

ORDINANCE O-24-11

AN ORDINANCE AUTHORIZING HOWELL TOWNSHIP TO ENTER INTO A LEASE WITH HOWELL TOWNSHIP FIRE DISTRICT #2, FOR THE PROVISION OF GROUND SPACE FOR THE RADIO COMMUNICATIONS TOWER

WHEREAS, the Township of Howell (the “Township”) and Township Fire Districts have undertaken a radio communications infrastructure improvement project (“Radio Project”); and

WHEREAS, as part of the Radio Project, the Township and Fire Districts were advised by the Township’s radio consultant that the location of a radio tower at Fire District #2’s property in Adelphia was vital to ensure the new communications system had adequate and complete radio coverage across the entire Township; and

WHEREAS, the radio tower to be constructed on Fire District #2’s property will be owned by the Township, and the primary function of the tower shall to be to service the Township’s emergency responders; and

WHEREAS, the Township and Fire District #2 desire to enter into a lease for the tower space, and have negotiated a de minimis lease amount of \$1 per year due to the primary function of the tower providing emergency services across the Township; and

WHEREAS, should private carriers utilize the tower in the future and need additional ground space for its’ operations, the parties shall negotiate additional compensation for Fire District #2 and enter into new ground leases as needed; and

WHEREAS, Fire District #2 is permitted to lease property to a municipality for nominal consideration pursuant to N.J.S.A. 40A:14-83 and the Township is permitted to enter into a long-term lease for ground space pursuant to N.J.S.A. 40A:12-15; and

WHEREAS, the governing body of the Township of Howell has determined that it is in the public interest for the Township to enter into a lease with Fire District #2 so as to construct and control the Township’s radio tower being built on Fire District #2’s property.

NOW THEREFORE, BE IT ORDANED by the Township Council of the Township of Howell, County of Monmouth and State of New Jersey, that:

SECTION 1. Pursuant to N.J.S.A. 40A:12-15 and N.J.S.A. 40A:14-83, the governing body of the Township of Howell hereby authorizes the Township to enter into a lease with Fire District #2 for nominal consideration.

SECTION 2. The Township Manager of the Township of Howell is hereby designated as the municipal official responsible for enforcement of the lease being authorized herein.

SECTION 3. The Mayor and Clerk are hereby authorized and directed to execute any and all such documents and undertake any and all such acts as necessary and prudent to effectuate to the terms of this ordinance, including the execution of a lease agreement and any renewal options, pursuant to the terms of the lease agreement and as approved by the Township Attorney as to form and substance.

SECTION 4. If any section, paragraph, subsection, clause or provision of this ordinance shall be adjudged by the Courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

SECTION 5. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 6. This Ordinance shall take effect upon passage.

NOTICE

Notice is hereby given that the foregoing Ordinance was introduced and passed on the first reading by the Township Council of the Township of Howell on April 16, 2024 and will be further considered for final passage and adopted at the Municipal Building, 4567 Route 9 North, Howell, New Jersey 07731 on May 7, 2024 at 7:00 O'clock P.M., or as soon thereafter as the matter can be reached on the agenda, at which time and place all persons interested therein shall be given an opportunity to be heard, and during the week prior to, and up to and including, the date of such meeting, copies of said Ordinance will be made available at the Clerk's office in the Township of Howell Municipal Building to the members of the general public who shall request same.

Introduction:

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Fischer		X	X			
Councilman Gasior	X		X			
Councilwoman O'Donnell			X			
Deputy Mayor Nadel			X			
Mayor Berger						X

I, Diane Festino, Municipal Clerk of the Township of Howell, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Mayor and Township Council, at its Meeting held April 16, 2024. WITNESS my hand this 17th day of April 2024.

Diane Festino
DIANE FESTINO, Municipal Clerk

Adoption:

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Fischer						X
Councilman Gasior	X		X			
Councilwoman O'Donnell		X	X			
Deputy Mayor Nadel			X			
Mayor Berger			X			

This is to certify that the foregoing Ordinance was adopted by the Township Council at a regular meeting of the Township of Howell held May 7, 2024.

Diane Festino

DIANE FESTINO, Municipal Clerk

Explanatory Statement: Authorizing Howell Township to Enter into a Lease With Howell Township Fire District #2, for the Provision of Ground Space for the Radio Communications Tower.