



Resolution of the Township of Freehold
Monmouth County, New Jersey

No: R-20-284

Date of Adoption: December 8, 2020

TITLE: RESOLUTION APPROVING CONSOLIDATED BILLS LIST

- - - RESOLUTION - - -

BE IT RESOLVED by the Township Committee of the Township of Freehold that the vouchers listed on the Consolidated Bills List, in the amount of \$10,061,685.55 dated December 8, 2020, as presented by the Township Treasurer/Chief Financial Officer, be paid from existing appropriations subject to adoption of resolution authorizing expenditures.

No. R-20-284

VOTE OF THE TOWNSHIP COMMITTEE							
COMMITTEEMAN	I	S	Y	N	NV	AB	
Mr. Ammiano							
Mr. Cook							
Mrs. Fasano							
Mr. Walker							
Mayor Preston							

I-Introduced By S-Seconded By X- Indicates Vote NV- Not Voting AB- Absent



Resolution of the Township of Freehold

Monmouth County, New Jersey

No: R-20-285

Date of Adoption: December 8, 2020

**TITLE: RESOLUTION ADOPTING THE MONMOUTH COUNTY
MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN**

- - - R E S O L U T I O N - - -

WHEREAS, the Township of Freehold, NJ, has experienced natural hazards that result in public safety hazards and damages to private and public property and;

WHEREAS, the hazard mitigation planning process set forth by the State of New Jersey and the Federal Emergency Management Agency offer the opportunity to consider natural hazards and risks, and to identify mitigation actions to reduce future risks and;

WHEREAS, the New Jersey Office of Emergency Management has provided federal mitigation funds to support development of an updated mitigation plan and;

WHEREAS, Multi-Jurisdictional Hazard Mitigation Plan has been developed by the County Office of Emergency Management and Mitigation Planning Committee and;

WHEREAS, the Multi-Jurisdictional Hazard Mitigation Plan includes a prioritized list of mitigation actions including activities that, over time, will help minimize and reduce safety threats and damage to private and public property and;

WHEREAS, the draft plan was provided to each participating jurisdiction through a website hosted by Michael Baker International, the contracted vendor assisting with the planning process. Links were also posted on the Emergency Management and Division of Planning websites to introduce the planning concept, to solicit questions and comments and to present the Plan and request comments, as required by law and;

NOW, THEREFORE BE IT RESOLVED by the Freehold Township Committee:

1. The Monmouth County Multi-Jurisdictional Hazard Mitigation Plan, as submitted on June 23, 2020 by the Monmouth County Office of Emergency Management to the New Jersey Office of Emergency Management and the Federal Emergency Management Agency and subsequently approved by both agencies on August 27, 2020, be and is hereby adopted as an official plan of the County or Monmouth; with the required yearly updates and minor revisions recommended by the Federal Emergency Management Agency and/or the New Jersey Office of Emergency Management may be incorporated without further action.
2. The Freehold Township Departments identified in the Plan are hereby directed to further pursue potential or suggested implementation of the recommended high priority activities that are assigned to their Departments.
3. Any action proposed by the Plan shall be subject to and contingent upon budget approval, if required, which shall be at the discretion of the (insert Municipality), and this resolution shall not be interpreted so as to mandate any such appropriation.
4. The Freehold Township Emergency Management Coordinator is designated to coordinate with other offices and shall periodically report on the activities, accomplishments and progress, and shall prepare an annual progress report to be submitted to the New Jersey Office of Emergency Management. The status reports shall be submitted on a yearly basis by a predetermined date agree upon by all stakeholders.

BE IT FURTHER RESOLVED that the Township Clerk shall forward a certified true copy of this Resolution to the Monmouth County Office of Emergency Management Coordinator and the Freehold Township Emergency Management Coordinator.

No. R-20-285

VOTE OF THE TOWNSHIP COMMITTEE							
COMMITTEEMAN	I	S	Y	N	NV	AB	
Mr. Ammiano							
Mr. Cook							
Mrs. Fasano							
Mr. Walker							
Mayor Preston							

I-Introduced By S-Seconded By X- Indicates Vote NV- Not Voting AB- Absent



Resolution of the Township of Freehold

Monmouth County, New Jersey

No: R-20-286

Date of Adoption: December 8, 2020

TITLE: RESOLUTION AUTHORIZING EXECUTION OF PARKING PERMIT AGREEMENT WITH PSD FREEHOLD LLC, HONDA OF FREEHOLD

- - - R E S O L U T I O N - - -

BE IT RESOLVED by the Township Committee of the Township of Freehold that the Mayor and Township Clerk are hereby authorized to execute a Parking Permit Agreement with PSD Freehold LLC, Honda of Freehold for commuter parking passes at the Schibanoff Lane commuter parking lot on the southbound side of Route 9;

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to PSD Freehold LLC, Honda of Freehold, Township Attorney and the Township Administrator.

No. R-20-286

VOTE OF THE TOWNSHIP COMMITTEE							
COMMITTEEMAN	I	S	Y	N	NV	AB	
Mr. Ammiano							
Mr. Cook							
Mrs. Fasano							
Mr. Walker							
Mayor Preston							

I-Introduced By S-Seconded By X- Indicates Vote NV- Not Voting AB- Absent



Resolution of the Township of Freehold

Monmouth County, New Jersey

No: R-20-287

Date of Adoption: December 8, 2020

TITLE: RESOLUTION APPROVING AMUSEMENT GAMES FOR I-PLAY AMERICA, L.L.C., BLOCK 70.10, LOT 2, JANUARY 1, 2021-DECEMBER 31, 2021

- - - R E S O L U T I O N - - -

WHEREAS, I-Play America, L.L.C. will be operating their business in Freehold Township; and,

WHEREAS, the State Office of Amusement Games Control requires that the governing body of the municipality wherein amusement games are to be located approve the proposed site of such amusement games;

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Freehold hereby approves of this site, namely Block 70.10, Lot 2, located on Schanck Road, for the proposed amusement games, subject to the specific approval of each individual game, wheel or ride by the New Jersey Office of Amusement Games Control, and compliance with all State, County and local regulations pertaining thereto; and,

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded by the Township Clerk to the following;

1. Joseph Chessere, NJ Office of Amusement Games Control
2. Paul Vitale, Construction Official
3. I-Play America, L.L.C.

No. R-20-287

VOTE OF THE TOWNSHIP COMMITTEE							
COMMITTEEMAN	I	S	Y	N	NV	AB	
Mr. Ammiano							
Mr. Cook							
Mrs. Fasano							
Mr. Walker							
Mayor Preston							

I-Introduced By S-Seconded By X- Indicates Vote NV- Not Voting AB- Absent



Resolution of the Township of Freehold

Monmouth County, New Jersey

No: R-20-288

Date of Adoption: December 8, 2020

TITLE: RESOLUTION AUTHORIZING AWARD OF A CONTRACT FOR WATER TESTING AND LABORATORY SERVICES FOR THE UTILITIES DEPARTMENT

- - - R E S O L U T I O N - - -

WHEREAS, the Township of Freehold has a need for water testing and laboratory services for the Utilities Department as a non-fair and open contract, pursuant to the provisions of N.J.S.A 19:44A-20.4 or 20.5 as appropriate; and,

WHEREAS, the Purchasing Agent has determined and certified in writing that the value of the anticipated acquisitions will not exceed that Township's bid threshold, but will exceed \$17,500.00 in vendor aggregation; and,

WHEREAS, the anticipated term of this contract is one year; and,

WHEREAS, Agra Environmental Services can supply the Township with water testing and laboratory services for the Utilities Department in an amount not to exceed \$40,000.00; and,

WHEREAS, Agra Environmental Services has completed and submitted a Business Entity Disclosure Certification which certifies that Agra Environmental Services has not made any reportable contributions to a political or candidate committee in the Township of Freehold, County of Monmouth, in the previous one year, and that the contract will prohibit Agra Environmental Services from making any reportable contributions through the term of the contract; and,

WHEREAS, the Director of Finance has certified funds are available in the following Budget Accounts, contingent upon the necessary funds being appropriated by the Governing Body in the 2021 Municipal Budget:

0-09-55-502-502-208 and 1-09-55-502-502-208 - Not to Exceed \$40,000.00

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Freehold herein authorizes a contract for water testing and laboratory services for the Utilities Department with Agra Environmental Services, Inc.;

BE IT FURTHER RESOLVED that certified copies of the within Resolution be forwarded to the Director of Finance, the Superintendent of Utilities, the Purchasing Agent and Agra Environmental Services.

No. R-20-288

VOTE OF THE TOWNSHIP COMMITTEE							
COMMITTEEMAN	I	S	Y	N	NV	AB	
Mr. Ammiano							
Mr. Cook							
Mrs. Fasano							
Mr. Walker							
Mayor Preston							

I-Introduced By S-Seconded By X- Indicates Vote NV- Not Voting AB- Absent



Resolution of the Township of Freehold

Monmouth County, New Jersey

No: R-20-291

Date of Adoption: December 8, 2020

TITLE: RESOLUTION APPROVING NEW YORK SMSA d/b/a (VERIZON WIRELESS) FACILITIES MODIFICATION APPLICATION FOR BLOCK 102, LOT 74, 359 ELY HARMONY ROAD, WCFMA-03-20

- - - R E S O L U T I O N - - -

WHEREAS, New York SMSA (Verizon Wireless) (the “Applicant”) has filed a Wireless Communication Facilities Modification Application dated September 21, 2020 together with plans prepared by ATC Tower Services, LLC, dated April 27, 2020, last revised November 17, 2020, (collectively, the “Application”), assigned Application No. WCFMA-03-20, in order to install certain upgrades on Block 102, Lot 74, 359 Ely Harmony Road in the Township of Freehold; and

WHEREAS, by memorandum dated October 12, 2020, revised November 30, 2020, from the Township Engineer to the Township of Freehold Governing Body, a copy of which is attached hereto as Exhibit A, the Township Engineer advised of no objection to the approval of the Application; and,

WHEREAS, the Application has been reviewed by the Township Attorney and found to be in compliance with Township Ordinance Section 190-172.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Freehold that Application WCFMA-03-20 is hereby approved.

BE IT FURTHER RESOLVED that a copy of this Resolution, certified by the Township Clerk to be a true copy, be forwarded to each of the following:

1. New York SMSA Limited Partnership, c/o Edward W. Purcell, Esq., 50 Tice Boulevard, Woodcliff Lake, New Jersey 07677
2. Township Engineer
3. Township Zoning Officer

No. R-20-291

VOTE OF THE TOWNSHIP COMMITTEE							
COMMITTEEMAN	I	S	Y	N	NV	AB	
Mr. Ammiano							
Mr. Cook							
Mrs. Fasano							
Mr. Walker							
Mayor Preston							

I-Introduced By S-Seconded By X- Indicates Vote NV- Not Voting AB- Absent



Resolution of the Township of Freehold
Monmouth County, New Jersey

No: R-20-292

Date of Adoption: December 8, 2020

TITLE: RESOLUTION OF THE TOWNSHIP OF FREEHOLD TO APPROVE AND ENDORSE THE ASSIGNMENT OF A DEVELOPMENT EASEMENT ON GIBSON FARMS, LLC, BLOCK 44, LOTS 4, 5, 6 AND 7 IN FREEHOLD TOWNSHIP TO THE MONMOUTH COUNTY AGRICULTURE DEVELOPMENT BOARD

- - - R E S O L U T I O N - - -

WHEREAS, the Monmouth County Agriculture Development Board is considering the purchase of a development easement on a property located in the Township of Freehold, more specifically identified as:

Gibson Farms, LLC: Block 44, Lots 4, 5, 6 and 7 in Freehold Township, comprising approximately 46.541 acres, with one 5.417-acre non-severable exception restricted to 2 single family residences, no agriculture labor housing units, and one single family residence on the net easement area

WHEREAS, the Township of Freehold (the "Township") holds a development easement on 46.541 acres of the Property in compliance with the terms of the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., P.L. 1983, c. 32 and N.J.A.C. 2:76; and

WHEREAS, said development easement was recorded as a Deed of Easement on September 11, 2020 in the Monmouth County Clerk's Office, in Deed Book OR-9440, Page 2585; and

WHEREAS, Freehold Township is using its Open Space Trust to fund this acquisition; and

WHEREAS, the Township of Freehold seeks to assign and the Monmouth County Agriculture Development Board seeks to purchase the Deed of Easement referenced above as authorized by Ordinances O-19-16 and O-19-20; and

WHEREAS, N.J.A.C. 2:76-17.13 requires the governing body to review applications for the purchase of development easements as a condition of receiving State Agriculture Development Committee grant funds; and

WHEREAS, the Township Committee of the Township of Freehold is aware of the restrictions on property protected from development as a result of the purchase of a development easement in accordance with the Right to Farm Act (N.J.S.A. 4:1C-1 et seq.) and the Agriculture Retention and Development Act (N.J.S.A. 4C:1-11 et seq.); and

WHEREAS, the Monmouth County Agriculture Development Board has established a policy of requiring local cost share commitment for all easement purchases; and

WHEREAS, the purchase price and certified market value of the agricultural easement is \$63,000 per acre for an estimated total consideration of \$2,932,083; and

WHEREAS, Township's cost share is anticipated to be 16.836% of the total consideration or \$10,606.71 per acre, to be based on the final survey payment acreage; and

WHEREAS, Freehold Township used an Installment Purchase Agreement (IPA) to pre-acquire the easement. The Township paid \$750,000 at closing and authorized an IPA for an amount not to exceed \$2,200,000. The interest shall be 2.10% per annum, and the installments shall be paid over 15 years from the date of closing, unless the Seller demands full payment of the balance at an earlier date with 180-days notice; and

WHEREAS, the Township Committee wishes to take advantage of this opportunity to preserve a piece of farmland that contributes to Freehold's bucolic character.

NOW, THEREFORE, BE IT RESOLVED that the Township of Freehold, County of Monmouth, State of New Jersey does hereby approve and endorse the assignment and purchase of a development easement on Block 44 Lots 4, 5, 6 and 7 in Freehold, comprising approximately 46.541 acres with one non-severable exception.

BE IT FURTHER RESOLVED that the Mayor and Township Clerk be and are hereby authorized to execute the agreement attached hereto, subject to the Township Attorney's review.

BE IT FURTHER RESOLVED that **two** certified copies of the Resolution be sent to the Monmouth County Agriculture Development Board office and one copy each to the Freehold Township Planning Board, Tax Assessor, Tax Collector and Township Attorney.

No. R-20-292

VOTE OF THE TOWNSHIP COMMITTEE							
COMMITTEEMAN	I	S		Y	N	NV	AB
Mr. Ammiano							
Mr. Cook							
Mrs. Fasano							
Mr. Walker							
Mayor Preston							

I-Introduced By S-Seconded By X- Indicates Vote NV- Not Voting AB- Absent



Resolution of the Township of Freehold

Monmouth County, New Jersey

No: R-20-293

Date of Adoption: December 8, 2020

TITLE: RESOLUTION AUTHORIZING THE EXECUTION OF THE FIRST AMENDMENT TO THE NOVEMBER 6, 2019 SETTLEMENT AGREEMENT BETWEEN THE TOWNSHIP OF FREEHOLD AND FAIR SHARE HOUSING CENTER CONCERNING THE TOWNSHIP'S MOUNT LAUREL FAIR SHARE OBLIGATIONS AND THE MEANS BY WHICH THE TOWNSHIP SHALL SATISFY SAME, IN THE MATTER OF THE TOWNSHIP OF FREEHOLD, COUNTY OF MONMOUTH, DOCKET NO. MON-L-6026-08

- - - R E S O L U T I O N - - -

WHEREAS, The New Jersey Supreme Court has mandated that each of the state's municipalities "must, by its land use regulations, make realistically possible the opportunity for an appropriate variety and choice of housing for all categories of people who may desire to live there, of course including those of low and moderate income." *S. Burlington Cnty. NAACP v. Twp. of Mount Laurel (Mount Laurel I)*, 67 N.J. 151, 179, 187, appeal dismissed, and cert. denied, 423 U.S. 808, 96 S. Ct. 18, 46 L. Ed. 2d 28 (1975); and,

WHEREAS, In 1983, the New Jersey Supreme Court reaffirmed the constitutional obligation that towns provide "a realistic opportunity for the construction of [their] fair share of the present and prospective regional need for low and moderate income housing." *S. Burlington Cnty. NAACP v. Twp. of Mount Laurel (Mount Laurel II)*, 92 N.J. 158, 205 (1983) (citing *Mount Laurel I*, supra, 67 N.J. at 174), (together with *Mount Laurel I*, the *Mount Laurel Doctrine*); and,

WHEREAS, The Legislature codified the *Mount Laurel Doctrine* in enacting the *Fair Housing Act*, N.J.S.A. 52:27D-301, et seq. ("the *Fair Housing Act*") and established the *Council on Affordable Housing ("COAH")* as the entity charged with implementing and administering the legislative mandates of the Act; and,

WHEREAS, COAH has not promulgated valid, effective rules since the *Second Round Rules* expired in 1999; and,

WHEREAS, pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (Mount Laurel IV), the Township filed the above-captioned matter on August 25, 2015 seeking, among other things, a judicial declaration that its Housing Element and Fair Share Plan (hereinafter “Fair Share Plan”), as may be further amended in accordance with the terms of this settlement, satisfies its “fair share” of the regional need for low and moderate income housing pursuant to the Mount Laurel; and,

WHEREAS, the Township simultaneously sought and ultimately secured an Order protecting it from all exclusionary zoning lawsuits while it pursues approval of its Fair Share Plan; and,

WHEREAS, the immunity secured by the Township remains in place as of the date of this Agreement; and,

WHEREAS, the Township filed a Declaratory Judgment Action as provided Mount Laurel IV, wherein the Township of Freehold sought a final Round 3 Judgment of Compliance and Repose which, among other things, (1) declares that the Township's amended Round 3 Housing Element and Fair Share Plan creates a realistic opportunity to satisfy its fair share of the regional need for housing affordable to the low and moderate-income households in Region 4 (Monmouth, Ocean, and Mercer Counties); and (2) grants the Township repose from all Mount Laurel lawsuits through July 2, 2025; and,

WHEREAS, the trial court appointed a “Special Master”, as is customary in a Mount Laurel case, to assist the Court, specifically, the Court appointed Philip B. Caton, P.P., A.I.C.P. to serve as the Special Master, who was succeeded upon his retirement by Kendra Lelie, P.P., A.I.C.P., A.S.L.A.; and,

WHEREAS, one (1) Intervenor, K. Hovnanian New Jersey Old GC, LLC and two (2) interested parties, Land Bank Freehold, LLC and Roseland Freehold, LLC, engaged in court ordered mediation sessions with the Township and understandings were reached at the mediation sessions resulting in agreements under which their projects shall provide inclusionary development as part of approval by the Affordable Housing Plan under this Agreement with Fair Share Housing Center (“FSHC”); and,

WHEREAS, with Mr. Caton and Ms. Lelie’s assistance, the Township and FSHC have engaged in good faith negotiations and have reached an amicable accord on the various substantive provisions, terms and conditions delineated herein; and,

WHEREAS, through that process, the Township and FSHC agreed to settle the litigation and to present that settlement to the trial court, recognizing that the settlement of Mount Laurel litigation is favored because it avoids delays and the expense of trial and results more quickly in the construction of homes for lower-income households; and,

WHEREAS, subsequent to entering the settlement the an Action in Lieu of Prerogative Writs was brought by Aspen Rt. 9, LLC, contract purchasers of the "Freeold Mall Site", challenging the designation of the site as an area in need of redevelopment; and,

WHEREAS, Aspen also objected to the inclusion of the site for the production of affordable housing; and,

WHEREAS, in light of these changes in circumstances the Township has negotiated an Amendment to the FSHC Settlement Agreement;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Freehold that the Mayor and Township Clerk are authorized to sign the First Amendment between the Township and FSHC, subject to final revisions and approval from the Township's Special Affordable Housing Attorney;

BE IT FURTHER RESOLVED, the Mayor, Township Clerk, Special Counsel and Township Attorney are further authorized to execute such other documents or agreements as are necessary to effectuate this settlement and dismissal of all pending litigation, which documents shall be in a form approved by the Township Attorney;

BE IT FURTHER RESOLVED by the Township Committee of the Township of Freehold that the Township Clerk is hereby authorized to forward a certified copy of the within Resolution to the Township Attorney, Special Counsel, Fair Share Housing Center, K.Hovnanian New Jersey Old GC, LLC, Land Bank Freehold, LLC and Roseland Freehold, LLC and M & M Properties, LLC.

No. R-20-293

VOTE OF THE TOWNSHIP COMMITTEE							
COMMITTEEMAN	I	S	Y	N	NV	AB	
Mr. Ammiano							
Mr. Cook							
Mrs. Fasano							
Mr. Walker							
Mayor Preston							

I-Introduced By S-Seconded By X- Indicates Vote NV- Not Voting AB- Absent



Resolution of the Township of Freehold

Monmouth County, New Jersey

No: R-20-294

Date of Adoption: December 8, 2020

TITLE: RESOLUTION - RENEWAL OF 2020-2021- LIQUOR LICENSE FOR CS FREEHOLD, LLC LICENSE #1316-33-002-006 (POCKET LICENSE)

- - - R E S O L U T I O N - - -

WHEREAS, CS Freehold, LLC, 930 California Ave, #104 Santa Monica, CA 90403, submitted the renewal application and appropriate fees for the renewal of the liquor license; and,

WHEREAS, the Division of Alcoholic Beverage Control has granted approval in the matter of application to Permit the Renewal of an Inactive License Pursuant to N.J.S.A. 33:1-12.39 for the 2020-2021 License Term for License #1316-33-002-006;

NOW, THEREFORE BE IT RESOLVED that the renewal of the liquor license for 2020-2021 for CS Freehold LLC, (Consumption) (Pocket) License 1316-33-002-006 is hereby approved.

BE IT FURTHER RESOLVED that the Township Clerk shall send certified copies of this Resolution to the following:

- A. Division of Alcoholic Beverage Control
- B. CS Freehold, LLC.
- C. Robert Munoz, Esq., Township Attorney
- D. Scott Hall, Freehold Township Police

No. R-20-294

VOTE OF THE TOWNSHIP COMMITTEE							
COMMITTEEMAN	I	S	Y	N	NV	AB	
Mr. Ammiano							
Mr. Cook							
Mrs. Fasano							
Mr. Walker							
Mayor Preston							

I-Introduced By S-Seconded By X- Indicates Vote NV- Not Voting AB- Absent