Committee of the Township of Wall, hereby authorizes the appropriate Township official to execute the statement of consent (WQM-003) as part of the TWA-1 permit application for Block 819 Lot(s) 13 as requested by Sea Glass on Atlantic.

**NOW, THEREFORE, BE IT RESOLVED**, the Township Committee of the Township of Wall, that the appropriate Township official(s) are hereby authorized to execute the statement of consent form which is part of the NJDEP TWA-1 permit application concerning the project for the Block 819 Lot(s) 13

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 November 9, 2022.

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Roberta M. Lang, RMC  
Municipal Clerk

**TOWNSHIP OF WALL**

**RESOLUTION NO. 22-1103**

**AUTHORIZATION TO EXECUTE THE FIRST AMENDMENT TO THE  
OCTOBER 7, 2022 DEVELOPER'S AGREEMENT WITH ALLAIRE  
SENIOR APARTMENTS, LLC**

**WHEREAS**, pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015)(Mount Laurel IV), on July 2, 2015, the Township of Wall (hereinafter "Wall Township" or the "Township") filed a Declaratory Judgment Complaint in the Superior Court, Law Division seeking, among other things, a judicial declaration that its Housing Element and Fair Share Plan (hereinafter "Fair Share Plan"), to be amended as necessary, satisfies its "fair share" of the regional need for low and moderate income housing pursuant to the "Mount Laurel doctrine;" and

**WHEREAS**, the Township simultaneously sought, and ultimately secured, a protective order providing Wall Township immunity from all exclusionary zoning lawsuits while it pursues approval of its Fair Share Plan, which is still in full force and effect; and

**WHEREAS**, with assistance from the Court Master, the Township and Fair Share Housing Center (hereinafter "FSHC") engaged in good faith negotiations, which resulted in the entering into of a Settlement Agreement between the Township and FSHC on December 18, 2019 (hereinafter "FSHC Settlement Agreement"); and

**WHEREAS**, a Fairness Hearing was held on June 24, 2020, during which the FSHC Settlement Agreement was approved, and said approval was memorialized by an Order entered by the Court on July 21, 2020; and

**WHEREAS**, the Township entered into a Developer's Agreement with Allaire Senior Apartments, LLC (hereinafter the "Developer") on October 7, 2022 regarding ensuring that the existing 27-units in the age-restricted apartment complex (the "Project") located at Block 240, Lot 54 (the "Property") are properly deed restricted and affirmatively marketed in accordance with the Uniform Housing Affordability Controls (N.J.A.C. 5:80: 26-1, et seq.)("UHAC") as units that are affordable to very-low, low- and moderate-income senior households, and that an affordability controls period of at least 30 years will begin after a unit is turned over to an income qualified senior household after it is affirmatively marketed; and

**WHEREAS**, the Affordable Housing Requirements section of the Developer's Agreement has to be amended to modify certain language to bring it into compliance with the Uniform Housing Affordability Controls ("UHAC"); and

**WHEREAS**, a First Amendment to the Developer's Agreement has been finalized, and is attached hereto as Exhibit A; and

**WHEREAS**, in light of the above, the Township Committee finds that it is in the best interest of Wall Township to enter into a First Amendment to the Developer's Agreement with Allaire Senior Apartments, LLC, which will assist the Township in gaining Court approval of its

Fair Share Plan which, in turn, will maintain the Township's immunity from all Mount Laurel lawsuits through July 2, 2025.

**NOW, THEREFORE, BE IT RESOLVED** on this 9<sup>th</sup> day of November 2022, by the Committee of the Township of Wall, County of Monmouth, State of New Jersey, as follows:

1. The Township Committee hereby authorizes and directs the Mayor of Wall Township to execute the First Amendment to the Developer's Agreement between the Township and Allaire Senior Apartments, LLC, which is attached hereto as Exhibit

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 November 9, 2022.

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Roberta M. Lang, RMC  
Municipal Clerk

TOWNSHIP OF WALL

RESOLUTION NO. 22-1104

**AUTHORIZATION TO EXECUTE AND ENTER INTO AN AMENDMENT TO THE MUNICIPALLY SPONSORED AFFORDABLE HOUSING AGREEMENT BETWEEN COASTAL HABITAT FOR HUMANITY, INC. AND TOWNSHIP OF WALL**

**WHEREAS**, the Township of Wall entered into a Municipally Sponsored Affordable Housing Agreement (“Agreement”) with Coastal Habitat for Humanity, Inc. (“Habitat”) on April 28, 2021, wherein the Township will convey Township-owned properties suitable for development of residential housing to Habitat to meet certain affordable housing obligations; and

**WHEREAS**, the Township agreed to convey certain real properties, in a series of properties listed in Schedule 1 of the Agreement, located at Block 336, Lot 28 as shown on the official Tax Map of the Township of Wall, said property being located at 1109 Manito Road and Block 4, Lot 31 as shown on the official Tax Map of the Township of Wall, said property being located at 805 Walling Avenue in the Township of Wall, County of Monmouth and the State of New Jersey (the “First Home Sites”); and

**WHEREAS**, upon inspection, the Township located potential wetlands on Block 336, Lot 28, which will require additional time for verification with the appropriate agencies; and

**WHEREAS**, the Township and Habitat agreed to swap Block 336, Lot 28, one of the First Home Sites, with Block 336, Lot 16 as shown on the official Tax Map of the Township of Wall, said property being located at 1123 Manito Road in the Township of Wall, County of Monmouth and the State of New Jersey; and

**WHEREAS**, both parties require the Agreement to be amended to reflect this swap in properties.

**NOW THEREFORE BE IT RESOLVED** that the Township of Wall hereby authorizes the entry into the proposed amendment to the Municipally Sponsored Affordable Housing Agreement with Coastal Habitat for Humanity, Inc.

**BE IT FURTHER RESOLVED** that the Mayor of the Township of Wall is hereby authorized to execute the proposed amendment to the Municipally Sponsored Affordable Housing Agreement with Coastal Habitat for Humanity, Inc. in the form attached hereto and that Township officials and employees are authorized to take all necessary actions in order to effectuate the terms and provisions of this Resolution and the Agreement attached hereto.

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 November 9, 2022.

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Roberta M. Lang, RMC  
Municipal Clerk