



TOWNSHIP OF WALL
EXECUTIVE MEETING AGENDA
SEPTEMBER 14, 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. Proclamation honoring the North Wall Little League 12U Softball District 11 Champions

5. Proclamation honoring the North Wall Little League 12U Baseball District 11 Champions

6. **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 8/10/2022

B. **Resolution No. 22-0901** - Approval of vouchers for date August 29, 2022, through September 14, 2022, in the amount of \$8,883,524.40

C. **Resolution No. 22-0902** - Authorization to approve certain Township refund(s):

o Construction

D. **Resolution No. 22-0903** - Authorization to utilize the services of French & Parrello Associates for the preparation of a topographical survey of the Municipal Parking Lot at a price not to exceed \$5,700.00

E. **Resolution No. 22-0904** - Authorization to appoint David Roberts as member of the Environmental Advisory Committee as well as a member of the Green Team

F. **Resolution No. 22-0905** - Authorization to approve certain personnel matter(s):

NAME	DEPARTMENT/POSITION	SALARY	EFFECTIVE DATE
Michael Grantham	Police/ Part-Time- EMT	\$25.00/ hour	9/15/2022
Connor Prindiville	Police/ Part-Time- EMT	\$25.00/ hour	9/15/2022
Matthew Kimak	Police/ Part-Time- SLEO II	\$20.00/ hour	9/15/2022

G. **Resolution No. 22-0906** - Authorization for the Municipal Clerk to advertise for the furnishing and delivery of amusements, food vendors and games for the 2023 Wall Township Fair

H. **Resolution No. 22-0907** - Authorization to renew a contract with Philadelphia Indemnity Insurance Company for blanket accident insurance coverage for the Recreation Department at a premium cost of \$6,492.00 for the period September 22, 2022, through September 21, 2023

I. **Resolution No. 22-0908** - Authorization to execute a contract with H2M Associates for preparation of design services, construction document services, bid specifications and assisting in the public bidding process for anew Municipal Utilities Supervisory Control and Data Acquisition System (SCADA) at a cost not to exceed \$71,900.00 and authorization for the Municipal Clerk to advertise for public bids

J. **Resolution No. 22-0909** - Authorization to reject bids for janitorial services and authorizing substantial revisions of the specifications and the readvertisement and acceptance of proposals.

K. **Resolution No. 22-0910** - Authorization to appoint an Acting Chief of Police

- L. **Resolution No. 22-0911** - Authorization to enter into a Developer's Agreement with Allaire Senior Apartments, LLC to construct age restricted rental buildings consisting of 27 apartments which shall be made affordable to low- and moderate-income households located on Block 240 Lot 54 -2538 Belmar Boulevard

7. **Committee Reports:**

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

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

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

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

- i. The second reading and public hearing of **ORDINANCE NO. 18-2022** AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL COUNTY OF MONMOUTH TO AMEND ABSENCES AND SEPARATION OF EMPLOYEES scheduled for September 28, 2022

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

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

- i. Authorization for the Municipal Clerk to advertise for public bids for an On-Call Water/ Sewer Contractor Annual Contract
- ii. Authorization for the Municipal Clerk to advertise for public bids for 2021-2022 repaving of various roads
- iii. Introduction an Ordinance 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

c. Reminders:

- i. The second reading and public hearing of **ORDINANCE NO. 17-2022** AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL COUNTY OF MONMOUTH AMENDING AND SUPPLEMENTING CHAPTER 171 OF THE TOWNSHIP CODE REGARDING REQUIREMENT FOR INSPECTION OF LEAD-BASED PAINT IN CERTAIN RESIDENTIAL DWELLINGS scheduled for September 28, 2022

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:

8. **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.

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

10. **Closing Comments from the Township Committee:**
11. **Resolution No. 22-0912** - Authorization to discuss matters in private session
Motion - Second – Roll Call Vote
12. **Return to Public Session and a Motion to Adjourn**
Motion - Second - Voice Vote - All in Favor

Draft

TOWNSHIP OF WALL

RESOLUTION NO. 22-0901

**CERTIFICATION OF TOWNSHIP FUNDS
AUGUST 29, 2022 THROUGH SEPTEMBER 14, 2022 IN THE AMOUNT OF
\$8,883,524.40**

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.

Kevin P. Orender, Mayor

Daniel Becht, Deputy Mayor

Timothy J. Farrell, Committeeman

Thomas M. Kingman, Committeeman

Erin M. Mangan, Committeewoman

TOWNSHIP OF WALL

RESOLUTION NO. 22-0902

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.

CONSTRUCTION		
NAME	REASON	AMOUNT
Craig Black	Permit Fee Refund	\$395.00

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 September 14, 2022

Roberta M. Lang, RMC
Township Clerk

TOWNSHIP OF WALL
RESOLUTION NO. 22-0903

AUTHORIZATION TO UTILIZE THE ENGINEERING SERVICES OF FRENCH & PARRELLO ASSOCIATES FOR PREPARATION OF A TOPOGRAPHICAL SURVEY OF THE MUNICIPAL PARKING LOT IN AN AMOUNT NOT TO EXCEED \$5,700.00

WHEREAS, Wall Township appointed French & Parrello Associates as consulting engineers for the 2022 calendar year; and,

WHEREAS, Wall Township desires to utilize the engineering services of French & Parrello Associates for a topographical survey of the Municipal parking lot; and,

WHEREAS, The Wall Township Engineer, Matthew Zahorsky, has reviewed the proposal submitted by French & Parrello Associates and is of the opinion that the Township should authorize payment for the topographical survey of the Municipal parking lot in an amount not to exceed \$5,700.00 (five thousand seven hundred dollars and zero cents).

NOW, THEREFORE, BE IT RESOLVED, the Wall Township Mayor is hereby authorized to execute an agreement, approved by the Township Attorney, with French & Parrello Associates on behalf of Wall Township for the preparation of a topographical survey of the Municipal parking lot at a cost not to exceed \$5,700.00 (five thousand seven hundred dollars and zero cents); and,

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

Certifications		
Township Clerk		
I, Roberta M. Lang, Municipal Clerk of the Township of Wall in the County of Monmouth and the State of New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Mayor and Committee of the Township of Wall in the County of Monmouth in the State of New Jersey at a meeting held on September 14, 2022.		
Roberta M. Lang, RMC Township Clerk		
Chief Financial Officer		
I, Thomas O'Hara, Chief Financial Officer of the Township of Wall, do hereby certify to the Township Committee of the Township of Wall that funds are available for the engineering services of French & Parrello Associates for a topographical survey of the Municipal parking lot.		
Thomas O'Hara, CFO Chief Financial Officer		
Capital		
Account	Description	Amount
C-04-19-000-002-003	Ordinance No. 13-2009	\$5,700.00

TOWNSHIP OF WALL

RESOLUTION NO. 22-0904

AUTHORIZATION TO APPOINT MEMBERS TO THE ENVIRONMENTAL ADVISORY COMMITTEE AND GREEN TEAM ADVISORY COMMITTEE

WHEREAS, pursuant to Township Ordinance the Environmental Advisory Committee shall consist of nine (9) members appointed by the Township Committee, all of whom shall be residents of the Township of Wall; and,

WHEREAS, the terms of office of all members the Environmental Advisory Committee shall be three (3) years and until the appointment and qualification of their successors; and,

WHEREAS, the Township Committee shall appoint three members for one (1) year, three members for two (2) years, and three members for three (3) years and the Township Committee shall appoint or reappoint members for three-year terms; and,

WHEREAS, pursuant to Resolution 12-411 the Township established the Green Team Advisory Committee to work in concert with and in support of the Environmental Advisory Committee; and,

WHEREAS, the Green Team Advisory Committee shall consist of twelve (12) members, who shall be Environmental Committee volunteers or employees of Wall Township and shall be residents of the Township and shall be appointed by the Township Committee.

WHEREAS, the Township Committee of the Township of Wall determined that it is necessary to fill a vacant seat on both the Environmental Advisory Committee and Green Team Advisory Committee.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Wall that the following appointments be and are hereby made to the Environmental Advisory Committee and Green Team Advisory Committee:

<u>REGULAR MEMBERS</u>	<u>LENGTH OF TIME</u>	<u>EXPIRING</u>
David Roberts	Appointed: 3-year term	12/31/2023

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

I, Roberta M. Lang, 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 September 14, 2022.

Roberta M. Lang, RMC
Township Clerk

TOWNSHIP OF WALL

RESOLUTION NO. 22-0905

AUTHORIZATION TO APPROVE CERTAIN PERSONNEL ACTIONS

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

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

NAME	DEPARTMENT/POSITION	SALARY	EFFECTIVE DATE
Michael Grantham	Police/ Part-Time- EMT	\$25.00/ hour	9/15/2022
Connor Prindiville	Police/ Part-Time- EMT	\$25.00/ hour	9/15/2022
Matthew Kimak	Police/ SLEO II	\$20.00/ hour	9/15/2022

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 M. Lang, Municipal Clerk of the Township of Wall in the County of Monmouth and the State of New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Mayor and Committee of the Township of Wall in the County of Monmouth in the State of New Jersey at a meeting held on September 14, 2022.

Roberta M. Lang, RMC
Township Clerk

TOWNSHIP OF WALL

RESOLUTION 22-0906

AUTHORIZATION FOR THE ADVERTISEMENT OF REQUEST FOR PROPOSALS FOR AMUSEMENT AND RIDE VENDOR FOR 2023 WALL FAIR

BE IT RESOLVED, by the Township Committee of the Township of Wall that the Township Clerk be and is hereby authorized to advertise for Request for Proposals for amusement and ride vendor for 2023 Wall Fair, RFPs to be received by the Township Clerk and open and read in public in the Wall Municipal Building, 2700 Allaire Road, Wall, New Jersey at the date and time established by the Township of Wall.

I, Roberta M. Lang, Clerk, of the Township of Wall, do hereby certify that the foregoing is a true copy of the Resolution adopted by the Township Committee of the Township of Wall at a Regular Meeting held September 14, 2022.

Roberta M. Lang, RMC
Township Clerk

**TOWNSHIP OF WALL
RESOLUTION NO. 22-0907**

**AUTHORIZATION TO RENEW A CONTRACT WITH PHILADELPHIA
INDEMNITY INSURANCE COMPANY FOR BLANKET ACCIDENT
INSURANCE COVERAGE FOR THE RECREATION DEPARTMENT AT A
PREMIUM COST OF \$6,492.00 FOR THE PERIOD OF SEPTEMBER 22, 2022
THROUGH SEPTEMBER 21, 2023**

WHEREAS, the Township of Wall is responsible for obtaining insurance coverage for various activities and operations undertaken by various Departments of the Township; and,

WHEREAS, the Township, through its insurance carrier, the Monmouth County Joint Insurance Fund (JIF), has determined that it is appropriate to obtain additional coverages for activities sponsored by the Wall Township Recreation Department; and,

WHEREAS, the Township desires to contract with Philadelphia Insurance Companies for additional coverage for the period September 22, 2022, through September 21, 2023; and,

WHEREAS, the Township has been advised that the premium for that coverage will be \$6,492.00 (six thousand four hundred ninety-two dollars) for the contract period of September 22, 2022 and September 21, 2023; and,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of Wall, County of Monmouth, New Jersey that the Township is authorized to contract with Philadelphia Insurance Companies and pay the premium of \$6,492.00 (six thousand four hundred ninety-two dollars) for additional insurance coverage for activities undertaken by the Wall Township Recreation Department and that the Mayor, Administrator, and the Municipal Clerk, are hereby authorized and directed to take such actions as are necessary to effectuate the provisions of this Resolution.

Certifications		
Township Clerk		
I, Roberta M. Lang, Municipal Clerk of the Township of Wall in the County of Monmouth and the State of New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Mayor and Committee of the Township of Wall in the County of Monmouth in the State of New Jersey at a meeting held on September 14, 2022.		
Roberta M. Lang, RMC Township Clerk		
Chief Financial Officer		
I, Thomas O'Hara, Chief Financial Officer of the Township of Wall, do hereby certify to the Township Committee of the Township of Wall that funds are available to pay the premium of \$6,492.00 (six thousand four hundred ninety-two dollars) for additional insurance coverage for activities undertaken by the Wall Township Recreation Department with Philadelphia Insurance Companies		
Thomas O'Hara, CFO Chief Financial Officer		
Trust		
Account	Description	Amount
T-17-56-860-001-323	Recreation Trust	\$6,492.00

TOWNSHIP OF WALL
RESOLUTION NO. 22-0908

AUTHORIZATION TO UTILIZE THE ENGINEERING SERVICES OF H2M ASSOCIATES, INC FOR PREPARATION OF DESIGN SERVICES, CONSTRUCTION DOCUMENT SERVICES, BID SPECIFICATIONS AND ASSISTING IN THE PUBLIC BIDDING PROCESS FOR A NEW SCADA (SUPERVISORY CONTROL AND DATA ACQUISITION SYSTEM) IN AN AMOUNT NOT TO EXCEED \$71,900.00 AND AUTHORIZATION FOR THE MUNICIPAL CLERK TO ADVERTISE FOR PUBLIC BIDS

WHEREAS, Wall Township appointed H2M Associates, Inc. as water/sewer engineers for the 2022 calendar year; and,

WHEREAS, Wall Township desires to utilize the engineering services of H2M Associates, Inc. for design services, construction document services, bid specifications and assisting in the public bidding process for a new SCADA (Supervisory Control and Data Acquisition System); and,

WHEREAS, the Wall Township Engineer, Matthew Zahorsky, has reviewed the proposal submitted by H2M Associates, Inc. and is of the opinion that the Township should authorize payment for design services, construction document services, bid specifications and assisting in the public bidding process for a new SCADA (Supervisory Control and Data Acquisition System) in an amount not to exceed \$71,900.00 (seventy-one thousand nine hundred dollars and zero cents).

NOW, THEREFORE, BE IT RESOLVED, the Wall Township Mayor is hereby authorized to execute an agreement, approved by the Township Attorney, with H2M Associates, Inc. on behalf of Wall Township; and,

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

Certifications		
Township Clerk		
I, Roberta M. Lang, Municipal Clerk of the Township of Wall in the County of Monmouth and the State of New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Mayor and Committee of the Township of Wall in the County of Monmouth in the State of New Jersey at a meeting held on September 14, 2022.		
Roberta M. Lang, RMC Township Clerk		
Chief Financial Officer		
I, Thomas O'Hara, Chief Financial Officer of the Township of Wall, do hereby certify to the Township Committee of the Township of Wall that funds are available to pay \$71,900.00 (seventy-one thousand nine hundred dollars and zero cents) for new SCADA (Supervisory Control and Data Acquisition System		
Thomas O'Hara, CFO Chief Financial Officer		
Capital		
Account	Description	Amount
C-08-55-583-000-100	Ordinance #17-2021	\$71,900.00

TOWNSHIP OF WALL

RESOLUTION NO. 22-0909

**AUTHORIZATION TO REJECT BIDS FOR JANITORIAL SERVICES AND
AUTHORIZATION TO SUBSTANTIAL REVISIONS OF THE SPECIFICATIONS
AND THE READVERTISEMENT AND ACCEPTANCE OF PROPOSALS**

WHEREAS, pursuant to N.J.S.A. 40A:11-1 et. seq., the Township of Wall advertised to solicit bids for janitorial services for the Township’s municipal buildings; and,

WHEREAS, the Township subsequently received five (5) proposals on July 7, 2022, at which time said bids were unsealed.

WHEREAS, the Township received proposals from the following:

Hudson Community Enterprises	\$116,000.00
United Cleaning Contractors, Inc.	\$181,380.00
United Services, Inc.	\$164,645.27
Best Cleaning Building Services, Inc.	\$111,600.00
One Total Cleaning Services, LLC	\$74,880.00

WHEREAS, the Proposal Documents provided that the Township could reject all proposals in part or in their entirety; and

WHEREAS, the Township has determined that it wishes to substantially revise the specifications and that it is necessary to reject all proposals pursuant to N.J.S.A. 40A:11-13.2 and to readvertise the request for proposals.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Wall hereby rejects all proposals submitted for Janitorial Services because the Township wishes to substantially revise the specifications and authorizes the readvertisement and acceptance of proposals for Janitorial Services.

BE IT FURTHER RESOLVED by the Township Committee of the Township of Wall that the Township Clerk is hereby authorized and directed to take whatever ministerial actions are necessary to effectuate the terms of this Resolution.

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 September 14, 2022.

Roberta M. Lang
Township Clerk

TOWNSHIP OF WALL

RESOLUTION NO. 22-0910

AUTHORIZATION TO APPOINT AN ACTING CHIEF OF POLICE

WHEREAS, there is currently a vacancy in the position of Chief of Police due to the retirement of Chief Kenneth Brown; and,

WHEREAS, Lieutenant Sean O'Halloran of the Wall Township Police Department has been determined to have the necessary skills and qualifications to fill the role of Acting Chief of Police until such time that a permanent Chief of Police is appointed by the Township Committee.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Wall that Lieutenant Sean O'Halloran is hereby appointed to the position of Acting Chief of Police effective on September 14, 2022; and,

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

I, Roberta M. Lang, 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 September 14, 2022.

Roberta M. Lang, RMC
Township Clerk

TOWNSHIP OF WALL

RESOLUTION NO. 22-0911

**AUTHORIZATION TO ENTER INTO A DEVELOPER'S AGREEMENT WITH
ALLAIRE SENIOR APARTMENTS, LLC TO CONSTRUCT AGE RESTRICTED
RENTAL BUILDING CONSISTING OF 27 APARTMENTS WHICH SHALL BE
MADE AFFORDABLE TO LOW- AND MODERATE-INCOME HOUSEHOLDS
LOCATED ON BLOCK 240, LOT 54 -2538 BELMAR BOULEVARD**

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" 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 construct an age-restricted rental building, consisting of 27 apartments units made affordable to low and moderate income households located at 2538 Belmar Boulevard, designated as Block 240, Lot 54 in the Township of Wall (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 Repose 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, the Township desires to enter into a Developer's Agreement with Allaire Senior Apartments, LLC, 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 a Developer's Agreement with Allaire Senior Apartments, LLC for the construction of an age-restricted rental building, consisting of 27 apartments units made affordable to low and moderate income households located at 2538 Belmar Boulevard, designated as Block 240, Lot 54 in the Township of Wall; 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 September 14, 2022.

Roberta Lang, RMC
Municipal Clerk

TOWNSHIP OF WALL

ORDINANCE NO. 17-2022

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 171 OF THE TOWNSHIP CODE REGARDING REQUIREMENT FOR INSPECTION OF LEAD-BASED PAINT IN CERTAIN RESIDENTIAL DWELLINGS

WHEREAS, the Township of Wall (the “Township”) maintains Chapter 171 entitled “Property Maintenance” of the Township Code, specifically the Property Maintenance Code; and,

WHEREAS, pursuant to P.L. 2021, c.182, all municipalities are required to inspect every single-family, two-family, and multiple rental dwelling located within the municipality on a recurring basis and at tenant turnover for lead-based paint hazards; and,

WHEREAS, the Township Committee determined it is in the best interests of Township residents to amend the Township Code at this time to require inspections for lead-based paint in certain residential rental dwellings to conform with the State law.

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

Section 1. The aforementioned recitals are incorporated in their entirety, as if restated herein.

Section 2. Chapter 171 of the Township Code, entitled “Property Maintenance” shall hereby be amended and supplemented, as follows:

Article VI. Lead-Based Paint Inspections.

§ 171-23. **Required Initial Inspection.** The owner, landlord and/or agent of every single-family, two-family, and/or multiple dwelling unit offered for rental shall be required to obtain an inspection of the unit for lead-based paint hazards within two years of the effective date of the law, July 2, 2022, or upon tenant turnover, whichever is earlier.

§ 171-24. **Required Recurring Inspection.** After the initial inspection required by Section 171-23, the owner, landlord and/or agent of such dwelling unit offered for rental shall be required to obtain an inspection of the unit for lead-based paint hazards every three years, or at tenant turnover, whichever is earlier, except that an inspection upon tenant turnover shall not be required if the owner has a valid lead-safe certification.

§ 171-25. **Standards.** Inspections for lead-based paint in rental dwelling units shall be governed by the standards set forth in N.J.S.A. 52:27D-437.1 et seq., and N.J.S.A. 55:13A-1 et seq., as may be amended from time to time.

§ 171-26. **Exceptions.** A dwelling unit in a single-family, two-family, or multiple rental dwelling shall not be subject to inspection and evaluation for the presence of lead-based paint hazards, or for the fees for such inspection or evaluation, if the unit:

- a. has been certified to be free of lead-based paint;

- b. was constructed during or after 1978; or
- c. is in a multiple dwelling that has been registered with the Department of Community Affairs as a multiple dwelling for at least 10 years, either under the current or a previous owner, and has no outstanding lead violations from the most recent cyclical inspection performed on the multiple dwelling under the “Hotel and Multiple Dwelling Law”, N.J.S.A. 55:13A-1, et seq.
- d. is a single-family or two-family seasonal rental dwelling which is rented for less than six months’ duration each year by tenants that do not have consecutive lease renewals; or
- e. has a valid lead-safe certification issued in accordance with N.J.S.A. 52:27D-437.16(d)(2).

§ 171-27. If lead-based paint hazards are identified, then the owner of the dwelling shall remediate the hazards through abatement or lead-based paint hazard control mechanisms in accordance with N.J.S.A. 52:27D-437.16(d). Upon the remediation of the lead-based paint hazard, the Township Code Enforcement Officer or designee, as may be applicable, or the owner's private lead inspector, shall conduct an additional inspection of the unit to certify that the hazard no longer exists.

§ 171-28. If no lead-based paint hazards are identified, then the Township Code Enforcement Officer or designee or the owner's private lead inspector shall certify the dwelling as lead safe on a form prescribed by the Department of Community Affairs, which shall be valid for two years and shall be filed with the Township’s Code Enforcement Officer. The Township Code Enforcement Officer shall maintain up-to-date information on inspection schedules, inspection results, tenant turnover and a record of all lead-free certifications issued pursuant to N.J.A.C. 5:17.

§ 171-29. In accordance with N.J.S.A. 52:27D-437.16(e), property owners shall:

- a. Provide evidence of a valid lead-safe certification and the most recent tenant turnover to the Township of Wall at the time of the cyclical inspection.
- b. Provide evidence of a valid lead-safe certification to new tenants of the property at the time of tenant turnover and shall affix a copy of such certification as an exhibit to the tenant's or tenants' lease.
- c. Maintain a record of the lead-safe certification which shall include the name or names of the unit's tenant or tenants if the inspection was conducted during a period of tenancy.

§ 171-30. Fees.

- a. Notwithstanding any other fees due pursuant to this Chapter, a fee in the amount of \$200.00 shall be paid for each lead-based paint inspection. Said fee shall be dedicated to meeting the costs of implementing and enforcing this subsection and shall not be used for any other purpose. Alternatively, a dwelling owner or landlord may directly hire a private lead evaluation contractor who is certified to provide lead paint inspection services by the Department of Community Affairs to satisfy the requirements of Section 171-23 in which case no additional Lead-Based Paint inspection fee shall be paid.
- b. The fee for the filing of a lead-safe certification or lead-free certification shall be \$50.
- c. In a common interest community, any inspection fee charged shall be the responsibility of the unit owner and not the homeowners' association, unless the association is the owner of the unit.

§ 171-31. **Violations and Penalties.** In accordance with N.J.S.A. 52:27D-437.19, the penalties for a violation of Article shall be as follows:

- a If a property owner has failed to conduct the required inspection or initiate any remediation efforts, the owner shall be given 30 days to cure the violation.
- b If the property owner has not cured the violation after 30 days, the property owner shall be subject to a penalty not to exceed \$1,000 per week until the required inspection has been conducted or remediation efforts have been initiated.

Section 3. Severability. If any section, paragraph, clause, or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, clause or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

Section 4. Repeal of Prior Ordinances. All ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

Section 5. Effective Date. This ordinance shall take effect after final passage and publication as provided by law.

Introduced: August 24, 2022

Adopted: September 28, 2022

Attest: _____

Roberta Lang, RMC
Township Clerk

Approve: _____

Kevin P. Orender
Mayor

SUMMARY AND NOTICE

TOWNSHIP OF WALL

ORDINANCE NO. 17-2022

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 171 OF THE TOWNSHIP CODE REGARDING REQUIREMENT FOR INSPECTION OF LEAD-BASED PAINT IN CERTAIN RESIDENTIAL DWELLINGS

Adoption of this ordinance will amend and supplement Chapter 171 of the Township code regarding requirement for inspection of lead-based paint in certain residential dwellings.

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 **August 24, 2022** and will further be considered for final passage and adoption at the Wall Township Municipal Building, 2700 Allaire Road, Wall, New Jersey, on **September 28, 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.

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

TOWNSHIP OF WALL

ORDINANCE 18-2022

AN ORDINANCE AMENDING THE TOWNSHIP CODE OF THE TOWNSHIP OF WALL BY AMENDING CHAPTER 33, ENTITLED "PERSONNEL POLICIES", ARTICLE 6 ABSENCES AND ARTICLE 7 SEPARATION OF EMPLOYEES

WHEREAS, the Township of Wall (the "Township") has previously adopted Chapter 33, Articles 6 and Article 7 of the Code of the Township of Wall establishing and governing rules on absences and separation of employees; and

WHEREAS, it is the policy of the Township of Wall to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations; and

WHEREAS, the Governing Body has determined that there is a need to amend Article 6 and Article 7 of Chapter 33 to ensure that employees and prospective employees continue to be treated in a manner consistent with these laws and regulations.

NOW, THEREFORE, BE IT ORDAINED by the governing body of the Township of Wall that Chapter 33 "Personnel Policies", Articles 6 and 7 of the Township Code of the Township of Wall entitled, "Absences" and "Separation of Employees" is hereby amended as follows (additions underscored, deletions struck-through):

§ 33-6 **Absences.**

The following regulations pertaining to absences from duty of employees are hereby established:

- A. Recording absences. Absences from duty shall be classified as "sick leave," "vacation leave," "personal leave," "bereavement leave," "leave without pay," or "other" and are to be so noted on the daily time reports. The reason for each absence listed on the time report as "other" will be noted thereon, with a statement as to whether or not the absence was approved by the department head. All absences for any reason are to be recorded and filed with the Personnel Coordinator.
- B. Notification of absence. Each employee must notify his immediate superior or department head of any absence from duty. If not possible to do so in advance of the working day, the report shall be made by telephone or otherwise, as early as possible on the day the employee is absent. If unable to contact his immediate supervisor or department head, the employee shall notify the Township Administrator. Employees on prolonged sick leave shall contact their supervisor weekly with updates of their condition.
- C. Leaves of absence. Leave of absence without pay may be requested by an employee, who shall submit in writing all facts bearing on the request, to his department head, who will append his recommendation, and forward the request to the Township Administrator for consideration by the Township Committee. Each case will be considered on its merits, and without establishing a precedent.
- D. Annual vacation. Annual vacation with pay is credited from date of employment and is authorized on the following basis: **[Amended 5-22-2013 by Ord. No. 13-2013; 12-28-2016 by Ord. No. 17-2016]**

- (1) No employee shall be entitled to any vacation time prior to the first anniversary of his date of employment unless authorized by resolution at the time of hire by the Township Committee upon the recommendation of the Township Administrator as a result of negotiations during the recruitment/hiring process of professional staff to fill a vacancy.
- (2) Effective January 1, 2017, new employees will be awarded vacation time on January 1 of the subsequent year after the date of hire. An employee hired between January 1 and July 1 shall receive 10 vacation days the subsequent January 1. An employee hired between July 2 and December 31 shall receive five vacation days the subsequent January 1 and another five vacation days July 1. They shall receive 10 vacation days every January 1 thereafter. Upon separation, all vacation time for that current year will be prorated.
- (3) During the calendar year in which time the fifth anniversary of his employment occurs, and thereafter, each employee shall be entitled to take 15 working days' vacation.
- (4) During the calendar year in which the 10th anniversary of his employment occurs, and thereafter, each employee shall be entitled to take 20 working days' vacation.
- (5) During the calendar year in which the 15th anniversary of his employment occurs, and thereafter, each employee hired before January 1, 1991, shall be entitled to take 25 working days' vacation.
- (6) During the calendar year in which the 20th anniversary date of his employment occurs, and thereafter, each employee hired before January 1, 1991, shall be entitled to take 30 working days' vacation.
- (7) Any employee hired during the month of December in any year shall be considered as being hired on the following January 1 for the purpose of computing vacation time. Except as indicated in Subsections **A** and **B** above, all vacation time may be scheduled during any part of the calendar year, subject to the needs of service in the discretion of the department head and on the basis of seniority.
- (8) Each employee must take his authorized annual vacation during each calendar year and shall not be permitted to accumulate the same from year to year, except that an employee who does not take vacation leave that accrues in a given year because of business demands shall be granted that accrued leave only during the following year. The Township Administrator will determine if business demands prevented an employee from taking vacation leave in a given year. Compensation in lieu of unused vacation time will not be allowed. Each employee shall submit a written request to the department head and each department head shall submit a written request to the Township Administrator for approval of the specific dates for the employee's annual vacation. Effective January 1, 2017, employees may carry over five vacation days to the subsequent year only if the employee was unable to take vacation leave that accrues in a given year because of business demands. The Township Administrator will determine if business demands prevented an employee from taking vacation leave in a given year. However, upon separation from Township employment, there will be no compensation made for any days carried from the prior year that remain unused.
- (9) Prepayment of vacation pay may be made to employees during the week preceding vacation, provided that a written request therefor, signed by the

department head, is received by the Personnel Department at least three weeks prior to the date the check is to be issued.

- (10) When an employee leaves the Township's employ and subsequently is reemployed, the date of reemployment is to be used as the employee's anniversary date with the Township for purposes of entitlement to vacation time.
- (11) When an employee is absent for any reason, except annual vacation or authorized personal days, for a period in excess of 20 consecutive working days, the amount of annual vacation days and personal and sick days earned by the employee during the year or years in which the absence occurs shall be reduced pro rata on the basis of the relationship between the number of working days the employee is absent to the number of working days in the year.
- (12) When an employee is absent, for any reason, in excess of six consecutive months, the employee's Township employment may be terminated by the Township Committee and, in such event, all benefits and other entitlements of Township employment shall cease.

E. Holidays.

- (1) The official holidays for all Township employees shall be:

New Year's Day

Birthday of Martin Luther King Jr.

Presidents' Day

Good Friday

Memorial Day

Independence Day

Labor Day

Columbus Day

Veterans Day

Thanksgiving Day

The day after Thanksgiving Day

Christmas Day

One additional holiday to coincide with each individual employee's birthday

- (2) Employees regularly scheduled to work on a holiday shall receive additional compensation at their straight time rate for the work period. When an official holiday occurs during an employee's vacation the employee is entitled to an additional day of vacation. When a holiday falls on a Saturday, the prior Friday shall be observed. When a holiday falls on a Sunday, the succeeding Monday shall be observed.

F. Sick leave. **[Amended 5-12-2004 by Ord. No. 8-2004; 3-26-2014 by Ord. No. 4-2014; 12-28-2016 by Ord. No. 17-2016]**

- (1) Accumulation of sick leave.
 - (a) Sick leave with pay shall be credited to each permanent full-time employee on the basis of one (1) day per month of continuous service, for a total of twelve (12) days per year.
 - (b) All permanent full-time employees hired prior to May 21, 2010, with the exception of those covered by subsection (c), upon separation in good standing from service, shall be entitled to 1/2 day's pay, at the rate of pay in effect at the time of separation, for each full day of unused accumulated sick leave up to a maximum of 120 days' accumulated sick leave; provided, however, that the monetary compensation to be paid for unused accumulated sick leave shall not exceed \$7,500 per employee.
 - (c) In accordance with N.J.S.A. 40A:9-10.2, effective June 8, 2007 a high ranking employee in a position which is appointed by an elected public official with consent of the governing body will have unused sick time payout capped at \$7,500. This compensation shall be payable only at the time of retirement.
 - (d) In accordance with N.J.S.A. 40A:9-10.4, any employee hired after May 21, 2010 will have unused sick time payout capped at \$7,500. This compensation shall only be taken at the time of retirement. Employees will not be eligible for compensation for accrued unused sick leave in the event of separation or death.
 - (e) For all employees hired after January 1, 2017, the maximum compensation paid for unused sick days shall be \$5,000. This compensation shall be payable only at the time of retirement. Employees will not be eligible for compensation for accrued unused sick leave in the event of separation or death.
- (2) In all cases of reported illness or disability, the Township reserves the right to have a physician designated by the Township to examine and report on the condition of the patient-employee to the department head and Township Committee.
- (3) When the absence on account of illness or disability does not exceed two days, normally the employee's statement of the cause will be accepted without a supporting statement from his attending physician, although the Township may have any employee examined by a licensed physician at any time if it elects to do so. The Township also reserves the right to waive this requirement or to require the employee to be examined by a physician designated by the Township and to have the employee certified as fit for duty before the employee returns to work.
- (4) During protracted periods of illness or disability, the Township may require interim reports on the condition of the patient, at weekly or biweekly periods, from the attending physician and/or a physician designated by the Township. When under medical care, employees are expected to conform to the instruction of the attending physician if they wish to qualify for salary payment during such period of illness or disability. For the purposes of receiving disability insurance, this subsection shall be administered in accordance with § 33-12 of this chapter.
- (5) The Personnel Coordinator will receive updated attendance records for each employee in a format prescribed by the Township, upon which he/she will record the total sick leave. All absences will be maintained in these records,

and all sick leave earned and consumed or used for each completed continuous service year will be shown on this record. Employees having exhausted all of their sick leave will not receive any further sick leave or compensation in lieu thereof until same has been accumulated and earned by the employee's subsequent service.

- (6) Where employees have left the Township's employ and subsequently are reemployed, the date of reemployment is to be used as employees' service date with the Township for purposes of crediting sick leave.
- (7) Sick leave may be allowed for ordinary dental care and for the service of an oculist for normal eye care when such professional services are not readily available outside of work hours.
- (8) An employee who is certified as absent on account of a disability or accident caused in the usual hours of his employment and directly in the line of duty shall not have such absence charged against his sick leave.
- (9) Any employee on sick leave, and receiving his normal compensation, who, in addition, qualifies for payments under workers' compensation weekly benefits, shall during the period he is receiving such weekly benefits be entitled only to that portion of his regular salary which, with the workers' compensation payments, equal his normal salary.
- (10) Nothing contained herein shall be considered to be in derogation of or restrictive of any statute now in effect limiting the period during which Township employees may be compensated for leave on account of disability or of illness (such as N.J.S.A. 40:11-8 and 40:11-9, pertaining to the Police Department) but these provisions are to be construed and administered in conjunction therewith.
- (11) Any employee hired prior to May 21, 2010, who has completed at least 21 years of full-time employment with the Township and has filed a written letter of resignation or retirement with the Township Clerk which is to be effective in the second or third calendar year subsequent to when it was filed may file an election to have accumulated sick leave paid to the employee before separation under the following circumstances (high ranking employees as defined in N.J.S.A. 40A:9-10.2 shall not be eligible for this provision) :
 - (a) The election must be filed by December 1 of the calendar year preceding the first year within which payment is sought.
 - (b) The election must state whether payment is to occur over two or three years. Payment shall be made in equal payments.
 - (c) The value of a sick day will be calculated for the year in which the payment is made.
 - (d) In order to receive a payment in any year, the employee's employment must be and remain in good standing.
 - (e) The election may be made only once by any employee. If the employee does not retire as stated in the notice of election, those days for which the employee has already been paid shall be permanently subtracted from his or her sick leave entitlement.
 - (f) The election of payment is irrevocable. In the case of death of an employee

before the full payment provided for in the election, the remaining sums will be paid to the employee's estate.

- (g) As part of the election, and if the employee so indicates, in writing, at the time of the election, the amounts to be paid hereunder may be paid to the employee's deferred compensation account, to the extent provided by law.
- G. Family leave. In the case of an employee with a newly born or adopted child or a seriously ill family member, family leave may be granted pursuant to the provisions of the Family Leave Act, N.J.S.A. 34:11B-1 et seq.
- H. Jury duty. It is the public policy of this Township to encourage Township employees to perform all their duties and responsibilities of citizenship and accordingly if any Township employee is legally selected for jury duty, every effort shall be made to enable such employee to serve as juror. To that end the department heads of the Township government shall use every reasonable endeavor to aid the employee in performing jury duty. Each employee shall be paid for time served as juror in such amount as will compensate the employee for any loss sustained by the employee, being the difference between the amount of salary and jurors compensation for the days required in service as juror.
- I. Bereavement. In the event of a death in the immediate family of an employee (spouse, children, parents, brothers, sisters, grandparents, spouse's parents, or grandparents of spouse), the Township will grant a three-day leave of absence with pay to the employee. In the event of a death of any other relative, the Township will grant a one-day leave of absence with pay to the employee. If additional time is necessary in order to manage the affairs related to this death, the employee may utilize additional benefit time (i.e., sick, vacation, personal), up to a maximum of five days, with an explanation to be submitted to their respective department head. **[Amended 12-28-2016 by Ord. No. 17-2016]**
- J. Personal days. All Township employees, not covered by a collective bargaining agreement, shall be entitled to take up to four days off per year with pay so as to conduct those personal matters which can only be conducted on regular business days. The election of days to be taken shall be subject to advance approval by the employee's department head. Personal days shall not be accumulated from year to year.
- K. Military leave. **[Amended 3-9-2005 by Ord. No. 6-2005; 9-14-2005 by Ord. No. 26-2005]**
 - (1) Policy. It is the policy of the Township to prevent, to the extent practical, economic disruption to those employees who serve in the reserves of any component of the military service of the United States, or in the National Guard, who are called, as a result of such service, to a period of federal or state active duty.
 - (2) "Activated reservist" or "militia member" defined. As used in this section, "activated reservist" or "militia member" means any individual currently serving in the reserves of any branch of the United States Armed Services or in the organized State Militia consisting of the Air and Army National Guard, Naval Militia, and State Guard of New Jersey, or of any other state, who receives, pursuant to that service, orders to be engaged in a period of federal or state active duty.
 - (3) "Active duty" definitions.

- (a) "Federal active duty," as used in this section, means active duty and active duty for training as defined by state law, and, as ordered by the federal government, but does not include weekend drills.
- (b) "State active duty," as used in this section, means active duty and active duty for training as defined by state law, and, as ordered by the state government, but does not include weekend drills.
- (4) Differential pay. Following exhaustion of any statutory entitlements to full Township pay, an activated reservist or militia member shall be entitled to differential pay as follows:
 - (a) Differential pay calculated. Upon presentation of the orders to federal active duty or state active duty of the activated reservist or militia member to the Township, the Township shall calculate the amount necessary to be added to that employee's military pay over the course of his entire activation which, when added to the military pay, will equal what the activated reservist or militia member would have received had he been paid at the municipal salary for that period. In determining that amount, the Township shall not include the amount of the military pay received by the employee during the period of statutory entitlement to both military and municipal pay in any and all calendar years that the entitlement arises.
 - (b) Differential pay procedure. Once the above amount is calculated, upon exhaustion of the period provided by statute for both municipal and military pay, the Township shall pay to the activated reservist or militia member the differential pay amount evenly divided among the pay periods from the close of the statutory period until either the end of the calendar year or the end of the activation, whichever is earlier. If the payments end at the close of the calendar year, they shall resume again once the new entitlement to both municipal and military pay in the new calendar year under statute expires, and the activated reservist or militia member would otherwise be receiving only the military pay. If the activation is for a longer or shorter period of time than anticipated, appropriate adjustment shall be made at the close of the activation to ensure the activated reservist or militia member receives what he or she would have received if the activation had not occurred. Such adjustment shall be accomplished by further payments or withholdings in the case of overpayment.
- (5) The Chief Financial Officer shall apply for reimbursement for any amounts of military pay the Township must expend if the Township is eligible for same pursuant to N.J.S.A. 52:13H-2.1 or any other state or federal law or regulation.
- L. Medical leave. Whenever an employee is unable, due to a medical disability, certified in writing to the Township Administrator by a physician licensed to practice in the State of New Jersey, to perform all of the duties and responsibilities of his or her Township employment, the employee shall be eligible for medical leave without pay for a period not to exceed six months.
- M. Effect and length of unpaid leaves of absence. During an unpaid leave of absence, an employee will not accumulate any leave, vacation time or other entitlements dependent upon length of service. If the absence of an employee on medical leave exceeds six months or the absence of an employee on family leave exceeds three months, the employee's position with the Township shall be deemed to be vacant and the employee's service with the Township terminated.

- N. No accrual of benefits during leave. During the utilization of unused leave of any kind prior to an employee's separation from service, the employee shall not accumulate any leave, vacation time or other benefits or entitlements based upon length of service.

§ 33-7 **Separation of employees.**

The following regulations shall apply to the separation of employee-employer relations between employees of the Township and the Township as employer:

- A. Separation from the service of the Township may result from voluntary resignation of the employee, regular or disability retirement of the employee, the death of an employee, or the termination of the employee's services for cause by the Township Administrator. **[Amended 12-28-2016 by Ord. No. 17-2016]**
- B. Upon receipt of a written resignation from an employee received by the department head, with a copy to the Township Administrator, at least two weeks prior to the resignation date, any employee hired prior to May 10, 2010, shall be entitled to receive his or her regular pay through date of termination, together with accumulated vacation leave and accumulated sick leave if the employee has been employed by the Township for a minimum of five years (high ranking employees as defined in N.J.S.A. 40A:9-10.2 shall not be eligible for this provision). All unused time shall be prorated based on the employee's separation date. Any payment for accumulated sick leave in retirement shall be in accordance with §33-6 (F)(1). Any employee hired after May 10, 2010, or high ranking employee as defined by N.J.S.A. 40A:9-10.2, who resigns is not eligible for compensation for accrued sick leave. **[Amended 3-9-2005 by Ord. No. 6-2005; 12-28-2016 by Ord. No. 17-2016]**
- C. In the case of separation from Township service by reason of retirement, if written notice of the employee's intention to retire is received by the department head, with a copy to the Township Administrator, at least 30 days prior to the effective date of retirement, the employee shall be entitled to receive pay for accumulated vacation leave, longevity pay, and accumulated sick leave, subject to the applicable provisions of this article. All unused time shall be prorated based on the employee's separation date. Payment for accumulated sick leave in retirement shall be in accordance with §33-6 (F)(1). **[Amended 12-28-2016 by Ord. No. 17-2016]**
- D. In the case of the death of an employee hired prior to May 10, 2010, the employees surviving beneficiary shall be entitled to receive compensation for the employee's accumulated vacation, pro rated longevity pay and accumulated sick leave without regard to the employee's length of service. Any employee hired after May 10, 2010, or high ranking employee as defined in N.J.S.A. 40A:9-10.2, is not eligible for payment for accumulated sick leave upon the death of the employee.
- E. In the case of an employee hired prior to May 10, 2010, who is terminated for cause, the Township reserves the right to deny the employee payment for accumulated vacation or sick leave or longevity pay, subject to the determination of the Township Administrator. Any employee hired after May 10, 2010, or a high ranking employee as defined in N.J.S.A. 40A:9-10.2, that is terminated is not eligible for compensation for accrued sick leave.
- F. The amount of accumulated vacation leave to which an employee shall be entitled upon separation from service pursuant to Subsections **B, C, D** and

- G. An employee who resigns shall tender his resignation in writing, at least two weeks prior to the requested effective date of the resignation, in order to provide sufficient time for appointing a successor. If at least two weeks' prior notice is not given to the Township, the Township reserves the right to deny the payment of accumulated leave or other benefits to the employee. Any employee hired after May 10, 2010, or a high ranking employee as defined in N.J.S.A. 40A:9-10.2, who resigns, is not eligible for compensation for accrued sick leave.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect after final passage and publication in accordance with applicable law.

Introduced: August 24, 2022

Adopted: September 28, 2022

Attest: _____
Roberta Lang, RMC
Township Clerk

Approve: _____
Kevin P. Orender
Mayor

SUMMARY AND NOTICE

TOWNSHIP OF WALL

ORDINANCE NO. 18-2022

**AN ORDINANCE AMENDING THE TOWNSHIP CODE OF THE
TOWNSHIP OF WALL BY AMENDING CHAPTER 33, ENTITLED
“PERSONNEL POLICIES”, ARTICLE 6 ABSENCES AND ARTICLE 7
SEPARATION OF EMPLOYEES**

Adoption of this ordinance will amend Chapter 33, entitled “personnel policies”, Article 6 absences and Article 7 separation of employees.

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 **August 24, 2022** and will further be considered for final passage and adoption at the Wall Township Municipal Building, 2700 Allaire Road, Wall, New Jersey, on **September 28, 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.

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