
HOLMDEL TOWNSHIP

OFFICE OF THE TOWNSHIP CLERK

TO: Mayor and Township Committee

FROM: Maureen Doloughty, RMC, Township Clerk

DATE: March 10, 2016

RE: **Agenda Items for the Meeting of March 15, 2016**

PLEASE NOTE: There will be a Closed Session beginning at 7:00 PM

Consent

1. The list of Bills Payable has been forwarded to you for review. The Resolution of Approval has been prepared.

2. The List of Purchases over \$3,500 is enclosed for your review.

3. Michelle Heaton has received the certification to be a Registrar. Barbara Kovelesky currently is the Township Registrar and Jeanette Larrison is the Deputy Registrar. The request is being made to appoint Michelle Heaton as the Deputy Registrar and Jeanette Larrison as Alternate Registrar.

4. Fire Fighter applications were received from Paul Fazio and Jon Iacono. The applications and background checks have been approved by the Police Department.

5. Ebury Fund 2 LP purchased several Tax Lien Certificates at Holmdel's Tax Sale on December 1, 2015; On December 4, 2015, the Tax Office received an affidavit and check for Lien #15-00014; Ebury's check #0669 in the amount of \$7,515.87 for subsequent property taxes was posted to this lien; On December 18, 2015, the Tax Office received an affidavit and check for Lien #15-00014; Ebury's check #0787 in the amount of \$10.56 for subsequent property taxes and check #0788 for \$310.12 for subsequent sewer charges were posted to this lien; The Tax Department recently discovered that Ebury Fund 2 LP mistakenly asked for and made subsequent tax and sewer payments to Lien #15-00014; Ebury Fund 2 LP is not the lien holder of this certificate. Therefore, the Tax Collector is requesting a Township resolution to issue a refund check to TFS as cust. for Ebury Fund 2 LP for \$7,836.55.

HOLMDEL TOWNSHIP

OFFICE OF THE TOWNSHIP CLERK

6. The Automated Teller Machine contract was bid for a period of one year with the option to renew for an additional four years. This is the second option year. The machine is placed in the lobby of the municipal building with a customer fee per transaction of \$3.00 of which the Township receives 10% of each transaction or \$.30.

7. The Township's current contract with US GovBid expires on March 18. US GovBid is a DCA approved auctioneer. The contract term is for a period of one year with the option to renew for an additional one year at the discretion of both parties. US GovBid receives a commission of 5.5% of total sales for conducting the auction. They do not charge a Buyer's Premium.

Hearings on Ordinances

8. Ordinance 2016-04 establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH's regulations and in accordance P.L.2008, c.46, Sections 8 and 32-38. Fees collected pursuant to this ordinance shall be used for the sole purpose of providing low- and moderate-income housing. This ordinance shall be interpreted within the framework of COAH's rules on development fees, codified at N.J.A.C. 5:97-8.

Attorney

9. The Township Committee held a Bond Default Hearing for the Hop Brook Subdivision at the meeting of March 1, 2016. It was determined at that time that the Developer was in default. The status of the subdivision infrastructure, curbing, drainage, paving, and the landscaping has not been installed. A Resolution declaring the Bond officially in default has been prepared.

As always, if you have questions or cannot attend the meeting, please call me at 732-946-2820.

Holmdel Township

4 CRAWFORDS CORNER ROAD
HOLMDEL, NEW JERSEY 07733

Tel: 732-946-2820

Fax: 732-946-0116

HOLMDEL TOWNSHIP COMMITTEE REGULAR MEETING

March 15, 2016

7:00 PM Executive Session

7:30 PM Open Session

Date

Time

Call meeting to order.

Statement to be read by Mayor:

I hereby announce that pursuant to Section 5 of the Open Public Meetings Act that adequate notice of this meeting has been provided in the notice which was sent to the Asbury Park Press, the Independent, and the Two River Times and posted on the bulletin board in Township Hall and filed in the Township Clerk's Office on January 9, 2016.

Roll Call:

	Present	Absent
Eric Hinds, Mayor	_____	_____
Gregory Buontempo, Deputy Mayor	_____	_____
Patrick Impreveduto, Committeeman	_____	_____
Joseph Ponisi, Committeeman	_____	_____
Thomas Critelli, Committeeman	_____	_____

Also Present:

E.G. Broberg, Engineer	_____	_____
Robert F. Munoz, Attorney	_____	_____
Donna Vieiro, Township Administrator	_____	_____
Jeanette Larrison, Chief Financial Officer	_____	_____
Maureen Doloughy, Township Clerk	_____	_____

Pledge of Allegiance and Moment of Silent Prayer

The Township Committee may adjust the order of the Agenda Items at their discretion

Township Committee Meeting – March 15, 2016

Resolution to Close Meeting – Action May be Taken in Public After
Adjournment

Chief Financial Officer

Clerk

Consent Agenda

1. Approve Bills Payable
2. Approve Purchases over \$3,500
3. Adopt Resolution Appointing Michelle Heaton as Township Deputy Registrar and Jeanette Larrison as Alternate Registrar
4. Approve Paul Fazio and Jon Iacono as Holmdel Township Firefighters
5. Adopt Resolution Refunding Subsequent Tax and Sewer Payments Posted to Block 52, Lot 19.02, CN 067
6. Adopt Resolution Exercising the Option to Renew the Automated Teller Machine Contract to WSILC, LLC
7. Adopt Resolution Exercising the Option to Renew the Contract with US GovBid

Hearings on Ordinances

8. AN ORDINANCE TO AMEND SECTION XIV TOWNSHIP OF HOLMDEL BY AMENDING THE AFFORDABLE HOUSING CONTRIBUTION REQUIREMENTS AND PROCEDURES IN ACCORDANCE WITH COUNCIL ON AFFORDABLE HOUSING REGULATIONS 2016-04

Clerk's Statement

Public Hearing

Motion to adopt on final reading and publish in the Asbury Park Press according to law.

Township Committee Meeting – March 15, 2016

Departments

Administrator

Professionals

Attorney

9. Adopt Resolution Declaring the Hop Brook Subdivision Bond in Default

Engineer

Boards/Committees

Business From the Committee

Public Portion – Agenda and Non-Agenda Items

Adjournment

BILLS PAYABLE RESOLUTION

BE IT RESOLVED by the Mayor and Township Committee of the Township of Holmdel that the claims listed below on the Schedule of Bills Payable on March 10, 2016 be and the same hereby are approved and the Chief Financial Officer is authorized to pay said claims.

FUND DISTRIBUTION	5-01	CURRENT FUND	\$ 25,035.79
FUND DISTRIBUTION	5-07	SWR	\$ 1,550.90
		Year Total:	\$ 26,586.69
FUND DISTRIBUTION	6-01	CURRENT FUND	\$ 146,256.30
FUND DISTRIBUTION	6-07	SWR	\$ 131,904.60
FUND DISTRIBUTION	6-12		\$ 7,444.09
FUND DISTRIBUTION	6-26	SWM	\$ 30,000.00
		Year Total:	\$ 315,604.99
FUND DISTRIBUTION	C-04	ORD	\$ 187,402.51
FUND DISTRIBUTION	D-02	Dog Trust	\$ 1,218.20
FUND DISTRIBUTION	G-02	ST/FED GRANT	\$ 52,824.35
FUND DISTRIBUTION	T-12	OTHER TRUSTS	\$ 6,933.33
FUND DISTRIBUTION	T-24	FAIR HOUSING	\$ 4,587.41
		Year Total:	\$ 11,520.74
		Total Of All Funds:	\$ 595,157.48
		Total of all Projects:	\$ 22,402.13

CERTIFICATION

I, Maureen Doloughy, Township Clerk of the Township of Holmdel do hereby certify this to be a true copy of a Resolution adopted by the Township Committee of the Township of Holmdel at a meeting held on March 15, 2016.

Maureen Doloughy, RMC
Township Clerk

Totals by Year-Fund Fund Description	Fund	Budget Rcvd	Budget Held	Budget Total	Revenue Total	G/L Total	Project Total	Total
CURRENT FUND	5-01	25,035.79	0.00	25,035.79	0.00	0.00	0.00	25,035.79
SEWER OPERATING	5-07	1,550.90	0.00	1,550.90	0.00	0.00	0.00	1,550.90
	Year Total:	26,586.69	0.00	26,586.69	0.00	0.00	0.00	26,586.69
CURRENT FUND	6-01	146,256.30	0.00	146,256.30	125.00	0.00	0.00	146,381.30
SEWER OPERATING	6-07	131,904.60	0.00	131,904.60	0.00	0.00	0.00	131,904.60
	6-12	7,444.09	0.00	7,444.09	0.00	0.00	22,402.13	29,846.22
POOL OPERATING ACCOUNT	6-26	30,000.00	0.00	30,000.00	0.00	0.00	0.00	30,000.00
	Year Total:	315,604.99	0.00	315,604.99	125.00	0.00	22,402.13	338,132.12
GENERAL CAPITAL	C-04	187,402.51	0.00	187,402.51	0.00	0.00	0.00	187,402.51
Dog Trust	D-02	1,218.20	0.00	1,218.20	0.00	0.00	0.00	1,218.20
STATE/FEDERAL GRANT FUND:	G-02	52,824.35	0.00	52,824.35	0.00	0.00	0.00	52,824.35
OTHER TRUSTS	T-12	6,933.33	0.00	6,933.33	0.00	0.00	0.00	6,933.33
FAIR HOUSING TRUST	T-24	4,587.41	0.00	4,587.41	0.00	0.00	0.00	4,587.41
	Year Total:	11,520.74	0.00	11,520.74	0.00	0.00	0.00	11,520.74
Total of All Funds:		595,157.48	0.00	595,157.48	125.00	0.00	22,402.13	617,684.61

Project Description	Project No.	Rcvd Total	Held Total	Project Total
SOMERSET INV HL	0S-00014	6,837.02	0.00	6,837.02
HOLMDEL TWSP/SPEC. FAIR HOUSING	0S-00022	50.00	0.00	50.00
HOLMDEL TOWNE CENTER-RELIEF	PB-HOLTMNC	2,426.21	0.00	2,426.21
MERIDIAN WOUND CARE	PB-MER WOU	201.41	0.00	201.41
TOLL NJ IX, L.P./HOMES	PB-TOLL NJ	1,723.73	0.00	1,723.73
TOLL NJ IX LP/TOWNSHOUSES	PB-TOLLTMN	84.35	0.00	84.35
PINNACLE HOPBROOK DEVEL. LLC	PEF-000204	147.72	0.00	147.72
BAYSHORE/MERIDIAN GENERATOR	PEF-000237	12.30	0.00	12.30
COUNTRYSIDE DEVEL./LAUREL AVE	PEF-000245	132.00	0.00	132.00
HOLM FIELDS 2 (FLEET LLC)	PEF-000246	466.00	0.00	466.00
HOLMDEL ROUTE 35 LLC (LUKOIL)	PEF-000249	810.14	0.00	810.14
TOLL BRO REGENCY Ph 1A TOWNHO	PEF-000250	4,726.35	0.00	4,726.35
TOLL BRO/RESERVE PH 1 HOMES	PEF-000254	4,025.30	0.00	4,025.30
JIAH CORP/EXXON/PALMER AV/DUNK	ZB-JIAH EX	154.60	0.00	154.60
NJ NATURAL GAS/REGULATOR SOLAR	ZB-NJNATGA	305.00	0.00	305.00
ROGAN, JAMES & CATHERINE	ZB-ROGAN J	300.00	0.00	300.00
Total of All Projects:		<u>22,402.13</u>	<u>0.00</u>	<u>22,402.13</u>

March 10, 2016
03:22 PM

TOWNSHIP OF HOLMDEL
Bill List By Vendor Id

Vendor # Name	PO # PO Date Description	Amount	Contract PO Type	Charge Account	Acct Type Description	Stat/chk	First Rcvd	Enc Date	Chk/Void	Invoice	1099
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MBMA0001 W.B. Mason Co., Inc.

16-00140	01/29/16 BLANKET PO FOR SUPPLIES										
	3 OFFICE SUPPLIES	110.09	B	6-01-25-240-240-302	B POL: Office Building & Grounds	R	01/29/16	03/07/16		I32236048	N
16-00232	02/02/16 Office Supplies 2016										
	2	573.79	B	6-01-20-100-100-110	B ADMIN: office supplies	R	02/02/16	02/29/16		I32099555	N
Vendor Total:		683.88									

WHPO0001 W.H. Potter & son

16-00621	02/25/16 Veh parts and equip.										
	1 Wedge as per invoice 221296	45.43		6-01-26-290-290-239	B RR&M: Vehicle/Equip/Mach Parts	R	02/25/16	03/09/16		221296	N
16-00622	02/25/16 Auto part										
	1 Auto part as per inv. 221300	26.41		6-01-26-315-315-299	B CRF: Automotive Parts and Supplies	R	02/25/16	03/09/16		221300	N
Vendor Total:		71.84									

WIRE0003 Wire Products, Inc.

16-00448	02/16/16 DPW Tools and Hardware										
	1 Snow Fence Ties as per quote	105.63		6-01-26-290-290-190	B RR&M: Tools & Hardware	R	02/16/16	03/04/16		144578	N
Vendor Total:		105.63									

WREG0001 Wright Line, LLC

15-03443	11/03/15 DUAL VERT MOUNT FOR MONITORS										
	1 DUAL VERT MOUNT FOR MONITORS	2,008.80		5-01-25-240-240-306	B POL: Computers	R	11/03/15	02/29/16		004089948	N
Vendor Total:		2,008.80									

XACT0001 XACT Solutions/XSI, Inc.

16-00638	02/26/16 LIB;Kyocera (2.1.16-2.1.17)										
	1 LIB;Kyocera (2.1.16-2.1.17)	562.00		6-01-29-390-390-231	B LIBR: Utility Chargebacks	R	02/26/16	03/07/16		20297-1	N
Vendor Total:		562.00									

Total Purchase Orders: 200 Total P.O. Line Items: 292 Total List Amount: 617,684.61 Total Void Amount: 0.00

BILLS PAYABLE RESOLUTION

BE IT RESOLVED by the Mayor and Township Committee of the Township of Holmdel that the claims listed below on the Schedule of Bills Payable on March 7, 2016 be and the same hereby are approved and the Chief Financial Officer is authorized to pay said claims.

FUND DISTRIBUTION	6-01	CURRENT	\$	60.00
FUND DISTRIBUTION	G-02	ST/FED GRANT	\$	2,527.04
Total Of All Funds:			\$	2,587.04

CERTIFICATION

I, Maureen Doloughty, Township Clerk of the Township of Holmdel do hereby certify this to be a true copy of a Resolution adopted by the Township Committee off the Township of Holmdel at a meeting held on March 15, 2016.

Maureen Doloughty, RMC
Township Clerk

New

Totals by Year-Fund Fund Description	Fund	Budget Total	Revenue Total	G/L Total	Total
CURRENT FUND	6-01	60.00	0.00	0.00	60.00
STATE/FEDERAL GRANT FUND:	G-02	2,527.04	0.00	0.00	2,527.04
Total of All Funds:		2,587.04	0.00	0.00	2,587.04

*may have already
given this one @
\$60 to you on
2/29 or 3/1 so
ignore it & use
this!*

Range of Checking Accts: CASH CLEARING to CASH CLEARING Range of Check Ids: 32495 to 32497
Report Type: All Checks Report Format: Detail Check Type: Computer: Y Manual: Y Dir Deposit: Y

Check #	Check Date	Vendor	Amount Paid	Charge Account	Account Type	Reconciled/Void Contract	Ref Num
PO #	Item	Description					Ref Seq Acct
32495	02/29/16	NJMO0001 NJ Motor Vehicle Commission					2324
16-00641	1	register Sweeper	60.00	6-01-26-290-290-101	Budget		1 1
				RR&M; Permits & MV Licenses			
32496	03/01/16	POST0002 Postmaster					2326
16-00577	1	Postage for brush/leaf flyer	1,452.04	G-02-41-701-100-011	Budget		2 1
				RECYCLING TONNAGE GRANT 2011(REC'D 2013)			
32497	03/01/16	TREC0005 TREC					2326
16-00575	1	Brush & Leaf Flyer Printing	1,075.00	G-02-41-701-100-011	Budget		1 1
				RECYCLING TONNAGE GRANT 2011(REC'D 2013)			

Report Totals	<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>
Checks:	3	0	2,587.04	0.00
Direct Deposit:	0	0	0.00	0.00
Total:	<u>3</u>	<u>0</u>	<u>2,587.04</u>	<u>0.00</u>

BILLS PAYABLE RESOLUTION

BE IT RESOLVED by the Mayor and Township Committee of the Township of Holmdel that the claims listed below on the Schedule of Bills Payable on March 7, 2016 be and the same hereby are approved and the Chief Financial Officer is authorized to pay said claims.

FUND DISTRIBUTION	6-01	CURRENT	\$	6,302.57
		Total Of All Funds:	\$	6,302.57

CERTIFICATION

I, Maureen Doloughy, Township Clerk of the Township of Holmdel do hereby certify this to be a true copy of a Resolution adopted by the Township Committee of the Township of Holmdel at a meeting held on March 15, 2016.

Maureen Doloughy, RMC
Township Clerk

March 7, 2016
09:50 AM

TOWNSHIP OF HOLMDEL
Check Register By Check Id

New

Totals by Year-Fund Fund Description	Fund	Budget Total	Revenue Total	G/L Total	Total
CURRENT FUND	6-01	6,302.57	0.00	0.00	6,302.57
Total of All Funds:		<u>6,302.57</u>	<u>0.00</u>	<u>0.00</u>	<u>6,302.57</u>

March 7, 2016
09:50 AM

TOWNSHIP OF HOLMDEL
Check Register By Check Id

Range of Checking Accts: CASH CLEARING to CASH CLEARING Range of Check Ids: 32606 to 32606
Report Type: All Checks Report Format: Detail Check Type: Computer: Y Manual: Y Dir Deposit: Y

Check #	Check Date	Vendor	Amount Paid	Charge Account	Account Type	Reconciled/Void	Ref Num
PO #	Item	Description				Contract	Ref Seq Acct
32606	03/04/16	WEXB0005 Wex Bank					2332
16-00739	1	FEB 29 Bill:a/c# 369-666-630-8	6,302.57	6-01-31-460-460-401	Budget		1 1
				GAS/OIL: TOWNSHIP & FACILITIES			

Report Totals	<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>
Checks:	1	0	6,302.57	0.00
Direct Deposit:	0	0	0.00	0.00
Total:	1	0	6,302.57	0.00

TOWNSHIP OF HOLMDEL

TOWNSHIP COMMITTEE AGENDA ITEM # 3

Meeting Date: March 15, 2016

Subject: Appointment of Deputy Registrar/Alternate

Submitted by: Barbara Kovelesky

Approved by:

RECOMMENDATION

It is recommended that the Township Committee approve the appointment of Michelle Heaton as the Township Deputy Registrar and Jeanette Larrison as Alternate Registrar.

PREVIOUS ACTION

BACKGROUND

FISCAL IMPACT

Attachments:

<u>For Internal Use</u>		
<i>Township Committee Action</i>		
Approve	Denied	Other
Comments: _____		

RESOLUTION

BE IT RESOLVED that in accordance with N.J.S.A. 26:8-11, Michelle Heaton be and hereby is appointed as Holmdel Township Deputy Registrar, and Jeanette Larrison be appointed as Alternate Registrar.

CERTIFICATION

I, Maureen Doloughy, Township Clerk of the Township of Holmdel do hereby certify this to be a true copy of a Resolution adopted by the Township Committee of the Township of Holmdel at a meeting held on March 15, 2016.

Maureen Doloughy, RMC
Township Clerk

TOWNSHIP COMMITTEE AGENDA ITEM # 4

Meeting Date: March 15, 2016

Subject: Holmdel Township Fire Fighter Approvals

Submitted by: Barbara Kovelesky

Approved by: Donna M. Vieiro, Township Administrator

RECOMMENDATION

It is recommended that the Committee approve fire fighter applications

PREVIOUS ACTION

BACKGROUND

Fire Fighter applications were received by Paul Fazio and Jon Iacono.

The applications, background checks and physicals have been approved by the Police Department.

FISCAL IMPACT

None

Attachments:

None

TOWNSHIP OF HOLMDEL

TOWNSHIP COMMITTEE AGENDA ITEM # 5

Meeting Date: March 15, 2016

Subject: Refund of Tax and Sewer Payments for Block 52, Lot 19.02, CN067 – 113 Richmond Court North

Submitted by: Jill Stone, Tax Office

Approved by: Jeanette M Larrison, CFO/CTC

RECOMMENDATION

Approve a resolution to refund subsequent tax and sewer payments posted to Lien #15-00014; Block 52, Lot 19.02, CN067 – 113 Richmond Court North

PREVIOUS ACTION

BACKGROUND

Ebury Fund 2 LP purchased several Tax Lien Certificates at Holmdel's Tax Sale on December 1, 2015.

On December 4, 2015, the Tax Office received an affidavit and check for Lien #15-00014; Ebury's check #0669 in the amount of \$7,515.87 for subsequent property taxes was posted to this lien.

On December 18, 2015, the Tax Office received an affidavit and check for Lien #15-00014; Ebury's check #0787 in the amount of \$10.56 for subsequent property taxes and check #0788 for \$310.12 for subsequent sewer charges were posted to this lien.

The Tax Department recently discovered that Ebury Fund 2 LP mistakenly asked for and made subsequent tax and sewer payments to Lien #15-00014; Ebury Fund 2 LP is not the lien holder of this certificate.

Therefore, I am requesting a Township resolution to issue a refund check to TFS as cust. for Ebury Fund 2 LP for \$7,836.55.

FISCAL IMPACT

None – The Lien Holder of Record will pay the amounts due resulting from this refund.

Attachments:

<u>For Internal Use</u>	
<i>Township Committee Action</i>	
Approve	Denied

RESOLUTION AUTHORIZING TRANSFER OF OVERPAYMENT OF TAXES

WHEREAS, Ebury Fund 2 LP, was the successful bidder on numerous liens at the 2015 Holmdel Township Tax Sale held on December 1, 2015; and,

WHEREAS, on December 4, 2015 the Township Tax Office received an affidavit and check #0669 in the amount of \$7,515.87 for subsequent tax payments for Lien 15-00014; and,

WHEREAS, on December 8, 2015 the Township Tax Office received an affidavit and check #0787 in the amount of \$10.56 for subsequent tax payments and check #0788 in the amount of \$310.12 for sewer payments for Lien 15-00014; and,

WHEREAS, these payments were posted to the respective accounts; and,

WHEREAS, the Township Tax Office discovered after the payments were posted that Ebury Fund 2 LP was not the owner of record for Lien 15-00014.

WHEREAS, a refund is now due and owing to Ebury Fund 2 LP as follows:

Tax refund	\$7,526.43
Sewer refund	<u>\$ 310.12</u>
Total Refund	\$7,836.55

NOW THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of Holmdel that the Tax Collector is hereby authorized to refund Ebury Fund 2 LP in the amount of \$7,836.55 for erroneous subsequent payments made on Lien 15-00014.

CERTIFICATION

I, Maureen Doloughty, Township Clerk of the Township of Holmdel do hereby certify this to be a true copy of a Resolution adopted by the Township Committee of the Township of Holmdel at the Regular Meeting held on March 15, 2015.

Maureen Doloughty, RMC
Township Clerk

TOWNSHIP OF HOLMDEL

TOWNSHIP COMMITTEE AGENDA ITEM # 6

Meeting Date: March 15, 2016
Subject: Option to Renew – ATM Services
Submitted by: Barbara Kovelesky
Approved by: Donna M. Vieiro, Township Administrator

RECOMMENDATION

It is recommended the Township Committee exercise the option to renew the Automated Teller Machine (ATM) Provider Services Contract to WSILC, LLC d/b/a Welsh ATM.

PREVIOUS ACTION

BACKGROUND

The contract was bid for a period of one year with the option to renew for an additional four years. This is the second option year. The machine is placed in the lobby of the municipal building with a customer fee per transaction of \$3.00 of which the Township receives 10% of each transaction or \$.30.

FISCAL IMPACT

The service generates revenue for the Township.

Attachments:

Resolution

<u>For Internal Use</u>		
<i>Township Committee Action</i>		
Approve	Denied	Other
Comments: _____		

Date Delegated: _____		
Signature: _____		

RESOLUTION
RENEWING CONTRACT

WHEREAS, on May 20, 2014 the Township of Holmdel awarded a contract for the placement of an ATM machine in the lobby of the municipal building for the term of one year; and

WHEREAS, said Resolution contained an option to renew the contract for an additional four years; and

WHEREAS, the contract was bid as a concession and the Township receives revenue based on the usage of the machine.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of Holmdel that a contract be awarded for ATM services in the municipal building in accordance with the terms of the resolution dated May 20, 2014.

CERTIFICATION

I, Maureen Doloughy, Township Clerk of the Township of Holmdel do hereby certify this to be a true copy of a Resolution adopted by the Township Committee of the Township of Holmdel at a meeting held on March 15, 2016.

Maureen Doloughy, RMC

Township Clerk

TOWNSHIP OF HOLMDEL

TOWNSHIP COMMITTEE AGENDA ITEM # 7

Meeting Date: March 15, 2016
Subject: Contract US GovBid - Online Auction
Submitted by: Barbara Kovelesky
Approved by: Donna Vieiro, Township Administrator

RECOMMENDATION

The Township has been utilizing the services of US GovBid for conducting our online auctions since 2008 and we have been very satisfied with their services.

It is recommended the Township Committee approve a 2016 contract with US GovBid for the purpose of conducting online auctions for the Full Service Option.

PREVIOUS ACTION

BACKGROUND

The Township's current contract with US GovBid expires on March 18. US GovBid is a DCA approved auctioneer. The contract term is for a period of one year with the option to renew for an additional one year at the discretion of both parties. US GovBid receives a commission of 5.5% of total sales for conducting the auction. They do not charge a Buyer's Premium.

FISCAL IMPACT

None

Attachments:

Resolution

<u>For Internal Use</u>		
<i>Township Committee Action</i>		
Approve	Denied	Other
Comments: _____		

Date Delegated: _____		
Signature: _____		

RESOLUTION

WHEREAS, the Township Committee of the Township of Holmdel has determined that certain equipment and vehicles owned or acquired by the Township are surplus property; and

WHEREAS, the Township is desirous of disposing of said property at public sale; and

WHEREAS, USGovBid receives a commission of 5.5% of the total sales for conduction the auction and they do not charge a Buyers Premium.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of Holmdel that US GovBid be and hereby is awarded the contract to conduct Holmdel Township's online auction for a one year term with the option to renew for an additional one year at the discretion of both parties.

BE IT FUTHER RESOLVED that a Legal Notice of this contract be published in the official newspaper of the Township of Holmdel.

CERTIFICATION

I, Maureen Doloughty, Township Clerk of the Township of Holmdel do hereby certify this to be a true copy of a Resolution adopted by the Township Committee of the Township of Holmdel at a meeting held on March 15, 2016.

Maureen Doloughty, RMC

Township Clerk

TOWNSHIP OF HOLMDEL

TOWNSHIP COMMITTEE AGENDA ITEM # 8

Meeting Date: March 15, 2016

Subject: Development Fee Ordinance

Submitted by: Maureen Doloughy

Approved by:

RECOMMENDATION

It is recommended that the Committee Adopt the Ordinance after the Public Hearing

PREVIOUS ACTION

BACKGROUND

Ordinance 2016-03 establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH's regulations and in accordance P.L.2008, c.46, Sections 8 and 32-38. Fees collected pursuant to this ordinance shall be used for the sole purpose of providing low- and moderate-income housing. This ordinance shall be interpreted within the framework of COAH's rules on development fees, codified at N.J.A.C. 5:97-8.

FISCAL IMPACT

None

Attachments:

Ordinance 2016-03

For Internal Use

Township Committee Action

Approve

Denied

Other

Comments:

TOWNSHIP OF HOLMDEL

AN ORDINANCE TO AMEND SECTION XIV TOWNSHIP OF HOLMDEL BY AMENDING THE AFFORDABLE HOUSING CONTRIBUTION REQUIREMENTS AND PROCEDURES IN ACCORDANCE WITH COUNCIL ON AFFORDABLE HOUSING REGULATIONS 2016-09-20

BE IT ORDAINED, by the Township Committee of the Township of Holmdel that the Land Development Ordinance of the Township of Holmdel is hereby amended as follows:

SECTION 1

Section 14 - Affordable Housing Contribution, is hereby amended in its entirety and replaced with the following:

- AFFORDABLE HOUSING CONTRIBUTION

I. Purpose

a) In *Holmdel Builder's Association v. Holmdel Township*, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 (the Act), N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's (COAH's) adoption of rules.

b) Pursuant to P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), COAH is authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of the Council or court of competent jurisdiction and have a COAH-approved spending plan may retain fees collected from non-residential development.

c) This ordinance establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH's regulations and in accordance P.L.2008, c.46, Sections 8 and 32-38. Fees collected pursuant to this ordinance shall be used for the sole purpose of providing low- and moderate-income housing. This ordinance shall be interpreted within the framework of COAH's rules on development fees, codified at N.J.A.C. 5:97-8.

II. Basic Requirements

a) This ordinance shall not be effective until approved by COAH pursuant to N.J.A.C. 5:96-5.1.

b) Holmdel Township shall not spend development fees until COAH has approved a plan for spending such fees in conformance with N.J.A.C. 5:97-8.10 and N.J.A.C. 5:96-5.3.

III. Definitions

a) The following terms, as used in this ordinance, shall have the following meanings:

i. "Affordable housing development" means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable development.

ii. "COAH" or the "Council" means the New Jersey Council on Affordable Housing established under the Act which has primary jurisdiction for the administration of housing obligations in accordance with sound regional planning consideration in the State.

iii. "Development fee" means money paid by a developer for the improvement of property as permitted in N.J.A.C. 5:97-8.3.

iv. "Developer" means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

v. "Equalized assessed value" means the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with sections 1, 5, and 6 of P.L.1973, c.123 (C.54:1-35a through C.54:1-35c).

The following residential fees shall be determined annually by resolution of the Township Committee, in accordance with N.J.A.C. 5:97-8.3, limited to the following:

IV. Residential Development Fees

a) Imposed fees

i. Within the all zoning districts, residential developers, except for developers of the types of development specifically exempted below, shall pay a fee up to one and a half (1.5%) percent of the equalized assessed value for residential development provided no increased density is permitted.

ii. When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a "d" variance) has been permitted, developers may be required to pay a development fee of up to six percent (6%) percent of the equalized assessed value for each additional unit that may be realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal up to one and a half (1.5) percent of the equalized assessed value on the first two units; and the specified higher percentage up to six (6) percent of the equalized assessed value for the two additional units, provided zoning on the site has not changed during the two-year period preceding the filing of such a variance application.

b) Eligible exactions, ineligible exactions and exemptions for residential development

i. Affordable housing developments, developments where the developer is providing for the construction of affordable units elsewhere in the municipality, and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.

ii. Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval.

A "substantial change" is a revision to an approved preliminary or final site plan or subdivision which meets any one (1) of the following limitations:*

- (a) Five (5) feet of improvements into any yard setback;
- (b) Five (5) feet in building height;
- (c) One (1) percent in floor area ratio;
- (d) One (1) percent in impervious coverage;
- (e) Five (5) feet in building spacing or location;
- (f) Three (3) parking spaces;
- (g) Five (5) feet in driveway locations;
- (h) One (1) percent in site disturbances;
- (i) Five (5) feet in lot line locations;
- (j) Any change in residential density;
- (k) Any new variances pursuant to N.J.S.A. 40:55D-70.c or d;
- (l) Any such change encumbered above shall not alter the percentage of low/moderate income housing in an approved project, if applicable.

* A substitution of similar landscaping material, lighting fixtures and signage is not a substantial change as long as there is no change in approved quantities or dimensions.

Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.

iii. Owner-occupied residential structures demolished and replaced as a result of a fire, flood, or natural disaster shall be exempt from paying a development fee.

iv. Single family structures new or renovated that result in no additional residential structures;

v. Public government agencies and schools, which are classified by the Tax Assessor as exempt from payment of property taxes (Property Classes 15A & 15C), shall be exempt from paying development fees.

V. Non-residential Development Fees

a) Imposed fees

i. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to two and one-half (2.5) percent of the equalized assessed value of the land and improvements, for all non-residential construction on an unimproved lot or lots.

ii. Non-residential developers, exempt for developers of the type of development specifically exempted, shall also pay a fee equal to two and one-half (2.5) percent of the increase in equalized value resulting from any additions to the existing structure to be used for non-residential purposes.

iii. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of two and one-half (2.5) percent shall be calculated on the difference between the equalized assessment value of the pre-existing land and improvement and the equalized assessed value of the newly improved structure, i.e., land and improvement, at the time final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.

b) Eligible exactions, ineligible exactions and exemptions for non-residential development

i. The non-residential portion of a mixed-use inclusionary or market rate development shall be subject to the two and a half (2.5) percent development fee, unless otherwise exempted below.

ii. The 2.5-percent fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.

iii. Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to P.L. 2008 c. 46, as specified in the Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" Form. Any exemption claimed by a developer shall be substantiated by that developer.

iv. A developer of a non-residential development exempted from the non-residential development fee pursuant to P.L. 2008 c. 46 shall be subject to it at such time the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.

v. If a property which was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by Holmdel Township as a lien against the real property of the owner.

VI Collection Procedures

a) Upon the granting of a preliminary, final or other applicable approval, for a development, the applicable approving authority shall direct its staff to notify the construction official responsible for the issuance of a building permit.

b) For non-residential development only, the developer shall also be provided with a copy of Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" to be completed

as per the instruction provided. The developer of a non-residential development shall complete Form N-RDF as per the instructions provided. The construction official shall verify the information submitted by the non-residential developer as per the instructions provided in the Form N-RDF. The Tax assessor shall verify exemptions and prepare an estimate and final assessments as per the instructions provided in Form N-RDF.

c) The construction official responsible for the issuance of a final certificate of occupancy notifies the local assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.

d) Within 90 days of receipt of tax notice, the municipal tax assessor, based upon the plans filed, shall provide an estimate of the equalized assessed value of the development.

e) The construction official responsible for the issuance of a final certificate of occupancy notifies the local assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.

f) Within 10 business days of a request for the scheduling of a final inspection, the municipal assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.

g) Should Holmdel Township fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in subsection b. of section 37 of P.L.2008, c.46 (C.40:55D-8.6).

h) The development fee shall be collected at the issuance of the certificate of occupancy.

e) Appeal of development fees

1) A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest bearing escrow account by Holmdel Township. Appeals from a determination of the Board may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

2) A developer may challenge non-residential development fees imposed by filing a challenge with the Director, of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest bearing escrow account by Holmdel Township. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

VI. Affordable Housing Trust Fund

a) There is hereby created a separate, interest-bearing housing trust fund to be maintained by the Chief Financial Officer for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.

b) The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:

1. payments in lieu of on-site construction of affordable units;
2. developer contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible;
3. rental income from municipally operated units;
4. repayments from affordable housing program loans;
5. recapture funds;
6. proceeds from the sale of affordable units; and
7. Any other funds collected in connection with Neptune Township's affordable housing program.

c) Within seven days from the opening of the trust fund account, Neptune Township shall provide COAH with written authorization, in the form of a three-party escrow agreement between the municipality, the bank, and COAH to permit COAH to direct the disbursement of the funds as provided for in N.J.A.C. 5:97-8.13(b).

d) All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities approved by COAH.

VII. Use of Funds

a) The expenditure of all funds shall conform to a spending plan approved by COAH. Funds deposited in the housing trust fund may be used for any activity approved by COAH to address the Neptune Township's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, rehabilitation, new construction of affordable housing units and related costs, accessory apartment, market to affordable, or regional housing partnership programs, conversion of existing non-residential buildings to create new affordable units, green building strategies designed to be cost saving and in accordance with accepted national or state standards, purchase of land for affordable housing, improvement of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, administration necessary for implementation of the Housing Element and Fair Share Plan, or any other activity as permitted pursuant to N.J.A.C. 5:97-8.7 through 8.9 and specified in the approved spending plan.

b) Funds shall not be expended to reimburse Neptune Township for past housing activities.

c) At least 30 percent of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30 percent or less of median income by region.

i. Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, and assistance with emergency repairs.

ii. Affordability assistance to households earning 30 percent or less of median income may include buying down the cost of low or moderate income units in the municipal Fair Share Plan to make them affordable to households earning 30 percent or less of median income.

iii. Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.

d) Holmdel Township may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:96-18.

e) No more than 20 percent of all revenues collected from development fees, may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20 percent of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with COAH's monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or action are not eligible uses of the affordable housing trust fund.

VIII. Monitoring

a) Holmdel Township shall complete and return to COAH all monitoring forms included in monitoring requirements related to the collection of development fees from residential and non-residential developers, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, barrier free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with Holmdel Township's housing program, as well as to the expenditure of revenues and implementation of the plan certified by COAH. All monitoring reports shall be completed on forms designed by COAH.

IX. Ongoing Collection of Fees

a) The ability for Holmdel Township to impose, collect and expend development fees shall expire with its substantive certification unless Holmdel Township has filed an adopted Housing Element and Fair Share Plan with COAH, has petitioned for substantive certification, and has received COAH's approval of its development fee ordinance. If Holmdel Township fails to renew its ability to impose and collect development fees prior to the expiration of substantive certification, it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to section 20 of P.L.1985, c.222 (C.52:27D-320). Holmdel Township shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its substantive certification or judgment of compliance, nor shall Holmdel Township retroactively impose a development fee on such a development. Holmdel Township shall not expend development fees after the expiration of its substantive certification or judgment of compliance.

SECTION 2

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

SECTION 3

This Ordinance shall be in full force and effect from and after its adoption and publication as may be required by law and upon approval by the Council on Affordable Housing.

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

Maureen Doloughy,
Municipal Clerk

Eric Hinds,
Mayor

LÉGAL NOTICE

The foregoing ordinance was introduced and passed on the first reading at a meeting of the Township Committee of the Township of Holmdel held on March 1, 2016 and will be considered for final passage and adoption at a meeting of said Township Committee to be held on March 15, 2016 at Township Hall, 4 Crawfords Corner Road, Holmdel, NJ at 7:30 PM at which time and place all persons desiring to be heard thereon will be given full opportunity.

Attest:
Maureen Doloughy, RMC
Township Clerk
(\$709,50)

Eric Hinds, Mayor

I, Maureen Doloughy, Township Clerk of the Township of Holmdel do hereby certify this to be a true copy of an Ordinance published in the Asbury Park Press on March 4, 2016.

Maureen Doloughy
Maureen Doloughy, RMC
Township Clerk

TOWNSHIP OF HOLMDEL

TOWNSHIP COMMITTEE AGENDA ITEM # 9

Meeting Date: March 15, 2016

Subject: Hop Brook Bond Default

Submitted by: Maureen Doloughy

Approved by:

RECOMMENDATION

It is recommended that the Committee adopt the Resolution

PREVIOUS ACTION

BACKGROUND

The Township Committee held a Bond Default Hearing for the Hop Brook Subdivision at the meeting of March 1, 2016. It was determined at that time that the Developer was in default. The status of the subdivision infrastructure, curbing, drainage, paving, and the landscaping has not been installed. A Resolution declaring the Bond officially in default has been prepared.

FISCAL IMPACT

None

Attachments:

Resolution

For Internal Use

Township Committee Action

Approve

Denied

Other

Comments: _____

RESOLUTION DECLARING DEFAULT OF HOP BROOK DEVELOPER, SUBDIVISION NO. 625, BLOCK 11, LOT 29.01, No. 2016-99

WHEREAS, Pinnacle Hop Brook Developers, LLC (hereafter "Developer") entered into a Subdivider's Agreement dated July 7, 2005 with the Township of Holmdel (hereafter "Township") in connection with the Hop Brook subdivision located on Holmdel Road, known as Block 11, Lot 29.01, bearing Subdivision No. 625; and

WHEREAS, in accordance with the subdivision approval, certain improvements were to be completed; and

WHEREAS, on June 28, 2005, Lincoln General Insurance Company (hereafter "Surety"), as Surety for the Developer, issued Performance Bond No. SUR012781 for site improvements, in the amount of \$1,579,061.52 on behalf of Developer, Pinnacle Hop Brook Developers, LLC, and Brian M. Stolar (hereafter "Co-Principal"); and

WHEREAS, said Performance Bond was issued in favor of the Township and provided that the Surety is jointly and severally liable to the Township with the Developer and Co-Principal for payment of the improvements specified in the Bond if the Developer and Co-Principal failed to construct same to the satisfaction of the Township; and

WHEREAS, on November 30, 2005, the Holmdel Township Committee adopted a Resolution reducing the amount of Performance Bond No. SUR012781 to \$815,228.71, and

WHEREAS, on April 23, 2009 said Performance Bond was further reduced to \$572,307.01, and on September 16, 2010 a Resolution was adopted by the Holmdel Township Committee additionally reducing said Performance Bond to \$541,433.70; and

WHEREAS, in addition to the Performance Bond, the Developer posted a cash performance guarantee for the improvements, the balance of which cash performance guarantee is \$60,413.90; and

WHEREAS, on December 9, 2010, the Holmdel Township Committee adopted a Resolution denying the Developer's request that the Township assume responsibility for street lighting and snow plowing; and

WHEREAS, on April 16, 2012 and April 24, 2013 (approximately seven years and eight years respectively, after project approval), the Holmdel Township Engineer forwarded letters to the Developer regarding the Township's concerns about the uncompleted improvements and requesting that the Developer contact him to arrange a meeting to discuss the matter; and

WHEREAS, on September 26, 2013, the Holmdel Township Engineer forwarded a letter to the Developer confirming the issues discussed in their telephone conversation on September 23, 2013 and outlining the items to be addressed; and

WHEREAS, on April 8, 2015, June 1, 2015 and July 14, 2015, the Holmdel Township Engineer forwarded letters to the Developer advising that the improvements still have not been completed; and

WHEREAS, on October 21, 2015, the Holmdel Township Engineer forwarded a letter to the Developer advising that a default hearing would be scheduled; and

WHEREAS, the Developer, Co-Principal and the Surety were notified on October 30, 2015 by both regular and certified mail that a hearing was scheduled for December 15, 2015 before the Township Committee to consider declaring the Developer in default of its subdivision approval, seeking recourse from the Developer, Co-Principal and the Surety, as well as declaring that the cash performance guarantees be forfeited to the Township; and

WHEREAS, at the Township Committee meeting of December 15, 2015, Charles Applebaum, Esq., the attorney for the Developer and Co-Principal, appeared and indicated that the Developer would cooperate with reaching an agreement to complete the subdivision; and

WHEREAS, the Holmdel Township Committee determined that the default hearing would be carried until March 1, 2016; and

WHEREAS, on January 6, 2016, the Holmdel Township Engineer forwarded a letter to the Developer expressing concern that he was not contacted by the Developer and requesting that the Developer contact his office; and

WHEREAS, on February 11, 2016, the Holmdel Township Engineer forwarded a reminder letter to the Developer that the default hearing will be on March 1, 2016 and that the Developer should attend the meeting to advise when the improvements would be completed; and

WHEREAS, the default hearing was held on March 1, 2016, with Charles Applebaum, Esq. appearing on behalf of the Developer and Co-Principal; and

WHEREAS, Mr. Applebaum was provided a copy of all exhibits to be offered as evidence in the hearing; and

WHEREAS, no one appeared on behalf of the Surety; and

WHEREAS, Edward Broberg, P.E. of T&M Associates, the Holmdel Township Engineer, was sworn and gave testimony describing the extensive history and attempts to get the Developer to complete the improvements, and authenticated various exhibits; and

WHEREAS, the following exhibits were marked into evidence before the Township Committee:

- Exhibit T-1 - Subdivider's Agreement recorded on August 16, 2005.
- Exhibit T-2 - Performance Bond No. SUR012781 in the amount of \$1,579,061.52.
- Exhibit T-3 - Resolution reducing performance guarantees dated November 30, 2005.
- Exhibit T-4 - Resolution further reducing performance guarantees dated April 23, 2009.
- Exhibit T-5 - Resolution further reducing performance guarantees dated September 16, 2010.
- Exhibit T-6 - Resolution denying request for Holmdel Township to assume site responsibilities for street lighting and snow plowing dated December 9, 2010.
- Exhibit T-7 - Letter dated April 16, 2012 from Township Engineer to Brant Reynolds, Pinnacle Companies, regarding the Township's concerns about completing the project.
- Exhibit T-8 - Letter dated April 24, 2013 from Township Engineer to Brant Reynolds, Pinnacle Companies advising that the Township would like the improvements completed by September 30, 2013.
- Exhibit T-9 - Letter dated September 26, 2013 from Township Engineer to Brian Stolar regarding their telephone conversation relating to uncompleted improvements.
- Exhibit T-10 - Letter dated April 8, 2015 from Township Engineer to Pinnacle Companies advising that uncompleted improvements should be completed by the end of the year since homes in subdivision are occupied, and further requesting a meeting to discuss the uncompleted improvements.
- Exhibit T-11 - Letter dated June 1, 2015 from Township Engineer to Pinnacle Companies requesting a meeting to discuss improvements.
- Exhibit T-12 - Letter dated July 14, 2015 from Township Engineer to Pinnacle Companies advising that no response to his previous correspondence was received and if there is no response to this letter within 10 days the matter will be discussed with the Township Committee.

- Exhibit T-13 - Letter dated October 8, 2015 from Township Engineer to Holmdel Township Clerk requesting this matter be discussed in executive session.
- Exhibit T-14 - Letter dated October 21, 2015 from Township Engineer to Pinnacle Companies advising that the Township Committee has agreed to schedule a default hearing but if the developer intends on completing the improvements before the default hearing, the developer should notify the Township.
- Exhibit T-15 - Letter dated October 30, 2015 from Township Attorney to Pinnacle Hop Brook Developers, LLC, Brian Stolar and Lincoln General Insurance Company advising of default hearing (sent via regular mail and certified mail, return receipt requested).
- Exhibit T-16 - White certified mail receipts stamped by United States Post Office on October 30, 2015.
- Exhibit T-17 - Original green return receipt cards for Pinnacle Hop Brook Developers and Brian Stolar (green return receipt cards were returned by post office but not signed by recipients).
- Exhibit T-18 - Original green return receipt card signed by Lincoln General Insurance Company.
- Exhibit T-19 - Letter dated January 6, 2016 from Township Engineer to Pinnacle Hop Brook Developers advising that a default hearing was commenced on December 15, 2015 and was attended by his attorney who indicated that the improvements would be done immediately. The letter further requested that the Township Engineer has not heard from the developer regarding completion of the improvements and the default hearing would be continued on March 1, 2016.
- Exhibit T-20 - Letter dated February 11, 2016 from Township Engineer to Pinnacle Hop Brook Developers advising that the default hearing will be continued on March 1, 2016 and representatives of Pinnacle should attend the hearing to advise when the improvements will be completed.
- Exhibit T-21 - 19 photos of site

All of the aforementioned exhibits are incorporated by reference herein as though specifically set forth and attached hereto; and

WHEREAS, litigation is necessary in order to enforce the Township's rights.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of Holmdel that based upon the exhibits and testimony, it finds that the Developer and Co-Principal have had many years to complete the improvements but made no attempt to fulfill that responsibility, therefore, the Developer and Co-Principal are in default of Developer's approval by reason of failing to complete the required improvements.

BE IT RESOLVED that formal demand is hereby made upon the Surety to remit to the Township the sum necessary to complete the improvements or to immediately make provision for completion of the improvements.

BE IT FURTHER RESOLVED that in the absence of the receipt of said sum from the Surety or a binding agreement from the Surety within thirty (30) days of the date hereof to complete the improvements, the Township Attorney is hereby authorized to initiate litigation against the Developer, Co-Principal and the Surety pursuant to the rights which the Township maintains.

BE IT FURTHER RESOLVED that the aforementioned cash performance guarantees posted by the Developer, are hereby declared forfeited and the Township Chief Financial Officer is directed at the end of the aforementioned (30) day period to transfer said cash performance guarantees, together with any interest which may have been earned thereon, to the appropriate Township account, unless otherwise instructed by the Township Attorney.

BE IT FURTHER RESOLVED that a copy of this Resolution certified by the Township Clerk to be a true copy be forwarded to Pinnacle Hop Brook Developers, LLC and M. Brian Stolar, 363 Bloomfield Avenue, Suite 2A, Montclair, New Jersey, 07042 by certified mail, return receipt requested; Charles Applebaum, Esq. (attorney for Developer and Co-Principal), 363 Bloomfield Avenue, Suite 2A, Montclair, New Jersey, 07042, by certified mail return receipt requested; Lincoln General Insurance Company, C/O Bob Griffith, Claims Specialist, P.O. Box 3709, York, Pennsylvania, 17402, by certified mail, return receipt requested; the Township Administrator, Township Engineer, Township Chief Financial Officer, Township Construction Official and the Township Attorney.

CERTIFICATION

I, Maureen Doloughty, Township Clerk of the Township of Holmdel do hereby certify this to be a true copy of a Resolution adopted by the Township Committee of the Township of Holmdel at the Regular Meeting held on March 15, 2016.

Maureen Doloughty, RMC
Township Clerk