

# FREEHOLD TOWNSHIP COMMITTEE AGENDA

## WORKSHOP MEETING

MARCH 7, 2023

8:00 P.M.

1. Announcement to Open Public Meetings Act:

“In accordance with the Open Public Meetings Act, this Meeting was announced on January 9, 2023 by posting a notice on the bulletin board in the Municipal Building reserved for that purpose, by forwarding such notice to the offices of the official newspapers of the Township and by filing such notice with the Township Clerk.”

2. Pledge of Allegiance
3. Roll Call
4. Approval of Previous Minutes
5. Report – ABC Social Affair Permit – Freehold Area Running Club Inc. – Michael J. Tighe Park – 65 Georgia Road – 3/19/23 – 10:00 a.m. - 2:00 p.m.

### NEW BUSINESS

- \* 6. R-23-54 – Resolution Authorizing Change Order No. 1, Declaring Acceptance and Final Payment of Contract 22-4, Rehabilitation of Well No. 9
- \* 7. R-23-55 - Resolution Approving Consolidated Bills List
- \* 8. O-23-3 – Ordinance Amending Chapter 190 (Land Use), Article I (General Provisions), Section 190-3 (Definitions) of the Revised General Ordinances of the Township of Freehold, County of Monmouth, State of New Jersey

\* Attachments

## **FORMAL ACTION – CONSENT AGENDA RESOLUTIONS**

Matters listed under the items of “Consent Agenda” are required to conduct the day-to-day operations of the Township and will be enacted by one (1) motion in the form listed below. There will be no separate discussion of these items. If discussion of any item is desired, that item will be considered separately.

- \* 9. R-23-56 – Resolution Consenting to Transfer of the Project at Block 83, Lot 9 and Assignment of Affordable Housing Agreement and Financial Agreement from Pirhl Developers, LLC to Freehold LIHTC Urban Renewal, LLC
- \* 10. R-23-57 – Resolution Consenting to the Transfer of Ownership of Freehold LIHTC Urban Renewal, LLC to Conifer Realty, LLC for the Development of Block 83, Lot 9
- \* 11. R-23-58 – Resolution Authorizing the Award of Contracts for Motor Vehicle Repair Services
- \* 12. R-23-59 – Resolution Authorizing Person-to-Person Transfer of Plenary Retail Consumption Liquor License No. 1316-33-017-004 (Pocket) from Ruby Tuesday Operations LLC to Freehold One, LLC

## **BOARD APPOINTMENTS**

- \* 13. Mayor’s Appointment  
Todd Rowohlt – Commissioner – Board of Parks and Recreation Commissioners -  
Unexpired term through 12/31/27
- \* 14. Township Committee Appointment  
Constance Roeder – Alternate 1 – Board of Parks and Recreation Commissioners –  
Unexpired term through 12/31/27
- \* 15. Township Committee Appointment  
John Meleo – Alternate 2 – Board of Parks and Recreation Commissioners –  
Unexpired term through 12/31/27

AUDIENCE  
TOWNSHIP COMMITTEE COMMENTS  
ADJOURNMENT

**7:00 P.M. – EXECUTIVE SESSION**

\* Open Public Meetings Act – Resolution R-23-E – Executive Session

1. PERSONNEL

1A. Staffing Changes

2. ATTORNEY-CLIENT PRIVILEGE

2A. Affordable Housing Agreement Change



*Resolution of the Township of Freehold*  
Monmouth County, New Jersey

No: R-23-54

Date of Adoption: March 7, 2023

**TITLE: RESOLUTION AUTHORIZING CHANGE ORDER NO. 1,  
DECLARING ACCEPTANCE AND FINAL PAYMENT OF  
CONTRACT 22-4, REHABILITATION OF WELL NO. 9**

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

WHEREAS, a Contract was awarded to A.C. Schultes, Inc. by Resolution R-22-72 on March 29, 2022 for the Rehabilitation of Well No. 9 in the amount of \$136,000.00; and,

WHEREAS, the Superintendent of Utilities, by memorandum dated February 28, 2023, recommends Change Order No. 1 in the amount of \$347.25, due to an increase in repair parts needed, increasing the total contract amount to \$136,347.25 and advises that all work on the above-referenced Project has been completed; and,

WHEREAS, A.C. Schultes, Inc. has submitted a one-year Maintenance Bond in accordance with the terms of the bid specifications; and,

WHEREAS, it is the intention of the Township Committee of the Township of Freehold to adopt the within Resolution only for the purposes described in N.J.S.A. 2A:44-132;

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Freehold, based on the above referenced recommendations, authorizes Change Order No. 1 in the amount of \$347.25, accepts the public project known as Contract 22-4 and authorizes final payment to A.C. Schultes, Inc.;

BE IT FURTHER RESOLVED that a certified copy of the within Resolution be forwarded to the Director of Finance, the Superintendent of Utilities, the Purchasing Agent and A.C. Schultes, Inc.

No. R-23-54

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

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-23-55

Date of Adoption: March 7, 2023

**TITLE: RESOLUTION APPROVING CONSOLIDATED BILLS LIST**

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

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 \$11,545,377.22 dated March 7, 2023 as presented by the Township Treasurer/Chief Financial Officer, be paid from existing appropriations subject to adoption of resolution authorizing expenditures.

No. R-23-55

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

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

ORDINANCE NO. O-23-3  
TOWNSHIP MEETING DATE – March 7, 2023

ORDINANCE AMENDING CHAPTER 190 (LAND USE), ARTICLE I (GENERAL PROVISIONS), SECTION 190-3 (DEFINITIONS) OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF FREEHOLD, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

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

I

Chapter 190 (Land Use), Article I (General Provisions), Section 190-3 (Definitions) is hereby amended to read as follow:

Section 190-3 Definitions.

- A. No change.
- B. As used in this chapter, the following terms shall have the meanings indicated:

BUILDING COVERAGE

The horizontal area measured within the outside of the exterior walls of all principal and accessory buildings on a lot.

~~{COVERAGE}~~

~~[A part of a lot covered by buildings.]~~

LOT COVERAGE

[The percentage of a lot occupied by buildings.] The percentage of the total lot area which is covered by impervious surfaces, principal buildings, and accessory buildings and uses.

IMPERVIOUS SURFACE

A surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

- C. No change.

**NOTE TO CODIFIER: All other definitions under this Section remain the same.**



## 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 amends the definitions of Building Coverage and Lot Coverage, eliminates the definition of Coverage and adds a definition for Impervious Surface in Chapter 190-3 (Definitions).



# Resolution of the Township of Freehold

Monmouth County, New Jersey

No: R-23-56

Date of Adoption: March 7, 2023

**TITLE: RESOLUTION CONSENTING TO TRANSFER OF THE PROJECT AT BLOCK 83, LOT 9 AND ASSIGNMENT OF AFFORDABLE HOUSING AGREEMENT AND FINANCIAL AGREEMENT FROM PIRHL DEVELOPERS, LLC TO FREEHOLD LIHTC URBAN RENEWAL, LLC**

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

WHEREAS, on April 13, 2021, pursuant to Resolution No. 21-88, the Township of Freehold (“Township”) authorized the entry of an Affordable Housing Agreement with PIRHL Developers, LLC (“Developer”) for the development of Block 83, Lot 9 with approximately sixty (60) units of family rental housing, of which at least fifty percent (50%) will be set aside for low and moderate income housing, together with such other improvements as may be necessary; and

WHEREAS, on April 27, 2021, pursuant to Resolution No. 21-97, Township authorized the entry of a Financial Agreement between the Township and Developer pursuant to the New Jersey Housing and Mortgage Finance Agency Law of 1983, N.J.S.A. 55:14K-1 et seq. (the "HMFA Law"); and

WHEREAS, on August 19, 2021, the Planning Board of the Township memorialized Resolution No. 910-21, granting Developer preliminary major site plan to allow for construction of a multi-family residential development consisting of four (4) residential buildings containing a total of sixty (60) units, including a 50% set aside for very low, low and moderate income households, together with a community building, associated common amenity space, surface parking spaces, stormwater management structures and related site improvements (the “Project”); and

WHEREAS, Section 4.4 of the Affordable Housing Agreement requires the consent of the Township where there is a transfer in ownership of the Project; and

WHEREAS, Section 4.4 of the Affordable Housing Agreement also provides that the Township shall not unreasonably withhold consent to such a transfer if the transferee has sufficient experience or net worth to operate the Project in a manner satisfactory to the Township and that in the event of such transfer, the transferee agrees to keep all covenants and agreements contained in the Affordable Housing Agreement; and

WHEREAS, Section 4.4 of the Affordable Housing Agreement further permits the Developer to form one or more affiliated entities with the same majority ownership as the Developer to hold title or interest in the Project and further permits the Developer to assign the Agreement, in whole or in part, to such affiliated entities as a permitted transfer; and

WHEREAS, Section 7(a) of the Financial Agreement permits the Developer to form one or more affiliated entities with the same majority ownership as the Developer to hold title or interest in the Project and further permits the Developer to assign the Agreement, in whole or in part, to such affiliated entities as a permitted transfer; and

WHEREAS, Section 7(b) of the Financial Agreement permits the Project to be sold or all of or substantially all of the assets of the Developer to be transferred with the prior written consent of the Municipality, which consent shall not be unreasonably withheld, subject to all statutory and regulatory requirements and conditions applicable to the Project; and

WHEREAS, Section 7(b) requires prior written notice to the Township to assign the Financial Agreement to the successor entity and the successor entity must also assume the Agency Mortgage and qualify under HMFA Law or any successor thereto for the tax exemption provided by this Agreement; and

WHEREAS, the Developer intends to convey 100% of its interest in the Project to an affiliated urban renewal entity known as Freehold LIHTC Urban Renewal, LLC (the “Assignee”); and

WHEREAS, the Developer intends to assign the Affordable Housing Agreement, Financial Agreement and all rights to develop the Project pursuant to the Resolution to the Assignee; and

WHEREAS, the Assignee has sufficient experience and net worth to operate the Project in a manner satisfactory to the Township; and

WHEREAS, the Developer and Assignee acknowledge and agree that the Assignee will assume all conditions in the Affordable Housing Agreement, Financial Agreement and Resolution, the rights and obligations of Developer thereunder and be subject to all covenants and agreements contained therein; and

WHEREAS, the Developer and Assignee acknowledge and agree to assume the Agency Mortgage and further represents Developer qualifies under HMFA Law for the tax exemption provided by the Financial Agreement;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Freehold in the County of Monmouth, State of New Jersey that:

1. The Township hereby acknowledges and consents to the proposed transfer of the Project from PIRHL Developers, LLC to Freehold LIHTC Urban Renewal, LLC.

2. The Township further acknowledges and consents to the assignment of the Affordable Housing Agreement and Financial Agreement entered into between the Township and the Developer to Freehold LIHTC Urban Renewal, LLC, with Freehold LIHTC Urban Renewal, LLC assuming all conditions in the Affordable Housing Agreement, Financial Agreement and Resolution, the rights and obligations of Developer thereunder, and agreeing to be subject to all covenants and agreements contained therein.
3. This Resolution shall become effective immediately pursuant to law
4. A certified copy of this Resolution shall be forwarded to Peter R.Valesi, Michael Edwards, Esq., Andrew Ball, Esq., T. Andrew Thomas, Matthew Barbieri, David Burg-Pirhl Developers and Lara Schwager-Conifer Realty.

No. R-23-56

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

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-23-57

Date of Adoption: March 7, 2023

**TITLE: RESOLUTION CONSENTING TO THE TRANSFER OF OWNERSHIP OF FREEHOLD LIHTC URBAN RENEWAL, LLC TO CONIFER REALTY, LLC FOR THE DEVELOPMENT OF BLOCK 83, LOT 9**

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

WHEREAS, on April 13, 2021, pursuant to Resolution No. 21-88, the Township of Freehold (“Township”) authorized the entry of an Affordable Housing Agreement with PIRHL Developers, LLC (“PIRHL”) for the development of Block 83, Lot 9 with approximately sixty (60) units of family rental housing, of which at least fifty percent (50%) will be set aside for low and moderate income housing, together with such other improvements as may be necessary; and

WHEREAS, on April 27, 2021, pursuant to Resolution No. 21-97, Township authorized the entry of a Financial Agreement between the Township and Developer pursuant to the New Jersey Housing and Mortgage Finance Agency Law of 1983, N.J.S.A. 55:14K-1 et seq. (the “HMFA Law”); and

WHEREAS, on August 19, 2021, the Planning Board of the Township memorialized Resolution No. 910-21, granting Developer preliminary major site plan to allow for construction of a multi-family residential development consisting of four (4) residential buildings containing a total of sixty (60) units, including a 50% set aside for very low, low and moderate income households, together with a community building, associated common amenity space, surface parking spaces, stormwater management structures and related site improvements (the “Project”); and

WHEREAS, pursuant to Resolution No. 23-56, the Township authorized the conveyance of 100% of PIRHL's ownership interest in the Project to Freehold LIHTC Urban Renewal, LLC (the “Developer”) and further authorized the assignment of the Affordable Housing Agreement, Financial Agreement, Resolution and all rights to develop the Project to the Developer;

WHEREAS, PIRHL now wishes to transfer 100% of its ownership interests in Developer to Conifer Realty, LLC or a project-specific, wholly-owned subsidiary thereof (“Conifer”); and

WHEREAS, Section 4.4 of the Affordable Housing Agreement requires consent of the Township where there is a transfer in ownership of the Project; and

WHEREAS, Section 4.4 of the Affordable Housing Agreement provides that the Township shall not unreasonably withhold consent to such a transfer if the transferee has sufficient experience or net worth to operate the Project in a manner satisfactory to the Township and that in the event of such transfer, the transferee agrees to keep all covenants and agreements contained in the Affordable Housing Agreement; and

WHEREAS, Section 7(b) of the Financial Agreement permits the Project to be sold or all of or substantially all of the assets of the Developer to be transferred with the prior written consent of the Township, which consent shall not be unreasonably withheld, subject to all statutory and regulatory requirements and conditions applicable to the Project; and

WHEREAS, Section 7(b) further requires prior written notice to the Township to assign the Financial Agreement to a successor entity and that the successor entity must also assume the Agency Mortgage and qualify for tax exemption under HMFA Law; and

WHEREAS, PIRHL has provided correspondence noticing the Township of a transfer of its interests in Developer; and

WHEREAS, Conifer has sufficient experience and net worth to operate the Project in a manner satisfactory to the Township; and

WHEREAS, Conifer acknowledges and agrees that Conifer will assume all conditions in the Affordable Housing Agreement, Financial Agreement and Resolution, the rights and obligations of Developer thereunder, and be subject to all covenants and agreements contained therein; and

WHEREAS, Conifer acknowledges and agrees to assume the Agency Mortgage and further represents it qualifies under HMFA Law for the tax exemption provided by the Financial Agreement;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Freehold in the County of Monmouth, State of New Jersey that:

1. The Township hereby acknowledges and consents to the proposed transfer of 100% of the ownership interests in Developer from PIRHL to Conifer Realty, LLC.
2. Until the effective date of the transfer of interests in the ownership of Developer (the "Transfer"), the current ownership of Developer remains approved by the Township.
3. Prior to and upon the occurrence of the Transfer, all conditions, covenants and agreements of the Affordable Housing Agreement, Financial Agreement and Resolution, remain in full force and effect.



4. This Resolution shall become effective immediately pursuant to law.
5. A certified copy of this Resolution shall be forwarded to Peter R. Valesi, Michael Edwards, Esq., Andrew Ball, Esq., T. Andrew Thomas, Matthew Barbieri, David Burg-Pirhl Developers and Lara Schwager-Conifer Realty.

No. R-23-57

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

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-23-58

Date of Adoption: March 7, 2023

**TITLE: RESOLUTION AUTHORIZING THE AWARD OF CONTRACTS FOR  
MOTOR VEHICLE REPAIR SERVICES**

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

WHEREAS, the Township desires to create a uniform system which will provide for the rotation of qualified motor vehicle collision repair companies that can provide motor vehicle repair services for Township-owned motor vehicles on an as-needed basis; and

WHEREAS, the utilization of a rotation of qualified companies shall allow the companies to proceed on an expedited basis and communicate directly with the Township's insurance company and adjuster, and shall provide an equitable basis for the distribution of such services; and

WHEREAS, the Township has a need to award non-fair and open contracts pursuant to the provisions of N.J.S.A. 19:44A-20.5 to the following three motor vehicle repair companies to be used on a rotating basis:

Accurate Auto Body, located at 201 Throckmorton Street, Freehold, NJ 07728  
Branning Auto Body, located at 98 Crow Hill Road, Freehold, NJ 07728  
Ken's Body Works, located at 111 Crow Hill Road, Freehold, NJ 07728; and

WHEREAS, each of the above noted entities has completed and submitted a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a political or candidate committee in the Township of Freehold in the previous one year, and that the contract will prohibit them from making any reportable contributions through the term of the contract, and

WHEREAS, the total cost to the Township for each of the above noted entities shall not exceed the bid threshold of \$44,000.00; and

WHEREAS, the term of this contract shall be through December 31, 2023; and

WHEREAS, the Township Chief Financial Officer has provided written certification of the availability of funds for the proposed contracts to the Township Committee;

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Freehold authorizes the Township Administrator to enter into contracts with Accurate Auto Body, Branning Auto Body and Ken's Body Works, which shall be designated as the three motor vehicle collision repair companies to be used on a rotating basis for the purpose of repairing Township owned vehicles;

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this Resolution;

BE IT FURTHER RESOLVED that the Township Clerk shall retain a copy of this Resolution, as well as a copy of the written contracts in the Office of the Township Clerk;

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. Accurate Auto Body
2. Branning Auto Body
3. Ken's Body Works
4. Township Administrator
5. Township Public Works Superintendent
6. Township Purchasing Agent
7. Township Chief Financial Officer

No. R-23-58

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

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-23-59

Date of Adoption: March 7, 2023

**TITLE: RESOLUTION AUTHORIZING PERSON-TO-PERSON TRANSFER OF PLENARY RETAIL CONSUMPTION LIQUOR LICENSE NO. 1316-33-017-004 (POCKET) FROM RUBY TUESDAY OPERATIONS LLC TO FREEHOLD ONE, LLC**

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

WHEREAS, an application has been filed by applicant Freehold One, LLC for a Person-to-Person transfer of Plenary Retail Consumption License Number No. 1316-33-017-004, heretofore held by Ruby Tuesday Operations, LLC. (In Pocket); and,

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and,

WHEREAS, notices of the transfer application were published as required by law and no objections were filed with Township Clerk; and,

WHEREAS, the New Jersey Division of Taxation has issued the required Transfer Tax Clearance Certification for the transfer; and,

WHEREAS, the applicant has disclosed and the issuing authority has reviewed the source of all funds used in the purchase of license and licensed business and all additional financing obtained in connection with the licensed business;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Freehold, as the Issuing Authority for the License, that:

1. The Person-to-Person transfer of Plenary Retail Consumption License No 1316-33-017-004 from Ruby Tuesday Operations, LLC ( In Pocket) to Freehold One, LLC License is hereby authorized and approved.

2. The Township Clerk shall endorse the respective current License Certificate to reflect the transfer hereby approved and shall hold the Certificate for the Plenary Retail Consumption License in Township's files until such time as a place to place transfer of that License is 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:

- a. Freehold One, LLC
- b. Anna Perna, Alcoholic Beverage Control Commission
- c. The Weingarten Law Firm LLC, Attorney for Freehold One, LLC
- d. J. Winowski, Freehold Township Police

No. R-23-59

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

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