

ORDINANCE NO. O-15-14  
TOWNSHIP MEETING DATE - July 21, 2015

ORDINANCE AMENDING CHAPTER 232 (PEACE AND GOOD ORDER), SECTION 232-1 (DISORDERLY CONDUCT) OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF FREEHOLD, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

BE IT ORDAINED by the Township Committee of the Township of Freehold, County of Monmouth, State of New Jersey, as follows (additions are underlined, and deletions are in [~~brackets~~):

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Chapter 232, Peace and Good Order, is hereby amended as follows:

Section 232-1. Disorderly conduct.

A. - O. No change.

P. VIOLATIONS OF CONDITIONS OF DEVELOPMENT APPROVALS.

No person who is in possession of and/or the operator of property within the Township which has been the subject of a development application approval as evidenced by a written resolution of the Planning Board or of the Zoning Board of Adjustment, which resolution contains or references other documents or maps establishing conditions applicable to the continuing use of the property, shall violate any such conditions. In the event such conditions are violated, the person in possession or control of the subject property shall be issued a written notice of such violation. If such violation is not permanently discontinued or permanently remedied within ten (10) days of issuance of the notice of violation, a municipal summons may issue subjecting any party found guilty to the penalties set forth in Chapter I, Sections 1-3, 1-4, and 1-6 hereof.

II

All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

III

If any section, subparagraph, sentence, clause or phrase of this Ordinance shall be held to be invalid, such decision shall not invalidate the remaining portion of this Ordinance.

IV

This Ordinance shall take effect upon adoption and publication according to law.

**EXPLANATORY STATEMENT:**

This Ordinance prohibits any person who is in possession of and/or the operator of property within the Township which has been the subject of a development application approval which contains conditions applicable to the continuing use of the property, to violate of any such conditions and further provides the penalties for said violation.

ORDINANCE NO. O-15-15  
TOWNSHIP MEETING DATE - July 21, 2015

ORDINANCE AUTHORIZING PLACEMENT OF A REFERENDUM ON THE BALLOT AT THE NOVEMBER 3, 2015 GENERAL ELECTION RE: CONSOLIDATING THE ZONING BOARD OF ADJUSTMENT INTO THE PLANNING BOARD

BE IT ORDAINED by the Mayor and Township Committee of the Township of Freehold, County of Monmouth, State of New Jersey as follows:

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WHEREAS, the Municipal Land Use Law, specifically N.J.S.A. 40:55D-25c(2), allows the Township Governing Body, subject to voter referendum, to adopt an Ordinance to consolidate the Township's Zoning Board of Adjustment into the Township's Planning Board; and

WHEREAS, given that the level of activity before the Zoning Board of Adjustment and before the Planning Board has decreased substantially over the past several years and is not anticipated to increase back to levels which would require the existence of two (2) Boards, in large part due to the limitation on developable properties remaining within the Township; and

WHEREAS, consolidating the Zoning Board of Adjustment into the Planning Board will reduce expenses for the Township of maintaining two (2) separate Boards and employing separate professionals providing advice and services to each Board; and

WHEREAS, the statutory authority under which the Township may undertake such action limits the Township only to the choice of consolidating the Zoning Board of Adjustment into the Planning Board and does not allow the Township to integrate the membership of the two (2) Boards.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Freehold that the County Clerk include on the ballot for the General Election to be held on November 3, 2015 the following referendum question:

"Shall the Township Governing Body consider the adoption of an Ordinance which would consolidate the Township's Zoning Board of Adjustment into the Township's Planning Board?"

BE IT FURTHER ORDAINED that the County Clerk include the following Explanatory Statement which would accompany the referendum question on the ballot:

"A vote in favor of the referendum question will allow the Freehold Township Governing Body to consider the adoption of an Ordinance which would consolidate the Township's Zoning Board of Adjustment into the Township's Planning Board. If such Ordinance is adopted by the Governing Body, the expense of funding two boards should decrease and all development applications would then proceed before the Planning Board pursuant to the provisions of the Municipal Land Use Law, including all development applications which previously would have been made to the Zoning Board of Adjustment."

BE IT FURTHER ORDAINED that a copy of this Ordinance certified by the Township Clerk to be a true copy be immediately filed with the Monmouth County Clerk, together with the request that the referendum question and Explanatory Statement set forth above be placed upon the ballot for the General Election to be held November 3, 2015.

**PURPOSE OF ORDINANCE:**

This Ordinance authorizes the Monmouth County Clerk to place a referendum on the ballot for the next General Election, upon which the Township voters would determine whether to allow the Township Committee to consider adoption of an Ordinance to consolidate the Zoning Board of Adjustment into the Planning Board.

ORDINANCE NO. O-15-16

TOWNSHIP MEETING DATE – JULY 21, 2015

ORDINANCE AUTHORIZING THE LEASING OF CERTAIN CAPITAL EQUIPMENT BY THE TOWNSHIP OF FREEHOLD, NEW JERSEY, FROM THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY AND THE EXECUTION OF A LEASE AND AGREEMENT RELATING THERETO

BE IT ORDAINED by the Township Committee of the Township of Freehold, New Jersey (not less than two-thirds of all members thereof affirmatively concurring) as follows:

Section 1. Pursuant to Section 78 of the County Improvement Authorities Law, N.J.S.A. 40:37A-44, et seq., the Township of Freehold (the “Municipality”) is hereby authorized to unconditionally and irrevocably lease certain items of capital equipment from The Monmouth County Improvement Authority (the “Authority”) pursuant to a Lease and Agreement, substantially in the form submitted to this meeting (the “Lease”), a copy of which is on file in the office of the Clerk to the Municipality. The Mayor is hereby authorized to execute the Lease on behalf of the Municipality in substantially such form as submitted to this meeting and with such changes as may be approved by the Mayor, which approval shall be conclusively evidenced by the execution thereof, and the Clerk to the Municipality is hereby authorized to affix and attest the seal of the Municipality.

Section 2. The following additional matters are hereby determined, declared, recited and stated:

- (a) In recognition of the fact that the lease payment of the Municipality under the Lease will be based, in part, on the amount of bonds issued by the Authority to finance the acquisition of the leased equipment and the interest thereon, the maximum amount of bonds which the Authority shall issued to finance the acquisition of the equipment to be leased to the Municipality shall not exceed \$1,350,000 and the interest rate on said bonds shall not exceed five and fifty hundredths percent (5.50%) per annum;
- (b) The items to be leased from the Authority shall be as set forth in Schedule A hereto; provided that the Mayor or any authorized municipal representative (as defined in the Lease) may substitute or add items of equipment in accordance with the provisions of the Lease; and
- (c) The lease term applicable to a particular item of leased equipment shall not exceed the useful life of such item.

Section 3. This ordinance shall take effect twenty (20) days after the first publication thereof after final adoption as provided by law.

**SCHEDULE A - EQUIPMENT LIST**

**Township of Freehold**

<u>Equipment</u>	<u>Useful Life (Years)</u>	<u>Lease Term (Years)</u>	<u>Estimated Cost</u>
(6) Pickup Trucks	5	5	\$ 150,000
(2) Single Axle Dump Trucks	5	5	360,000
(3) Mason Dump Trucks	5	5	115,000
Tractor	15	10	60,000
V-Box Sander	15	10	50,000
(2) Leaf machines	15	10	78,000
Street Sweeper	15	10	270,000
Bucket Truck	15	10	75,000
Grounds Master Cab/ Snow Attachments	15	10	<u>10,000</u>
			<b>\$1,168,000</b>

ORDINANCE NO. O-15-17

TOWNSHIP MEETING DATE – JULY 21, 2015

ORDINANCE AUTHORIZING THE GUARANTY BY THE TOWNSHIP OF FREEHOLD, NEW JERSEY, OR PAYMENT OF PRINCIPAL AND INTEREST ON THE CAPITAL EQUIPMENT LEASE REVENUE BONDS, SERIES 2015 (TOWNSHIP OF FREEHOLD BOARD OF EDUCATION PROJECT) OF THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY

BE IT ORDAINED by the TOWNSHIP COMMITTEE OF THE TOWNSHIP OF FREEHOLD, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. Pursuant to Section 80 of the County Improvement Authorities Law, N.J.S.A. 40:37A-44 et. seq., the Township of Freehold, New Jersey (the “Municipality”) is hereby authorized to unconditionally and irrevocably guaranty the punctual payment of the principal of and the interest on the Capital Equipment Lease Revenue Bonds, Series 2015 (Township of Freehold Board of Education Project) (the “Bonds”) of The Monmouth County Improvement Authority (the “Authority”) Outstanding (as that term is defined in the following described resolution) under the resolution of the Authority entitled “Capital Equipment Lease Revenue Bond Resolution (Township of Freehold Board of Education Project)” (the “Bond Resolution”) to be adopted in a form approved by counsel to the Municipality. The Authority plans to issue the Bonds to finance the acquisition and subsequent leasing of certain capital equipment to the Board of Education of the Township of Freehold (the “Board”) pursuant to a lease and agreement to be entered into by the Authority and the Board (the “Lease”). Such guaranty shall be given in accordance with the guaranty agreement (the “Guaranty Agreement”) between the Municipality and the Authority in substantially the form submitted to this Board, a copy of which is on file in the office of the Clerk of the Municipality, with such changes as may be approved by counsel to the Municipality. The Mayor is hereby authorized to execute the Guaranty Agreement on behalf of the Municipality in substantially such form as submitted hereto and with such changes as may be approved by the Mayor, and the Clerk of the Municipality is hereby authorized to attest such signature affixing the seal of the Municipality. All representatives, officials and employees of the Municipality are hereby authorized to enforce and to implement the Guaranty Agreement.

Section 2. The following additional matters are hereby determined, declared, recited and state:

- (1) The maximum principal amount of the Bonds of the Authority hereby and hereunder to be guaranteed as to payment of principal and interest shall not exceed the sum of the amount necessary to acquire the Board’s equipment as set forth in Schedule A which will be subject to the Lease and to pay the Board’s share of the costs of issuance, but in no event shall such principal amount exceed \$650,000.

- (2) The Bonds shall mature within eleven years of the date of issue.
- (3) The Bonds shall remain Outstanding to their respective stated maturity dates and the guaranty authorized herein shall remain effective until all Bonds shall have been paid in full in accordance with their terms notwithstanding the occurrence of any other event.
- (4) The guaranty authorized herein may be made and this ordinance may be adopted notwithstanding any statutory debt or other limitations, including particularly any limitation or requirement under or pursuant to the Local Bond Law, N.J.S.A. 40A:2-1, et. seq., but the principal amount of any Outstanding Bonds shall be included after their issuance in the gross debt of the Municipality for the purpose of determining the indebtedness of the Municipality under or pursuant to the Local Bond law. The principal amount of the Bonds included in the gross debt of the Municipality shall be deducted from the gross debt of the Municipality under and all for all the purposes of the Local Bond Law (a) from and after the time of issuance of the Bonds until the end of the fiscal year beginning next after the acquisition of the equipment to be financed from the proceeds of the Bonds and (b) in any Annual Debt Statement filed pursuant to the Local Bond law as of the end of such fiscal year or any subsequent fiscal year if the revenues or other receipts or moneys of the Authority in such year are sufficient to pay its expenses of operation and maintenance in such year and all amounts payable in such year on account of the principal of and the interest on all such Bonds, all bonds of the Municipality issued as provided under N.J.S.A. 40:37A-79 and all bonds of the Authority issued under the County Improvement Authorities Law.

Section 3. Upon payment of the principal of and the interest due on the Bonds by the Authority or by the defeasance of the Bonds pursuant to the Bond Resolution, the guaranty authorized herein will cease to exist and the gross debt of the Municipality shall be reduced to the extent that such Bonds cease to be Outstanding under the Bond Resolution.

Section 4. This ordinance shall take effect 20 days after the first publication thereof after final adoption in accordance with the County Improvement Authorities Law and the Local

Bond

Law.

**SCHEDULE A - EQUIPMENT LIST**

Township of Freehold Board of Education

<u>Equipment</u>	<u>Useful Life (Years)</u>	<u>Lease Term (Years)</u>	<u>Estimated Cost</u>
Cargo Van	5	5	\$ 25,000
Cutting Deck of John Deere Tractor	15	5	4,500
2-Stage Snow Blower for Deere Tractor	15	5	3,800
2-Stage Snow Blowers for Toro Polar Tractor	15	5	5,750
(4) Airdale HVAC Units	15	5	54,000
(2) 29 School Passenger Bus Vans	5	5	127,208
(4) 54 Passenger School Buses	5	5	<u>340,747</u>
			\$561,005

