Monmouth, NJ RECORDER RECEIPT

Date:	10/6/2020		
For:	Archer & Greiner, P.C.		
Total:	\$230		
Entry #:	2020115700		
Receipt #:	2020115700		
County Recorder: ==M Claire French==			



Monmouth County Document Summary Sheet

	Transaction Identification Number 4	654837 4439572			
MONMOUTH COUNTY CLERK	Recorded Document to be Returned by Su	Recorded Document to be Returned by Submitter to:			
PO BOX 1251	ARCHER & GREINER, P.C.				
MARKET YARD	33 EAST EUCLID AVENUE				
FREEHOLD NJ 07728	HADDONFIELD, NJ 08033				
Official Use Only	Submission Date (mm/dd/yyyy)	10/01/20			
	No. of Pages (excluding Summary Sheet)				
CHRISTINE GIORDANO HANLON COUNTY CLERK MONMOUTH COUNTY, NJ	Recording Fee (excluding transfer tax)	\$230.			
	Realty Transfer Tax	\$0.			
INSTRUMENT NUMBER 2020115700	Total Amount	\$230.			
RECORDED ON Oct 06, 2020 9:55:43 AM	Document Type RELEASE OF MORTGAGE				
BOOK:OR-9446 PAGE:9585 Total Pages: 21	Electronic Recordation Level L2 - Level 2 (Wi	th Images)			
COUNTY RECORDING FEES \$230.00	Municipal Codes				
TOTAL PAID \$230.00	HOWELL	2102			
	1107873				
Addit	ional Information (Official Use Only)				
COVER SHEET [DOCUMENT SUM	* DO NOT REMOVE THIS PAGE. MARY FORM] IS PART OF MONMOUTH COUNTY FILIN	G RECORD.			

DECLARATION OF PARTIAL RELEASE OF DEED RESTRICTION

THIS DECLARATION of partial release of deed restriction made this <u>20th</u> day of <u>Marker</u> 2020, by Waste Management of New Jersey, Inc., (Successor to Waste Disposal, Inc. pursuant to merger and corporate name change) a Delaware corporation, whose address is 107 Silvia Street Ewing, NJ 08628 (hereinafter "Declarant") and the current owner, County of Monmouth, New Jersey, a body politic of the State of New Jersey, whose address is Hall of Records, P.O. Box 1255 Main Street, Freehold, New Jersey 07728 (hereinafter "County").

WITNESSETH:

WHEREAS, Declarant is the prior owner of property designated as Lots 93, 93.01, 94, 94.01 and 38, Block 42, on the official tax map of Howell Township, Monmouth County, New Jersey (the "Property"); and

WHEREAS, County is the current owner of the Property, which is the prior Howell landfill;

WHEREAS, the Property is subject to a deed restriction limiting its use to open space and restricting the construction of structures or man-made improvements on the Property, based upon agreements between the County, the Declarant, the New Jersey Department of Environmental Protection ("hereinafter the "DEP") and the Township of Howell (hereinafter "Howell"), which deed restriction was placed in the deed from Declarant transferring the Property to the County, which deed was recorded in the Monmouth County Clerk's office on June 26, 1996, in Deed Book 5510 at page 0793, and re-recorded on October 22, 1996 in Deed Book 5542 at page 631 and is attached hereto as Schedule A; and

WHEREAS, the County seeks to beneficially reuse the Property to permit a solar project and other alternate energy projects; and

WHEREAS, the DEP has agreed that the deed restriction can be removed to allow the beneficial re-use of the project as set forth in their letter dated November 25, 2019 attached hereto as **Schedule B**; and

WHEREAS, the Township agreed that the deed restriction can be removed to allow the beneficial re-use of the project as set forth in Township Resolution R-19-163 dated May 7, 2019, attached hereto as **Schedule C** and is a signatory to this partial release as an acknowledgement and consent to this partial release; and

NOW, THEREFORE, Declarant and County hereby declares as follows:

1. The deed restriction placed on the Property limiting its use to open space and restricting the construction of structures and man-made improvements is hereby rescinded and modified to read as follow:

"The Property shall remain either open space or be used for beneficial re-uses such as solar or other alternate energy projects and all construction related to such beneficial re-uses is hereby permitted and to the extent such construction activities negatively impact the landfill cap or required landfill infrastructure they are required to be approved by the New Jersey Department of Environmental Protection. With respect to open space, nothing set forth herein shall limit the County, its successors or assigns from using the Property for recreational hiking trails and jogging paths, including the construction of improvements reasonably related to such uses, to be limited to such areas of the Property as are located a reasonable distance beyond the limits of the areas of the Property on which sold waste have been landfilled."

IN WITNESS WHEREOF, Declarant and County have signed this instrument as of the date first above written.

Witness

David	Digitally signed by David Moreira		
Moreira	Date: 2020.03.25 14:54:52 -04'00'		

Waste Management of New Jersey, Inc. By: David Moreira – Area Director, ELMG East

3/27/2020

County of Monmouth By:

Acknowledgement and Consent to Partial Release

Township of Howell By: Brian Geoghegan, Manager

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County of Monmouth By: Teri O'Connor

Acknowledgement and Consent to Partial Release

Township of Howell By:

ACKNOWLEDGEMENT

}

STATE OF NEW JERSEY

) \$5.:

COUNTY OF _____)

I CERTIFY that on ______, 2020, _____ personally came before me and acknowledged under oath, to my satisfaction, that this Person: (a) is named in and personally signed the attached document as ______ of Waste Management of New Jersey, Inc., a Delaware corporation; and (b) signed and delivered this document as his act and deed on behalf of said corporation.

Notary Public My commission expires

ACKNOWLEDGEMENT

)

STATE OF NEW JERSEY COUNTY OF MONMOUTH

) ss.:

I CERTIFY that on April 20 2020, Tebicom personally came before me and acknowledged under oath, to my satisfaction, that this Person: (a) is named in and personally signed the attached document as ACMINI STATO of the County of Monmouth, New Jersey, a body politic of the State of New Jersey; and (b) signed and delivered this document as his act and deed on behalf of said body politic.

Notary Public U My commission expires

GINGER S. GERO A Notary Public of New Jersey My Commission Expires 3 (2)

ACKNOWLEDGEMENT

STATE OF NEW JERSEY)

) ss.:

I CERTIFY that on ______, 2020, ______ personally came before me and acknowledged under oath, to my satisfaction, that this Person: (a) is named in and personally signed the attached document as _______ of the Township of Howell., a municipal corporation of the State of New Jersey; and (b) signed and delivered this document as his act and deed on behalf of said municipal corporation.

Notary Public My commission expires

218178123v3

COUNTY OF

ACKNOWLEDGEMENT

)

STATE OF NEW JERSEY

COUNTY OF

) ss.:

I CERTIFY that on ______, 2020, ______ personally came before me and acknowledged under oath, to my satisfaction, that this Person: (a) is named in and personally signed the attached document as ______ of Waste Management of New Jersey, Inc., a Delaware corporation; and (b) signed and delivered this document as his act and deed on behalf of said corporation.

Notary Public My commission expires

) \$5.:

ACKNOWLEDGEMENT

STATE OF NEW JERSEY

COUNTY OF _____)

I CERTIFY that on ______, 2020, ______ personally came before me and acknowledged under oath, to my satisfaction, that this Person: (a) is named in and personally signed the attached document as ______ of the County of Monmouth, New Jersey, a body politic of the State of New Jersey; and (b) signed and delivered this document as his act and deed on behalf of said body politic.

Notary Public My commission expires

ACKNOWLEDGEMENT

STATE OF NEW	W JERSEY
COUNTY OF	Monmout

) \$5.:

I CERTIFY that on March 27, 2020, ______ personally came before me and acknowledged under oath, to my satisfaction, that this Person: (a) is named in and personally signed the attached document as Manager_____ of the Township of Howell., a municipal corporation of the State of New Jersey; and (b) signed and delivered this document as his act and deed on behalf of said municipal corporation.

Notary Public My commission expires

ALLISON S. CIRANNI NOTARY PUBLIC OF NEW JERSEY My Commission Expires 4/2/2022

218178123v3

ACKNOWLEDGEMENT

COMMONWEALTH OF PENNSYLVANIA }

COUNTY OF Bucks

) ss.:

I CERTIFY that on <u>March 25</u>, 2020,

COMMONWEALTH OF PENNSYLVANIA

NOTARIAL SEAL TRACY A. SPURGEON, Notary Public Newtown Township, Bucks County My Commission Expires February 12, 2021

	10
men	1 Doweler
Notary Public	10
My commission expires	February I2, 2021

ACKNOWLEDGEMENT

STATE OF NEW JERSEY)
) SS.:
COUNTY OF ______)

I CERTIFY that on _______ 2020, ______ personally came before me and acknowledged under oath, to my satisfaction, that this Person: (a) is named in and personally signed the attached document as _______ of the County of Monmouth, New Jersey, a body politic of the State of New Jersey; and (b) signed and delivered this document as his act and deed on behalf of said body politic.

Notary Public My commission expires

ACKNOWLEDGEMENT

STATE OF NEW JERSEY) ss.:

COUNTY OF ______)

I CERTIFY that on ______, 2020, ______ personally came before me and acknowledged under oath, to my satisfaction, that this Person: (a) is named in and personally signed the attached document as _______ of the Township of Howell, a municipal corporation of the State of New Jersey; and (b) signed and delivered this document as his act and deed on behalf of said municipal corporation.

Notary Public My commission expires

218178123v3

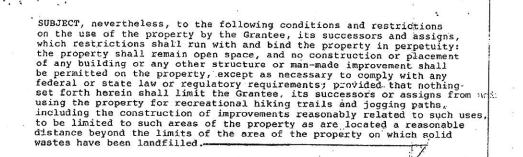
SCHEDULE A

C © 1981 by Julius Blumberg, Inc., Publisher, NYC 10913 M, 912-Ocirtain decd. stal 7. The land is now designated as Lot 93, 93.01, 94, 94.01 and 38 in Block 42 on Constitution of Displayer before Signing this deed — it has important legal consequences. COUNTY OF MONMOUTH This deed is being reasonded for the following reasons: CONSIDERATION (1) to correct the name of the Grantor and addi ATI (2) to correct the open space restriction placed on the deeded property ATF Gliss BYO DATE This Deed is made on June 4, Date Waste Disposal, Inc., a New Jersey Corporation Parties Grantor Full nome(s) 1076 and post office address Bore by merger 1070 Route 206 Bordentown, New Jersey 08565, on its behalf and as successor for to Peter Roselle & Sons Co. & Grantor, and to Peter Roselle & Sons Co. & by merger to Peter Roselle & Sole Co. Fereday & Meyer Co., Inc., Roselle-Lippman Co., (Cont.'d on back) Monmouth County. a NewsJersey Municipal Corporation Grantee Full nome(s) and post office address Hall of Records. is. P.O. Box 1255 Grantee. Main Street 012073 Treehold, NJ ("The words "Granter" and "Grantee" include all Grantors and all Grantees under this Deed.) i.) spryment to them of Consideration In return 191 the Grantor Conveyance Township upon the land of Howell d State of New Jersey, specifically described of Monmouth as follows: Description of Land Beginning at a point on the northwesterly side of Lakewood-Allentown Road, which is located a distance of 402.79 feet along Lakewood-Allentown Road from the northeasterly corner of Lakewood-Allentown Road and Vienna Road, following a course along the northwesterly side of Lakewood-Allentown Road a distance of 1,815.90 feet in a northeasterly direction; thence, along the northwest side of Block 42, Lot 92 in a northwesterly direction a distance of 143.98 feet; thence, along the same in a northeasterly direction a distance of 503.78 feet; thence along the same in southeasterly direction 81.58 feet; thence, along the northwest side of Block 42, Lots 89 and 88, in a northeasterly direction a distance of 1239.33 feet; thence, along the northeast side of Block 42, Lot 88, in a southeasterly direction a distance of 468.98 feet; thence, along the west side of Block 42, Lot 87, in a northerly direction a distance of 547.78 feet; thence, along the south side Block 42, Lot 86, in a northwesterly direction a distance of 1253.36 feet; thence, along the previously mentioned Block/Lot in a northerly direction a distance of 660.03 feet; thence, along the southwesterly side of Block 42, Lot 54, in a northwesterly direction a distance of 462.00 feet; thence, along the west side of previously mentioned Block/Lot in a northerly direction a distance of 990.20 feet; thence, along the southerly side of previously mentioned Block/Lot in a northwesterly direction a distance 560.86 feet; thence, along the westerly side of previously mentioned Block/Lot in a northerly direction 102.96 feet; thence, along the southerly side of previously mentioned Block/Lot in a westerly direction a distance 309.99 feet; thence, along the westerly side of previously mentioned Block/Lot in a easterly direction a distance 509.93 feet; thence, along the southerly side of Block 42, Lot 41, in a southwesterly direction a distance of 231.00 feet; thence, along the southerly side of previously mentioned Block/Lot in a southwesterly direction a distance 693.00 feet; thence, along the southwest side of previously mentioned Block/Lot and Block 42, Lot 41.01, in a northwesterly direction a distance 765.82 feet; thence, along the easterly side of Block 42, Lot 36, in a southerly direction a distance of 564.45 feet; thence, along the northeasterly side of previously mentioned Block/Lot in a southeasterly direction a distance 792.10 feet; thence, along the easterly side of previously mentioned Block/Lot in a southerly direction a distance 38.93 feet; thence, along the southerly side of previously mentioned Block/Lot and Block 42 Lot 37 in a southwesterly direction a distance 1061.13 feet; thence, along the easterly side of previously mentioned Block/Lot and Block 42 Lots 6,5,4,3,2,1.03, and 1 in a southerly direction a distance 4,755.32 feet to the first mentioned point and place of Beginning. Containing 246.44 acres more or less. Succe S. Fatolica Bruce S. Katcher, Esquire This Deed was prepared by Pratt of the news DB5510-0793

Station: View11 - 04/13/2006 2:48:14 PM

MONMOUTH COUNTY

Inst# 1996108100 - Page 1



DB5510-0794

MONMOUTH COUNTY

Inst.# 1996108100 - Page 3

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NC 1845-AFRDAVIT OF CONSIDERATION			
2 ·	AFFIDAVIT OF COM	OF NEW JERSEY VSIDERATION OR EXEMPT 49, P.L. 1968)	
		TAL EXEMPTION	D G R'V S - 2
	10	76 P 1 1975)	
To Be Recorded With D	eed Pursuant to c. 49, P.L. 1	968, as amended by c. 225, P.	L. 1985 (N.J.S.A. 46:15-5 et seq.)
STATE OF NEW JERSEY)		RECORDER'S USE ONLY
	} ss.	Consideration S _ Realty Transfer F	me ilinofta "
COUNTY OF Camden)	Date 67 20	96 By to
			o indicate that fee is exclusively for county use.
(I) PARTY OR LEGAL REPRE	SENTATIVE (See Instruc	tions #3, 4 and 5 on reverse sid	(;)
Deponent, Robert C.]	Biggs (, being duly swot	n according to law upon his/her onth deposes and
says that he/she is the	e President	of Waste Disp	osal, Inc., Grantor
in a deed dated June 4, 199		ag real property identified as Bl	
/93, 93.01, 94, Lot No. 94.01 and 38 k	Cated at Lakewood-Al	lentown Road, Howel	Ll Township, Monmouth County
Lot No.	Marco 21	(Sunst Addense, Mus	and anacxed hereto.
			and angexed hereto.
(2) CONSIDERATION (See Instr.			•
Deponent states that, with resp	ect to deed hereto annexed, t	he actual amount of money an	d the monetary value of any other thing of value
			ts or other realty, including the remaining amount by the grantee and any other lien or encumbrance
of any prior mortgage to which the train thereon not paid, satisfied or removed	in connection with the transfe	er of title is \$_1:00	
(3) FULL EXEMPTION FROM		that this deed transaction is fully	exempt from the Realty Transfer Fee imposed by
40 P.L. 1968, for the following reat	son(s): Explain in detail. (See	Instruction #7.) Mere reference	e to exemption symbol is not sufficient.
Consideration for less	than \$100.00 and	deed to subdivision	of the State of New
1.			
Jersey (Monmouth County			ntor(s) only. ALL BOXES IN APPROPRIATE
following reason(s):	ransaction is exempt from the	increased portion of the Realty	Transfer Feo imposed by c.176, P.L. 1975 for the
a) SENIOR CITIZEN (See Instruction		Owned and occupied I	by grantor(s) at time of sale. than spouse or other qualified exempt owners.
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93, 93.01, 94, 94.01 The land is now designated as Lot/ and 38 in Block 42 Municipal Lot on the municipal tax map (or as Account No. and Block or Account Number \square No property tax identification number for the land is available at the time of this conveyance. Check box ij applicable Receipt of The Grantor has received the full payment from the Grantee. Consideration The Grantor signs this Deed on the first date above. If the Grantor is Signature of a corporation this Deed is signed by its corporate officers and its corporate Grantor r scal is affixed. Signed, scaled and delivered in BUAT the presence of or attested by: ice President Robert C. Rips Secretary CERTIFICATE OF ACKNOWLEDGMENT BY INDIVIDUA State of New Jersey, County of Canden I am a officer nuthorized to take acknowledgments and proofs in this State. I sign this acknowledgment below to certily that it was made before me. On appeared before me in person. (If more than one person appears, 442 words "this person" shall include all persons named who appeared before the officer and made this acknowledgement). I are tailed that this person is the person named in and who signed this Deed. This person acknowledged signing, seeling and delivering this Deed as this person's set and deed for the uses and purposes expressed in this Deed. This person also acknowledged that the fall and setual consideration paid or to be paid for the transfer of title to realty evidenced by this Deed, as such consideration is defined in P.L. 1968, c. 49, \$1 (c), is \$... Contra no CORPORATE PROOF BY THE SUBSCRIBING WITNESS State of New Jersey, County of Camden I an aff attorney-at-law of the state of New Jersey and THomas J. Jennings officer authorized to take acknowledgments and proofts in this State. Directors of the Corporation. 4. The Witness knows the corporate seal of the Corporation. The seal affired to this Deed is the corporate seal of the Corpora-tion. The seal was affired to this Deed by the Corporate Officer. The Corporate Officer signed and delivered this Deed as and for the volumary set and deed of the Corporation. All this was done in the presence of the Witness who signed this Deed as autesing witness. The Witness signs this proof to sitest to the truth of these facts. The Witness descendence of the truth of the sector. Winces signs this proof to attest to the truth of these facts. The Winces size schooledged that the full and sectual consideration paid or to be paid for the transfer of title to realry to the bod as much consideration is defined in PL 1968. c. 49. 31(c), is 5.1.00. evidenced by this Deed, as such consideration is defined in P.L. 1968, c. 49, \$4(c), is \$ Sworn to and signed before me on the date written above. 100 The ner et's brarth. Bruce S. Katcher Attorney-at-Law of the State of New Jersey DB5510-0796

MONMOUTH COUNTY

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CLERK'S OFFICE MONNOUTH COUNTY NEW JERSEY

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INSTRUMENT NUMBER 1996103100 RECORDED ON Oct 22, 1996 2=50:38 PM BOOK:08-5542 P6:631 Total Pages: 6

 COUNTY RECORDING
 \$29.00

 FEES
 \$200

 DEDICATED TRUST
 \$2.00

 FUND COMMISSION
 \$2.00

 TOTAL
 \$31.00
 \$31.00

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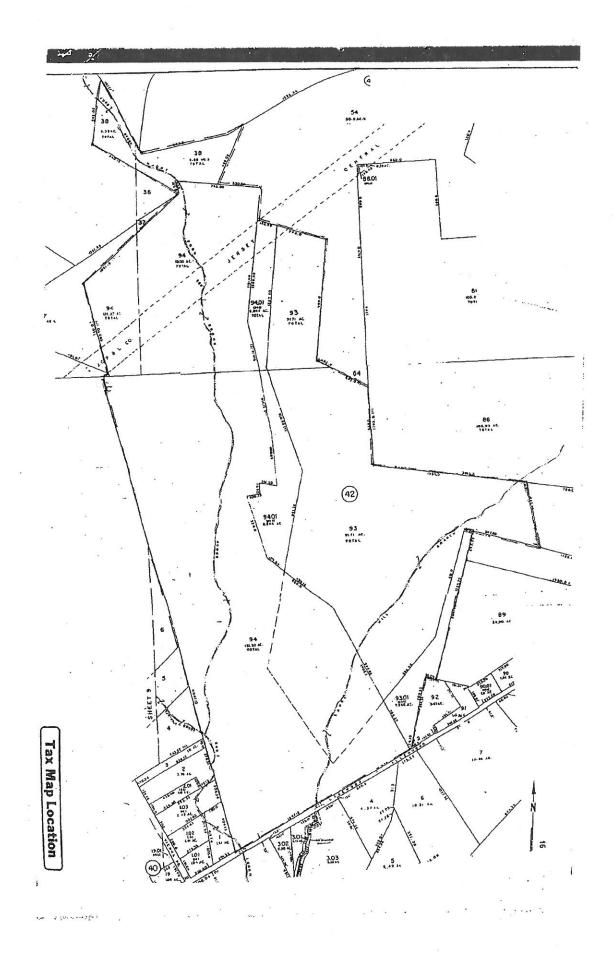
MONMOUTH COUNTY

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SCHEDULE B



PHILIP D. MURPHY Governor

SHEILA Y. OLIVER Lt. Governor DEPARTMENT OF ENVIRONMENTAL PROTECTION Division of Solid & Hazardous Waste 401 E. State Street PO Box 420, Mail Code 401-02C Trenton, New Jersey 08625 Tel: (609) 633-1418 Fax: (609) 984-0565

CATHERINE R. MCCABE Commissioner

NOV 2 5 2019

Chad Warnken Archer & Greiner, P.C. Riverview Plaza 10 Highway 35 Red Bank, NJ 07701-5902

Re: Open Space Deed Restriction MONMOUTH COUNTY HOWELL LANDFILL Howell Township, Monmouth County Facility ID No.: 132417

Dear Mr. Warnken:

The Bureau of Solid Waste Permitting (the Bureau) is in receipt of your letter dated July 12, 2019 seeking relief from the deed restriction required by the Settlement Agreement between Waste Disposal Inc., Monmouth County, and the Department dated December 22, 1995. The letter also includes. Township Resolution No.: R-19-163 which authorizes the site to be utilized for a solar facility and verifies the Township's concurrence with its intended use.

The County is seeking relief from the open space deed restriction noted in Condition 5 of the Settlement Agreement to allow the installation of a solar project on the previously capped area of the landfill. The Bureau has no objection to the removal of the open space deed restriction; however, this does not grant approval for the installation of a solar project. The County will need to apply for and obtain all applicable permits and approvals as required by law and regulation.

Since the Agreement and the Administrative Consent Order were signed by authorized representatives of multiple entities, the responsibility lies with the County to obtain the consent/agreement of all signatories.

Should you have any questions concerning this matter, please contact Victoria Goldman of my staff by telephone at 609-292-0749, or by e-mail at Victoria.Goldman@dep.nj.gov.

Sincerely,

Anthony Foltana, Chief Bureau of Solid Waste Permitting

The State of New Jersey is an equal opportunity employer. Printed on recycled and recyclable paper.

Sanjay Shah, BSWP John Shevlin, BSWP John Stavash, BSWCE Stuart A. Newman, Monmouth County Reclamation Center 6000 Asbury Avenue Tinton Falls, NJ 07753 Christopher P. Merkel, Monmouth County Health Department 3435 Highway 9 Freehold, NJ 07728 Michael Fitzgerald, Esq. Monmouth County Hall of Records 1 East Main Street Freehold, NJ 07728 Joseph Clark, Esq., Howell Township Attorney P.O. Box 580 . Howell, NJ 07731 Michael Brennan, Esq. Waste Management

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SCHEDULE C

Mr. Bonevich offered the following Resolution and moved for its adoption seconded by Ms. Richmond.

Resolution No: R-19-163

RESOLUTION

RESOLUTION AUTHORIZING THE EXECUTION OF AMENDED INTERLOCAL AND AMENDED SEWER SERVICE AGREEMENTS RELATING TO THE COUNTY OF MONMOUTH'S SOLAR COLLECTION FACILITY AT THE FORMER WASTE DISPOSAL INC. SOLID WASTE SANITARY LANDFILL ON LAKEWOOD-ALLENWOOD ROAD

WHEREAS, the Township of Howell currently pays nearly \$100,000 per year for groundwater pumping rates and subsequent treatment costs associated with the closure of the Waste Disposal Inc. solid waste sanitary landfill on Lakewood-Allenwood Road; and

WHEREAS, the County currently pays costs associated with the former Waste Disposal Inc. solid waste sanitary landfill on Lakewood-Allenwood Road; and

WHEREAS, on March 6, 2018 the Township Council passed a resolution supporting the County of Monmouth's solar collection project at the WDI Landfill site and urged the County to take all necessary steps to quickly and expediently finalize plans and construct the project; and

WHEREAS, the County has requested that the Township consent to and/or execute as applicable the amendment of the Interlocal Services Agreement dated February 20, 1996, the Sewer Service Agreement dated March 13, 1996 and the Deed from Waste Disposal Inc. to the County of Monmouth dated June 4, 1996 all of which contain open-space restrictions on the use of the property that are inconsistent with the installation of a solar collection or other renewable energy facility; and

WHEREAS, the County has offered to share revenue with the Township from the solar collection project at the WDI Landfill site with: (a) 65% of the revenue going to the County and 35% of the revenue going to the Township until the costs associated with the landfill are fully paid (including the Township's sewer costs and the County's landfill costs); and (b) following all the aforesaid landfill costs being paid, any revenues above such costs shall be shared at a ratio of 75% to the County and 25% to the Township; and

WHEREAS, the Township Council finds and declares that it is in the best interest of the Township and its residents to amend the prior agreements and execute them as necessary, and to share in the revenue generated by the solar collection project at the WDI Landfill site.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Howell Township as follows, that:

- 1. The aforesaid recitals are hereby adopted and incorporated herein as if repeated in full; and
- 2. The Township Council hereby authorizes the amendment of the aforesaid documents and the execution of all necessary documents so that the restrictions currently barring the solar collection or renewable energy projects at the WDI Landfill site are removed and also to share in the revenue from the project as set forth above; and
- 3. The Mayor, Township Manager, Township Clerk, Township Attorney, and such other officials as may be necessary are authorized to take any further reasonable and necessary actions to effectuate the same.

VOTE:	AYES	NAYS	ABSTAIN	ABSENT	DISQUALIFY
Mr. Bonevich	х				
Ms. Richmond	х				
Mr. Russo	x				
Mrs. O'Donnell	x				
Mayor Berger				х	

This is to certify that the foregoing Resolution was adopted by the Township Council of the Township of Howell during a regular meeting held on May 7, 2019.

iennet PENNY WOLLMAN, TOWNSHIP CLERK