



TOWNSHIP OF WALL
EXECUTIVE MEETING AGENDA
JULY 14, 2021

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. For Action / 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. **Motion - Second - Roll-Call Vote**

A. **Approval of Minutes:**

o 06/09/2021

B. **Resolution No. 21-0701** - Approval of vouchers for June 23, 2021, through July 14, 2021, in the amount of \$7,317,089.36

C. **Resolution No. 21-0702** - Authorization to approve certain Township refund(s):
o Engineering and Land Use

D. **Resolution No. 21-0703** - Authorization to approve the submission of a grant application and execute a grant contract with the New Jersey Department of Transportation for the improvements to Allenwood Road – Phase II Project

E. **Resolution No. 21-0704** - Authorization to approve the submission of a grant application and execute a grant contract with the New Jersey Department of Transportation for the improvements to Baileys Corner Road – Phase II Project

F. **Resolution No. 21-0705** - Authorization for a block party road closure of Fairview Drive on July 17, 2021 – 4:00pm - 8:00pm

G. **Resolution No. 21-0706** - Authorization to accept and certify the 2020 Municipal Audit

H. **Resolution No. 21-0707** - Authorization to approve certain personnel matter(s)

<u>NAME</u>	<u>DEPARTMENT/POSITION</u>	<u>SALARY</u>	<u>EFFECTIVE DATE</u>
Thomas Scollan	Construction / Building Inspector	\$75,000.00	8/2/2021
Julia Bland	Police/ Part-time EMT	\$20.00/ hour	7/15/2021
Christopher Vitale	Police/ Part-time EMT	\$20.00/ hour	7/15/2021
Joseph Shreve	Police/ Part-time EMT	\$20.00/ hour	7/15/2021
Joseph Fisco	Recreation/ Facility Supervisor-Summer & Fall Madness HS Basketball League	\$20.00/ hour	7/15/2021
Joseph Klish	Recreation/ Facility Supervisor-Summer & Fall Madness HS Basketball League	\$25.00/ hour	7/15/2021
Colleen Wisher	Recreation/ Facility Supervisor-Summer & Fall Madness HS Basketball League	\$20.00/ hour	7/15/2021

Mia DeGenova	Recreation/ Scorekeeper Summer & Fall Madness HS Basketball League	\$10.00/ hour	7/15/2021
Tyler DeGraw	Recreation/ Scorekeeper Summer & Fall Madness HS Basketball League	\$10.00/ hour	7/15/2021
Victoria Klish	Recreation/ Scorekeeper Summer & Fall Madness HS Basketball League	\$10.00/ hour	7/15/2021
Shane Spennato	Recreation/ Scorekeeper Summer & Fall Madness HS Basketball League	\$10.00/ hour	7/15/2021

- I. **Resolution No. 21-0708** - Authorization to accept the New Jersey Department of Law and Public Safety Office of the Attorney General SFY 21 Body-Worn Camera Grant
- J. **Resolution No. 21-0709** - Authorization to execute Change Order No. 2 with Strober-Wright Roofing, Inc. in connections with the Municipal and Library roof replacement project for a decrease in an amount of -\$925.00
- K. **Resolution No. 21-0710** - Authorization to execute an amended and restated Developers Agreement with American Properties at Wall, LLC for the development of an affordable project in accordance with the Township's settlement agreement with the Fair Share Housing Center, Block 912 Lots 2 & 4.02 - 1307 Wyckoff Road, 1306 Highway 34
- L. **Resolution No. 21-0711** - Authorization to execute a Developers Agreement with Mack-Cali for the development of an affordable project in accordance with the Township's settlement agreement with the Fair Share Housing Center- Block 930 Lot 18 -1452 Highway 34
- M. **One Day Social Affair Permit** - Allaire Community Farm at 1923 Baileys Corner Road - August 21, 2021, 4:00 pm to 9:00 pm – Donor Dinner

End of Consent Agenda

Motion - Second - Roll Call Vote

5. **Committee Reports:**

A. **Committeewoman Mangan: Recreation, Monmouth County Library, Board of Education**

- a. Committee Chair Report:
- b. Items for Discussion:

B. **Committeeman Kingman: Administration and Finance, Wall Community Alliance**

- a. Committee Chair Report:
- b. Items for Discussion:
 - i. Authorization to request approval of items of revenue and appropriation N.J.S. 40A:4-87 Municipal Alliance Grant
 - ii. Authorization to request approval of items of revenue and appropriation N.J.S. 40A:4-87 Clean Communities Grant
 - iii. Authorization to request approval of items of revenue and appropriation N.J.S. 40A:4-87 SFY 21 Body-Worn Camera Grant
 - iv. Authorization to request approval for a change in title, text or amount of appropriation pursuant to N.J.S.A. 40A:4-85
 - v. Authorization to participate in the Department of Community Affairs, Division of Local Government Services (DLGS), Local Efficiency Achievement Program (LEAP) Grant and authorize the execution of a Shared Service Agreement with the County of Monmouth to provide high-resolution aerial imagery software

C. **Committeeman Orender: Public Works, Veteran Service's, Economic Development, Board of Health**

- a. Committee Chair's Report:
- b. Items for Discussion:

D. **Deputy Mayor Becht: Public Safety**

- a. Committee Chair Report:
- b. Items for Discussion:

E. **Mayor Farrell: Department of Land Use and Development, West Belmar Gateway, Municipal Court, InfoAge, Environmental Advisory Committee**

- a. Committee Chair Report:
- b. Items for Discussion:
 - i. Authorization to execute Change Order No. 4 with A.C. Schultes, Inc. in connection with Allenwood Wells No. 10 & 11 for the installation of the SCADA equipment for an increase not to exceed \$71,577.00
 - ii. Authorization to execute Change Order No. 2 with Dee-En Electric in connection with the relocation of the ATS Load Power box at the Evans Well for an increase not to exceed \$8,991.31
 - iii. Authorization to execute Change Order No. 1 Final with Earle Asphalt in connection with improvements to Allenwood Road for a decrease in an amount of -\$56,746.57

6. **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.

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

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

9. **Resolution No. 21-0712** - Authorization to discuss matters in private session
Motion - Second – Roll Call Vote

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

TOWNSHIP OF WALL

RESOLUTION NO. 21-0701

**CERTIFICATION OF TOWNSHIP FUNDS
JUNE 23, 2021 THROUGH JULY 14, 2021 IN THE AMOUNT OF \$7,317,089.36**

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.

Timothy J. Farrell, Mayor

Daniel Becht, Deputy Mayor

Kevin P. Orender, Committeeman

Thomas M. Kingman, Committeeman

Erin M. Mangan, Committeewoman

TOWNSHIP OF WALL

RESOLUTION NO. 21-0702

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.

<u>ENGINEERING / LAND USE</u>		
<u>NAME</u>	<u>REASON</u>	<u>AMOUNT</u>
Diane Goodman	Withdrawn Application	\$150.00

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 July 14, 2021.

Roberta M. Lang, RMC
Township Clerk

TOWNSHIP OF WALL

RESOLUTION NO. 21-0703

AUTHORIZATION TO APPROVE THE SUBMISSION OF A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE IMPROVEMENTS TO ALLENWOOD ROAD – PHASE II PROJECT

NOW, THEREFORE, BE IT RESOLVED that the Committee of Wall Township formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA – 2021 – Improvements to Allenwood Road – Phase II - 00625 to the New Jersey Department of Transportation on behalf of Wall Township.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Wall Township and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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 July 14, 2021.

Roberta M. Lang, RMC
Township Clerk

TOWNSHIP OF WALL

RESOLUTION NO. 21-0704

AUTHORIZATION TO APPROVE THE SUBMISSION OF A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE IMPROVEMENTS TO BAILEYS CORNER ROAD – PHASE II PROJECT

NOW, THEREFORE, BE IT RESOLVED that the Committee of Wall Township formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA – 2021 – Improvements to Baileys Corner Road – Phase II - 00576 to the New Jersey Department of Transportation on behalf of Wall Township.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Wall Township and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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 July 14, 2021.

Roberta M. Lang, RMC
Township Clerk

TOWNSHIP OF WALL

RESOLUTION NO. 21-0705

AUTHORIZATION TO CLOSE FAIRVIEW DRIVE FOR A BLOCK PARTY

WHEREAS, Leslie Schreiber, has requested a street closing for Fairview Drive at the intersection of Ivanhoe Path and Fairview Drive as well as the intersection of Minnesink Trail and Fairview Drive for the purpose of a block party, and

WHEREAS, the closing will occur on Saturday, July 17, 2021 between the hours of 4:00 P.M. until 8:00 P.M.; and

WHEREAS, there is no rain date scheduled; and

WHEREAS, the aforesaid proposal has been reviewed and approved by the Traffic Bureau of the Police Department; and,

WHEREAS, the Mayor of the Township of Wall is authorized by Section 215-20 of the Code of the Township of Wall to order the closing of any street to motor vehicle traffic, and;

NOW THEREFORE, I, Timothy Farrell, Mayor of the Township of Wall, do hereby order as follows: Fairview Drive at the intersection of Ivanhoe Path and Fairview Drive as well as the intersection of Minnesink Trail and Fairview Drive will be closed. Specifically, this street will be closed to all but emergency vehicle traffic on Saturday, July 17, 2021 between the hours of 4:00 P.M. until 8:00 P.M. with no rain date scheduled.

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 July 14, 2021.

Roberta M. Lang, RMC
Township Clerk

TOWNSHIP OF WALL
RESOLUTION NO. 21-0706

GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2020 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, at a minimum, the sections of the annual audit entitled "Comments and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed, at a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body executed and attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five (45) days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the Committee of the Township of Wall, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Local Finance Board of the State of New Jersey to show evidence of said compliance.

I, Roberta M. Lang, Municipal Clerk of the Township of Wall, County of Monmouth, State of New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Mayor and Council of the Township of Wall, County of Monmouth, State of New Jersey, at a meeting held July 14, 2021

Roberta M. Lang, RMC
Municipal Clerk

STATE OF NEW JERSEY, COUNTY OF MONMOUTH, TOWNSHIP OF WALL

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

1. We are duly elected members of the Committee of the Township of Wall in the County of Monmouth;
2. In the performance of our duties, and pursuant to N.J.A.C. 5:30-6.5, we have familiarized ourselves with the contents of the Annual Municipal Audit filed with the Clerk pursuant to N.J.S.A. 40A:5-6 for the year 2020;
3. We certify that we have personally reviewed and are familiar with, at a minimum, the sections of the Annual Report of Audit entitled "Comments and Recommendations."

(L.S.) _____ (L.S.) Timothy J. Farrell, Mayor

(L.S.) _____ (L.S.) Daniel F. Becht, Deputy Mayor

(L.S.) _____ (L.S.) Kevin P. Orender, Committeeman

(L.S.) _____ (L.S.) Thomas M. Kingman, Committeeman

(L.S.) _____ (L.S.) Erin M. Mangan, Committeewoman

Township Clerk

Sworn and subscribed to me before this

_____ Day of _____

Notary Public of New Jersey

The Municipal Clerk shall set forth the reason for the absence of signature of any members of the Governing Body.

IMPORTANT: This certificate must be send to the Bureau of Financial Regulation and Assistance, Division of Local Government Services, P.O. Box 803, Trenton, New Jersey 08625.

TOWNSHIP OF WALL

RESOLUTION NO. 21-0707

**AUTHORIZATION TO ACCEPT THE NEW JERSEY DEPARTMENT OF LAW
AND PUBLIC SAFETY OFFICE OF THE ATTORNEY GENERAL SFY 21 BODY-
WORN CAMERA GRANT**

WHEREAS, the Township of Wall is committed to transparency, technology advancements and the safety of their police officers and community members; and

WHEREAS, the Wall Police Department applied for a grant from the New Jersey Department of Law and Public Safety Office of the Attorney General for the purchase of body-worn cameras; and

WHEREAS, the Wall Police Department was awarded a SFY 21 Body-Worn Camera Grant in the amount of \$132,470.00 (Award Number 21-BWC-449) for the period of January 1, 2021 through December 31, 2025

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Committee of the Township of Wall, in the County of Monmouth, New Jersey, hereby does accept the award of the SFY 21 Body-Worn Camera Grant from the New Jersey Department of Law and Public Safety Office of the Attorney General in the amount of \$132,470.00 for the purchase of body-worn cameras for Township police officers.

I, Roberta 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 July 14, 2021.

Roberta Lang, RMC
Township Clerk

TOWNSHIP OF WALL

RESOLUTION NO. 21-0708

AUTHORIZATION TO APPROVE CERTAIN PERSONNEL ACTIONS

WHEREAS, the Department Head(s) has recommended the appointment of the following individuals; 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:

NAME	DEPARTMENT/POSITION	SALARY	EFFECTIVE DATE
Thomas Scollan	Construction / Building Inspector	\$75,000.00	8/2/2021
Julia Bland	Police/ Part-time EMT	\$20.00/ hour	7/15/2021
Christopher Vitale	Police/ Part-time EMT	\$20.00/ hour	7/15/2021
Joseph Shreve	Police/ Part-time EMT	\$20.00/ hour	7/15/2021
Joseph Fisco	Recreation/Facility Supervisor/Summer & Fall Madness HS League	\$20/hour	7/14/2021
Joseph Klish	Recreation/Facility Supervisor/Summer & Fall Madness HS League	\$25/hour	7/14/2021
Colleen Wisher	Recreation/Facility Supervisor/Summer & Fall Madness HS League	\$20/hour	7/14/2021
Mia DeGenova	Recreation/Scorekeeper Both Leagues	\$10/hour	7/14/2021
Tyler DeGraw	Recreation/Scorekeeper Both Leagues	\$10/hour	7/14/2021
Victoria Klish	Recreation/Scorekeeper Both Leagues	\$10/hour	7/14/2021
Shane Spennato	Recreation/Scorekeeper Both Leagues	\$10/hour	7/14/2021

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Wall that the following personnel actions be and are hereby authorized on the effective date included herein.

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 July 14, 2021

Roberta M. Lang, RMC
Township Clerk

TOWNSHIP OF WALL
RESOLUTION NO. 21-0709

**AUTHORIZATION TO EXECUTE CHANGE ORDER NUMBER TWO WHICH
DECREASES THE CONTRACT IN THE AMOUNT OF \$925.00 WITH STROBER-
WRIGHT ROOFING, INC. FOR THE MUNICIPAL AND LIBRARY ROOF
REPLACEMENT**

WHEREAS, the Township of Wall and Strober-Wright Roofing, Inc. are parties to a contract for the Municipal and Library Roof Replacement in an original amount of \$691,725.00 (six hundred ninety-one thousand seven hundred twenty-five dollars and zero cents), subsequently amended by Change Order No. 1 to a revised amount of \$348,900.00 (three hundred forty-eight thousand nine hundred dollars and zero cents); and

WHEREAS, Strober-Wright Roofing, Inc. submitted Change Order No. 2 - in the amount of a decrease of \$925.00 (nine hundred twenty-five dollars and zero cents) which adjusts the contract amount to reflect as-built quantities, making the total contract price \$347,975.00 (three hundred forty-seven thousand nine hundred seventy-five dollars and zero cents) after Change Order No. 2 is executed; and

WHEREAS, the Township's Architect, Sonnenfeld & Trocchia has reviewed the project and Change Order No. 2 and recommends that the Township execute Change Order No. 2 which provides for a reduction in the contract in the amount of \$925.00 (nine hundred twenty-five dollars and zero cents); and

WHEREAS, the total new contract price shall be \$347,975.00 (three hundred forty-seven thousand nine hundred seventy-five dollars and zero cents) after Change Order No. 2 has been accepted and executed by the Township; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Committee of the Township of Wall, County of Monmouth, New Jersey that Change Order No. 2 – reducing the contract in the amount of \$925.00 (nine hundred twenty-five dollars and zero cents) for the contract between the Township of Wall and Strober-Wright Roofing, Inc., be executed thereby decreasing the new total contract price for the project to \$347,975.00 (three hundred forty-seven thousand nine hundred seventy-five dollars and zero cents); and

BE IT FURTHER RESOLVED that all Township officials including, but not limited to, the Mayor, Township Administrator, Township Director of Engineering and Planning, 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, 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 July 14, 2021.

Roberta M. Lang, RMC
Municipal Clerk

TOWNSHIP OF WALL

RESOLUTION NO. 21-0710

AUTHORIZATION FOR THE TOWNSHIP OF WALL TO ENTER INTO AN AMENDED AND RESTATED DEVELOPER'S AGREEMENT WITH AMERICAN PROPERTIES AT WALL, LLC TO BUILD A MINIMUM OF 32 AFFORDABLE FAMILY RENTAL UNITS ON BLOCK 912, LOTS 2 & 4.02, COMMONLY KNOWN AS HERITAGE AT WALL, LOCATED IN WALL TOWNSHIP

WHEREAS, in compliance with the New Jersey Supreme Court's March 10, 2015 decision in *In re Adoption of N.J.A.C. 5:96 and 5:97* by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) ("Mount Laurel IV"), on or about July 2, 2015, the Township filed an action with the Superior Court of New Jersey ("Court") in Monmouth County, entitled *In the Matter of the Application of the Township of Wall, County of Monmouth*, Docket No. MON-L-5604-05, seeking a Judgment of Compliance and Repose approving its Housing Element and Fair Share Plan ("Affordable Housing Plan"), in addition to related reliefs, including temporary immunity from all Mount Laurel lawsuits; and

WHEREAS, the Court granted the Township's motion for temporary immunity from all Mount Laurel lawsuits, which was subsequently extended via a series of orders, and is still in full force and effect today; and

WHEREAS, the Township of Wall acknowledges its obligation to comply with its constitutional affordable housing obligations and seeks to cause the development of a minimum of 32 affordable family rental units restricted to affordable housing to be located on Block 912, Lots 2 & 4.02, commonly known as Heritage at Wall, located in Wall Township; and

WHEREAS, the Property has not been developed for a use permitted by the Township's zoning ordinance; and

WHEREAS, the Developer and Township entered into a Developer's Agreement approved by the Township, and signed by the Township on September 28, 2020, and by Developer on October 2, 2020, and the Parties desire to enter into to an Amended and Restated Developer's Agreement in light of certain modifications to the Developer's Project that are acceptable and preferable to the Parties; and

WHEREAS, as a result of that process the Township desires to enter into an Amended and Restated Developer's Agreement with American Properties at Wall, LLC, which is a demonstrated qualified and experienced developer of similar units throughout the State of New Jersey; and

WHEREAS, the Amended and Restated Developer's Agreement would be subject to any and all approvals required by the Wall Township Planning Board.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the Township Committee of the Township of Wall, County of Monmouth, New Jersey that the Township of Wall is authorized to enter into an Amended and Restated Developer's Agreement with American Properties at Wall, LLC for the construction of a minimum of 32 affordable family rental units

restricted to affordable housing to be located on Block 912, Lots 2 & 4.02, commonly known as Heritage at Wall, located in Wall Township; and

BE IT FURTHER RESOLVED, that all Township officials including, but not limited to the Mayor, the Township Administrator, 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 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 July 14, 2021.

Roberta Lang, RMC
Municipal Clerk

TOWNSHIP OF WALL

RESOLUTION NO. 21-0711

AUTHORIZATION FOR THE TOWNSHIP OF WALL TO ENTER INTO A DEVELOPER'S AGREEMENT WITH WALL 34 REALTY L.L.C. TO BUILD A MAXIMUM OF 340 DWELLING UNITS, 68 OF WHICH SHALL BE MADE AFFORDABLE TO LOW AND MODERATE INCOME HOUSEHOLDS LOCATED ON BLOCK 930, LOTS 6 & 18, COMMONLY KNOWN AS WALL ROUTE 34 SITE, LOCATED IN WALL TOWNSHIP

WHEREAS, in compliance with the New Jersey Supreme Court's March 10, 2015 decision in *In re Adoption of N.J.A.C. 5:96 and 5:97* by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) ("Mount Laurel IV"), on or about July 2, 2015, the Township filed an action with the Superior Court of New Jersey ("Court") in Monmouth County, entitled *In the Matter of the Application of the Township of Wall, County of Monmouth*, Docket No. MON-L-5604-05, seeking a Judgment of Compliance and Repeal approving its Housing Element and Fair Share Plan ("Affordable Housing Plan" or "Plan"), in addition to related reliefs, including temporary immunity from all Mount Laurel lawsuits; and

WHEREAS, the Court granted the Township's motion for temporary immunity from all Mount Laurel lawsuits, which was subsequently extended via a series of orders, and is still in full force and effect today; and

WHEREAS, the Township of Wall acknowledges its obligation to comply with its constitutional affordable housing obligations and seeks to cause the development consisting of a maximum of 340 dwelling units, 68 of which shall be made affordable to low and moderate income households located on Block 930, Lots 6 & 18, commonly known as Wall Route 34 Site, located in Wall Township (the "Property"); and

WHEREAS, while evaluating and forming the Plan, the Township has identified the Property as available, suitable, developable, and feasible, and as a result of discussions between the Developer and the Township, the Township has agreed to include the Property in the Plan, and Developer has agreed to the inclusion of the Property in the Plan as outlined in the subject Developer's Agreement; and

WHEREAS, in compliance with the New Jersey Supreme Court's decision in Mount Laurel IV, on July 2, 2015, the Township filed an action with the Superior Court of New Jersey ("Court"), entitled In the Matter of the Application of the Township of Wall, County of Monmouth, Docket No. MON-L-5604-05 ("DJ Action"), seeking a Judgment of Compliance and Repeal approving a constitutionally compliant Plan, in addition to related reliefs, and simultaneously filed a motion for temporary immunity, which was subsequently granted by the Court and is still in full force and effect; and

WHEREAS, the Township entered into a settlement agreement with Fair Share Housing Center dated July 24, 2019, as amended on December 18, 2019, to settle the DJ Action ("Settlement Agreement"); and

WHEREAS, on May 26, 2021, the Township Committee adopted Ordinance No. 9-2021, entitled “Land Use and Development Regulations to Rezone Block 930, Lots 6 and 18 from OR-10 to AH7,” which provides that the Property is rezoned to permit inclusionary residential development with a maximum of 340 dwelling units, 68 of which is set aside as affordable to low and moderate income households (“Zoning Amendment”); and

WHEREAS, as a result of that process the Township desires to enter into a Developer’s Agreement with Wall 34 Realty, L.L.C., which is a demonstrated qualified and experienced developer of similar units throughout the State of New Jersey; and

WHEREAS, the Developer’s Agreement would be subject to any and all approvals required by the Wall Township Planning Board and, the Parties acknowledge that, to ensure that this Agreement adequately protects the interests of low and moderate income households, this Agreement is subject to the Court's approval after a duly-noticed hearing, commonly referred to as a "Fairness Hearing" or at a “Compliance Hearing” to approve its Housing Element and Fair Share Plan, and that the subject Developer’s Agreement is subject to obtaining that Court’s approval.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the Township Committee of the Township of Wall, County of Monmouth, New Jersey that the Township of Wall is authorized to enter into an Amended and Restated Developer’s Agreement with American Properties at Wall, LLC for the construction of a maximum of 340 dwelling units, 68 of which shall be made affordable to low and moderate income households located on Block 930, Lots 6 & 18, commonly known as Wall Route 34 Site, located in Wall Township; and

BE IT FURTHER RESOLVED, that all Township officials including, but not limited to the Mayor, the Township Administrator, 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 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 July 14, 2021.

Roberta Lang, RMC
Municipal Clerk