

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

March 3, 2011

The Marlboro Township Council held its regularly scheduled meeting on March 3, 2011 at 7:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Marder opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of the regularly scheduled meetings of the Township Council of the Township of Marlboro was faxed and e-mailed to the Asbury Park Press, the Star Ledger and News Transcript on January 10, 2011; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building, filed in the office of the Municipal Clerk and placed on the township website and Channel 77.

The Clerk called the Roll.

PRESENT: Councilman LaRocca, Council Vice President Cantor, Councilwoman Mazzola and Council President Marder. Councilman Metzger was absent.

Also present were: Louis Rainone, Esq., Business Administrator Jonathan Capp, Municipal Clerk Alida Manco and Deputy Municipal Clerk Deborah Usalowicz. Mayor Hornik was absent.

Councilwoman Mazzola moved that the minutes of January 6, 2011 be approved. This was seconded by Councilman Larocca and passed on a roll call vote of 4 - 0 in favor (Absent: Metzger).

Councilwoman Mazzola moved that the minutes of January 20, 2011 be approved. This was seconded by Councilman Larocca and passed on a roll call vote of

3 - 0 in favor, with Councilman Cantor abstaining  
(Absent: Metzger).

Council President Marder opened the Public Hearing on Ordinance #2011-2 (Bond Ordinance - General Capital Improvements). As there was no one who wished to speak, the Public Hearing was closed. Councilwoman Mazzola thanked Business Administrator Jonathan Capp and Chief Bruce Hall for answering her questions. The following Res. # 2011-112/Ord. # 2011-2 (Bond Ordinance - General Capital Improvements) was introduced by reference, offered by Councilman LaRocca, seconded by Council Vice President Cantor, and passed on a roll call vote of 4 - 0 in favor (Absent: Metzger).

RESOLUTION # 2011-112

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2011-2

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, PROVIDING FOR VARIOUS GENERAL CAPITAL IMPROVEMENTS IN AND FOR THE TOWNSHIP OF MARLBORO AND APPROPRIATING \$2,970,473 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$2,821,949 IN BONDS OR NOTES OF THE TOWNSHIP OF MARLBORO TO FINANCE THE SAME

which was introduced on February 17, 2011 public hearing held March 3, 2011, be adopted on second and final reading this 3rd day of March, 2011.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

ORDINANCE # 2011-2

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, PROVIDING FOR VARIOUS GENERAL CAPITAL IMPROVEMENTS IN AND FOR THE TOWNSHIP OF MARLBORO AND APPROPRIATING \$2,970,473 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$2,821,949 IN

BONDS OR NOTES OF THE TOWNSHIP OF MARLBORO TO  
FINANCE THE SAME

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Township of Marlboro, in the County of Monmouth, New Jersey (the "Township"), as general improvements. For the several improvements or purposes described in Section 3 hereof, there are hereby appropriated the respective sums of money therein stated as the appropriations made for each improvement of purpose, such sums amounting in the aggregate to \$2,970,473, and the aggregate sum of \$148,524 as the down payments for the improvements or purposes pursuant to the Local Bond Law. The down payments have been made available by virtue of the provision in the capital improvement fund in one or more previously adopted budgets. Pursuant to N.J.S.A. 40A:2-11(c)

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments or otherwise provided for hereunder, negotiable bonds are hereby authorized to be issued in the principal amount of \$2,821,949 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

- (1) Purpose: the reconstruction of Texas Road sidewalks, and including all and materials necessary therefor or incidental thereto.

Appropriation and Estimated Cost: \$ 49,144  
Maximum Amount of Bonds or Notes: \$ 46,687  
Period of Usefulness: 10 years  
Amount of Down Payment: \$ 2,457

- (2) Purpose: the reconstruction of various roads, including the Township's 2011 Road Program, including in said program, without limitation, the reconstruction of Concord Road, Evergreen Drive and Hartman Road, and the reconstruction of School Road East, Vanderburg Road, Amboy Road and Texas/Spring Valley Road, and the reconstruction of such other roads to Class B standard, as provided in the Local Bond Law, all such roads to be identified on a list to be filed in the Township Clerk's office, as such list may be modified from time to time, and including all work and materials necessary therefor and incidental thereto.

Appropriation and Estimated Cost: \$946,935  
Maximum Amount of Bonds or Notes: \$899,588  
Period of Usefulness: 10 years  
Amount of Down Payment: \$ 47,347

- (3) Purpose: construction and design of Pleasant Valley Road streambank stabilization, and including all work and materials necessary therefor and incidental thereto.

Appropriation and Estimated Cost: \$266,700  
Maximum Amount of Bonds or Notes: \$253,365  
Period of Usefulness: 15 years  
Amount of Down Payment: \$ 13,335

- (4) Purpose: various drainage projects, as identified on a list to be filed in the Township Clerk's office, as such list may be modified from time to time, and including all work and materials necessary therefore and incidental thereto.

Appropriation and Estimated Cost: \$52,500  
Maximum Amount of Bonds or Notes: \$49,875  
Period of Usefulness: 15 years

Amount of Down Payment: \$2,625

- (5) Purpose: various stream cleaning projects, as identified on a list to be filed in the Township Clerk's office, as such list may be modified from time to time, and including all work and materials necessary therefore and incidental thereto.

Appropriation and Estimated Cost: \$19,845  
Maximum Amount of Bonds or Notes: \$18,853  
Period of Usefulness: 5 years  
Amount of Down Payment: \$ 992

- (6) Purpose: engineering design for a 911 memorial park project, and including all work and materials necessary therefore and incidental thereto.

Appropriation and Estimated Cost: \$13,965  
Maximum Amount of Bonds or Notes: \$13,267  
Period of Usefulness: 5 years  
Amount of Down Payment: \$ 698

- (7) Purpose: purchase of laser printers, cabling, virtual servers, virtual desktops and software licensing, and including all work and materials necessary therefore and incidental thereto.

Appropriation and Estimated Cost: \$213,596  
Maximum Amount of Bonds or Notes: \$202,916  
Period of Usefulness: 5 years  
Amount of Down Payment: \$ 10,680

- (8) Purpose: purchase of ambulance, and including all work and materials necessary therefore and incidental thereto.

Appropriation and Estimated Cost: \$170,888  
Maximum Amount of Bonds or Notes: 162,344  
Period of Usefulness: 5 years  
Amount of Down Payment: \$ 8,544

- (9) Purpose: purchase of equipment necessary to outfit police vehicles, including, without limitation, cages, partition with sliding

window, radar and defibrillator, and purchase of replacement weapons for Police Department, and including all work and materials necessary therefore and incidental thereto.

Appropriation and Estimated Cost: \$132,550  
Maximum Amount of Bonds or Notes: \$125,922  
Period of Usefulness 15 years  
Amount of Down Payment: \$ 6,628

- (10) Purpose: purchase of in-car digital video recording system and computer and computer mount and cameras for police vehicles, and including all work and materials necessary therefore and incidental thereto.

Appropriation and Estimated Cost: \$278,000  
Maximum Amount of Bonds or Notes: \$264,100  
Period of Usefulness 7 years  
Amount of Down Payment: \$ 13,900

- (11) Purpose: purchase of Class 5 dump truck and Class 7 single axle dump truck, both with plow and spreader, and purchase of 3/4 ton pick-up truck with plow, and including all work and materials necessary therefore and incidental thereto.

Appropriation and Estimated Cost: \$493,500  
Maximum Amount of Bonds or Notes: 468,825  
Period of Usefulness 5 years  
Amount of Down Payment: \$ 24,675

- (12) Purpose: purchase of snow removal equipment, and including all work and materials necessary therefore and incidental thereto.

Appropriation and Estimated Cost: \$73,500  
Maximum Amount of Bonds or Notes: \$69,825  
Period of Usefulness 5 years  
Amount of Down Payment: \$ 3,675

- (13) Purpose: various improvements to Class B (as provided in the Local Bond Law) municipal buildings, including, without limitation, replacement of roofs, awnings, garage doors, HVAC and lighting, and including all work

and materials necessary therefore and incidental thereto.

Appropriation and Estimated Cost:	\$255,150
Maximum Amount of Bonds or Notes:	\$242,392
Period of Usefulness	15 years
Amount of Down Payment:	\$ 12,758

- (14) Purpose: purchase of lightning detection system, and including all work and materials necessary therefore and incidental thereto.

Appropriation and Estimated Cost:	\$4,200
Maximum Amount of Bonds or Notes:	\$3,990
Period of Usefulness	15 years
Amount of Down Payment:	\$ 210

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes is as stated in Section 2 hereof.

(c) The estimated cost of the several improvements or purposes is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance

is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget (as applicable) of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The several improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are improvements or purposes the Township may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the several improvements or purposes, within the limitations of the Local Bond Law, computed on the basis of the respective amounts or obligations authorized for each improvement or purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 9.61 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$2,821,949, and the

obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$677,310 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the several improvements or purposes.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the Township is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages,

and the remedy shall be limited to specific performance of the undertaking.

Section 10. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Council President Marder opened the Public Hearing on Ordinance #2011-3 (Bond Ordinance - Water Capital Improvements). As there was no one who wished to speak, the Public Hearing was closed. Due to the absence of Mayor Hornik and Councilman Metzger, Business Administrator Jonathan Capp recommended that Council consider tabling the resolution/ordinance to the March 24<sup>th</sup> meeting. Councilman LaRocca motioned to table. This was seconded by Councilwoman Mazzola and passed on a roll call vote of 3 - 0 in favor with Council Vice President Cantor abstaining (Absent: Metzger).

Council President Marder opened the Public Hearing on Ordinance #2011-4 (Bond Ordinance - Open Space Acquisition & Improvements). As there was no one who wished to speak, the Public Hearing was closed. The following Res. # 2011-114/Ord. # 2011-4 (Bond Ordinance - Open Space Acquisition & Improvements) was introduced by reference, offered by Council President Marder, seconded by Councilman LaRocca and passed on a roll call vote of 4 - 0 in favor (Absent: Metzger).

RESOLUTION # 2011-114

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2011-4

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, PROVIDING FOR PRESERVATION OF OPEN SPACE AND FARMLAND IN AND FOR THE TOWNSHIP OF MARLBORO AND

APPROPRIATING \$2,992,500 THEREFOR, AND  
PROVIDING FOR THE ISSUANCE OF \$2,842,875 IN  
BONDS OR NOTES OF THE TOWNSHIP OF MARLBORO TO  
FINANCE THE SAME

which was introduced on February 17, 2011 public  
hearing held March 3, 2011, be adopted on second and  
final reading this 3rd day of March, 2011.

BE IT FURTHER RESOLVED that notice of the adoption  
of this ordinance shall be advertised according to law.

ORDINANCE # 2011-4

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN  
THE COUNTY OF MONMOUTH, NEW JERSEY, PROVIDING  
FOR PRESERVATION OF OPEN SPACE AND FARMLAND  
IN AND FOR THE TOWNSHIP OF MARLBORO AND  
APPROPRIATING \$2,992,500 THEREFOR, AND  
PROVIDING FOR THE ISSUANCE OF \$2,842,875 IN  
BONDS OR NOTES OF THE TOWNSHIP OF MARLBORO TO  
FINANCE THE SAME

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE  
TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW  
JERSEY (not less than two-thirds of all members thereof  
affirmatively concurring), AS FOLLOWS:

Section 1. The improvement or purpose described  
in Section 3 of this bond ordinance is hereby  
authorized to be undertaken by the Township of  
Marlboro, in the County of Monmouth, New Jersey (the  
"Township"), as a general improvement. For the  
improvement or purpose described in Section 3 hereof,  
there is hereby appropriated the sum of \$2,992,500  
including the sum of \$149,625 as the down payment for  
the improvement or purpose pursuant to the Local Bond  
Law. The down payment is now available by virtue of  
provision of moneys in the Open Space, Recreation,  
Farmland and Historic Preservation Trust Fund.

Section 2. In order to finance the cost of the  
improvement or purpose not covered by application of  
the down payment or otherwise provided for hereunder,  
negotiable bonds are hereby authorized to be issued in  
the principal amount of \$2,842,875 pursuant to the  
Local Bond Law. In anticipation of the issuance of the

bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the acquisition of open space parcels included in the Township's Open Space and Recreation Plan and the acquisition of parcels included in the Township's Farmland Preservation Plan, as said plans are currently in existence or as they may hereafter be amended and are on file in the Township Clerk's office, including all work and materials necessary therefor and incidental thereto. The improvements authorized and the purpose for which obligations are to be issued are intended to comply with the limitations contained in Ordinance No. 2000-22, adopted by the Township Council on October 12, 2000, as amended, and approved by the voters of the Township.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of

delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget (as applicable) of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. No part of the costs thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the improvement or purpose, within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 40 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$2,842,875,

and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An amount not exceeding \$356,250 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvement or purpose.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the Township is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

The following Resolution #2010-115 (Authorizing Professional Services Contract for the provision of services for the operation of Channel 77) was introduced by reference, offered by Councilman LaRocca, and seconded by Council President Marder. Discussion followed on making improvements to Channel 77. After discussion, the resolution was passed on a roll call vote of 4 - 0 in favor (Absent: Metzger).

RESOLUTION # 2011-115

A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT BETWEEN CURT CIUMEI OF MV DIGITAL PRODUCTIONS, LLC FOR THE PROVISION OF SERVICES FOR THE OPERATION OF TOWNSHIP OF MARLBORO'S CABLE TELEVISION STATION

WHEREAS, pursuant to 40A:11-2(6), Professional Services are defined as services rendered in the provision or performance of goods or services that are original and creative in character in a recognized field of artistic endeavor; and

WHEREAS, the Township of Marlboro is in need of professional services in connection with the provision of services for the programming and content on the Township's local access Cable TV Station (the "Creative Services"); and

WHEREAS, such Creative Services constitute professional services that are exempt from public bidding pursuant to the Local Public Contracts Law, specifically N.J.S.A. 40A:11-5(1)(a)(i); and

WHEREAS, such Creative Services shall be rendered by Curt Ciumei of MV Digital Productions, LLC (also referred to collectively as the "Business Entity") under a contract to be awarded pursuant to a non-fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.5 for a contractual lump sum amount not to exceed \$11,500.00 for a term not to exceed six (6) months; and

WHEREAS, the Chief Financial Officer of the Township of Marlboro has determined that the value of the contract will exceed \$17,500.00; and

WHEREAS, funds will be available in Account Number 1-01-055- -288 for an amount not to exceed \$11,500.00; and

WHEREAS, the Business Entity has completed and submitted a Business Entity Disclosure Certification certifying that the Business Entity has not made any reportable contributions that would bar the award of a contract pursuant to Marlboro Township Code Chapter 18 or to N.J.S.A. 19:44A-20.5, and that no reportable contributions that would violate Marlboro Township Code Chapter 18 or N.J.S.A. 19:44A-20.5 will be made during the term of the contract; and

WHEREAS, the Township has been provided with the Business Entity's Disclosure of Campaign Contributions at least ten (10) days prior hereto, as required by P.L. 2005, c. 271; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the municipality to hire Curt Ciumei of MV Productions, LLC to provide the required professional Creative Services for the Township Cable TV Station; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality.

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

1. The Township Council of the Township of Marlboro, hereby authorizes and approves the award of a Professional Services Contract to Curt Ciumei of MV Productions, LLC to provide Creative Services (as described and defined hereinabove) for the Township of Marlboro's local access Cable TV Station pursuant to a non-fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.5 for a term beginning January 1, 2011 and ending June 30, 2011; and

2. The Professional Services Contract is awarded without competitive public bidding pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-5(1)(a)(i), and shall provide for total compensation in a lump sum amount not to exceed \$11,500.00; and

3. The Mayor and Town Clerk are hereby authorized and directed to execute, seal and deliver the said Contract for the said Professional Services on behalf of and in the name of the Township of Marlboro; and

4. The Business Entity Disclosure Certification, Business Entity Disclosure of Campaign Contributions, and Determination of Value shall be placed on file with this Resolution; and

5. A copy of this Resolution shall be published as required by law within ten (10) days of its passage; and

6. That notice of the award of this contract shall be published as required by law.

7. A certified copy of this Resolution shall be provided to each of the following:

- a. Curt Ciumei of MV Productions, LLC
- b. Township Administrator
- c. Township Chief Financial Officer

d. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2010-116 (Authorizing Award of Contractual Group Employee Dental Insurance) was introduced by reference, offered by Councilwoman Mazzola, seconded by Councilman LaRocca and was passed on a roll call vote of 4 - 0 in favor (Absent: Metzger).

RESOLUTION # 2011-116

A RESOLUTION APPROVING GROUP DENTAL COVERAGE PROGRAM FOR EMPLOYEES OF THE TOWNSHIP OF MARLBORO WITH DELTA DENTAL FOR THE YEAR 2011

WHEREAS, the Township of Marlboro currently provides group dental coverage for its eligible employees and their dependents under a program administered by Delta Dental; and

WHEREAS, in an effort to provide the most cost effective coverage for the Township's eligible employees and their dependents, the Township authorized its insurance consultant, North American Insurance Management Corporation ("NAIMC"), to obtain competitive quotes for dental coverage for the period March 1, 2011 - February 28, 2012; and

WHEREAS, NAIMC contacted thirteen (13) providers for Township group dental coverage as indicated on 'Exhibit A'; and

WHEREAS, nine (9) of the providers were unable to match the current plan design, were unresponsive or offered proposals that were not competitive; and

WHEREAS, the Township has reviewed the (4) competitive quotes received and evaluated several factors including estimated plan cost, network and provider coverage (disruption), rate guarantees and Township loss history; and

WHEREAS, after a review of the quotes, NAIMC has recommended that the Township renew group dental coverage with Delta Dental at \$42.62/month (single) and

\$115.00/month (family) for an estimated total annual cost of \$208,950.97; and

WHEREAS, the Township concurs with the recommendation of its insurance consultant; and

WHEREAS, contracts for the purchase of insurance coverage and consultant services may be awarded without public bidding pursuant to N.J.S.A. 40A:11-5(1)(m), in accordance with the requirements for extraordinary unspecifiable services.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Marlboro that it hereby authorizes the Mayor to execute and the Clerk to witness, any documents necessary to enter into an agreement with Delta Dental for the provision of group dental coverage for the Township of Marlboro's eligible employees and their dependents for the period March 1, 2011 - February 28, 2012 at \$42.62/month (single) and \$115.00/month (family) for an estimated total annual cost of \$208,950.97.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. North American Insurance Management Corporation
- b. Delta Dental
- c. Mayor Jonathan Hornik
- d. Marlboro Township Administrator
- e. Marlboro Township Chief Financial Officer
- f. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2011-117 (Resolution waiving the requirement of the posting of maintenance guarantees - Marlboro Grande - B. 299. L. 3) was introduced by reference, offered by Councilman LaRocca, and seconded by Councilman Cantor. Discussion followed, during which Township Engineer Ernest Peters and Township Attorney Louis Rainone answered Council's questions. Council asked that Mr. Peters perform another inspection before voting on the resolution. Motion to table Res. #2011-117 to the March 24<sup>th</sup> meeting was made by Councilman LaRocca, seconded by Councilman

Cantor and passed on a roll call vote of 4 - 0 in favor of tabling (Absent: Metzger).

RESOLUTION # 2011-117

RESOLUTION WAIVING THE REQUIREMENT OF THE POSTING OF MAINTENANCE GUARANTEES FOR THE SITE KNOWN AS MARLBORO GRANDE, #362 NJ STATE HIGHWAY ROUTE 9, BLOCK 299, LOT 3, TOWNSHIP OF MARLBORO, NEW JERSEY

WHEREAS, in accordance with *N.J.S.A. 40:55D-53*, the Township of Marlboro has received a request from Royal Pines at Marlboro, LLC, for a waiver of the posting of maintenance guarantees on the Site known as "Marlboro Grande" (the "Site"), property known as Block 299, Lot 3, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by Meiterman Holdings, LLC (the "Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed the Township Engineer's report dated December 2, 2010, regarding the completion of the Public Improvements at the Site, and hereby took the following action;

WHEREAS, pursuant to Resolution #2010-454, Performance Guarantee #1 in the form of a Bond, No. S11277 issued by First Indemnity of American Insurance Company in the original amount of \$575,110.80, previously reduced pursuant to Resolution #2008-218 to the amount of \$379,499.04, and cash deposit in the amount of \$63,901.20, previously reduced pursuant to Resolution #2008-218 to the amount of \$42,166.56 posted by the Developer and being held by the Township, are released in their entirety, conditioned upon the payment of any and all outstanding review and/or inspection fee charges to the time of the performance guarantee release and the posting of a two (2) year fifteen percent (15%) maintenance bond in the amount of \$79,876.50; and

WHEREAS, pursuant to Resolution #2010-454, Performance Guarantee #2 in the form of a Bond, No. S11278 issued by First Indemnity of American Insurance Company in the original amount of \$635,480.64, previously reduced pursuant to Resolution #2008-218 to the amount of \$194,337.90, and cash deposit in the

amount of \$70,608.96, previously reduced pursuant to Resolution #2008-218 to the amount of \$21,593.10 posted by the Developer and being held by the Township, are released in their entirety, conditioned upon the payment of any and all outstanding review and/or inspection fee charges to the time of the performance guarantee release and the posting of a two (2) year fifteen percent (15%) maintenance bond in the amount of \$88,261.20; and

WHEREAS, pursuant to Resolution #2010-454, Performance Guarantee #3 in the form of a Bond, No. S11279 issued by First Indemnity of American Insurance Company in the original amount of \$558,236.88, previously reduced pursuant to Resolution #2008-218 to the amount of \$510,727.68, and cash deposit in the amount of \$62,026.32, previously reduced pursuant to Resolution #2008-218 to the amount of \$56,747.52 posted by the Developer and being held by the Township, are released in their entirety, conditioned upon the payment of any and all outstanding review and/or inspection fee charges to the time of the performance guarantee release and the posting of a two (2) year fifteen percent (15%) maintenance bond in the amount of \$77,532.90; and

WHEREAS, the development project and the respective improvements are privately owned and maintained, and are not the responsibility of the Municipality, the requirement of the posting of maintenance guarantees as noted above is hereby waived.

NOW, THEREFORE, BE IT RESOLVED, that the condition(s) contained in Resolution #2010-454 for the release of the performance guarantees (FIA Bond Nos. S11277, S11278 and S11279) requiring the posting of a two(2) year fifteen percent maintenance bond(s) for the site known as Marlboro Grande, 362, New Jersey State Highway Route 9, also known as Block 299 Lot 3 on the official tax map of the Township of Marlboro, New Jersey is hereby waived.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Meiterman Holdings, LLC

- b. First Indemnity of American Insurance Company
- c. Mayor Jonathan L. Hornik
- d. Township Business Administrator
- e. Township Chief Financial Officer
- f. Township Engineer
- g. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2010-118 (Release of Performance Bonds - Sunnyside Estates, LLC dba Tall Oaks - B. 119, L. 41) was introduced by reference, offered by Councilwoman Mazzola and seconded by Councilman LaRocca. Township Engineer Ernest Peters answered Council's questions. After discussion, the resolution was passed on a roll call vote of 4 - 0 in favor (Absent: Metzger).

RESOLUTION # 2011-118

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE  
GUARANTEES FOR THE SITE KNOWN AS TALL OAKS,  
BLOCK 119, LOT 41, MARLBORO TOWNSHIP, NEW JERSEY

WHEREAS, in accordance with *N.J.S.A. 40:55D-53*, the Township of Marlboro has received a request for the release of a Township held Performance Guarantee in the form of a performance bond and Cash Guarantee in the form of a letter of credit for site improvements ("Public Improvements") on the property known as TALL OAKS, Tall Oaks Court, Block 119, Lot 41, Marlboro, New Jersey, (the "Site") posted by Sunnyside Estates, LLC, (the "Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated February 3, 2011 regarding the completion of the Public Improvements at the Site, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the report recommends that the current Performance Guarantee, in the form of a performance bond, No. 5011617 issued by Bond Safeguard Insurance Company in the original amount of \$323,595.95 and the present amount of \$182,610.43.00 and Cash Guarantee, in the form of a letter of credit, No. 3360 issued by Sovereign Bank, LLC in the original amount of

\$35,955.11 and present amount of \$20,290.05 posted by the Developer and being held by the Township, be released in their entirety, conditioned upon the payment of all outstanding inspection fee charges to the time of bond release and the posting of a two (2) year fifteen percent (15%) maintenance bond in the amount of \$44,944.00; and

WHEREAS, the Township Council now wishes to accept the recommendation of the Township Engineer concerning the aforesaid Performance Guarantees.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the current Performance Guarantee for the Site (as defined and described hereinabove), Performance Bond No. 5011617 by The Bond Safeguard Insurance Company in the original amount of \$323,595.95 and present amount of \$182,610.43, and Cash Guarantee for the Site (as defined and described hereinabove) Letter of Credit No. 3360 by Sovereign Bank in the original amount of \$35,955.11 and present amount of \$20,290.05 posted by the Developer (as defined and described hereinabove) and being held by the Township, be released in their entirety, conditioned upon the payment of all outstanding inspection fee charges to the time of bond release and the posting of a two (2) year fifteen percent (15%) maintenance bond in the amount of \$44,944.00; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Sunnyside Estates, LLC
- b. Mayor Jonathan L. Hornik
- c. Township Business Administrator
- d. Township Engineer
- e. Chief Financial Officer
- f. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2010-119 (Resolution Authorizing Reimbursement of Expenses for Remediation of sink hole hazards for 305 Wembley Pl., from funds appropriated for such purposes by Ordinances #2004-23 &

#2009-26) was introduced by reference, offered by Council Vice President Cantor, and seconded by Councilwoman Mazzola. Discussion followed, during which Business Administrator Jonathan Capp and Township Engineer Ernest Peters answered Council's questions. After discussion, the resolution was passed on a roll call vote of 4 - 0 in favor (Absent: Metzger).

RESOLUTION # 2011-119

RESOLUTION AUTHORIZING THE REIMBURSEMENT OF  
EXPENSES FOR THE REMEDIATION OF SINK HOLE HAZARDS  
FOR 305 WEMBLEY PLACE, MORGANVILLE, NEW JERSEY  
FROM FUNDS APPROPRIATED FOR SUCH PURPOSES  
BY ORDINANCES #2004-23 AND #2009-26

WHEREAS, by Ordinance #2004-23, adopted on October 28, 2004, the Township of Marlboro appropriated funds in the amount of \$83,877.53 for the purpose of providing funds (the "Appropriated Funds") to be used for the investigation and remediation of sink holes on properties located in the Bolling Brook/Country Hills Subdivision (the "Subdivision"); and

WHEREAS, Ordinance #2004-23 specified that the remediation amount for any one applicant shall be equal to the lesser of all remediation costs, or, \$7,500.00, and that under no circumstances shall an amount more than \$7,500.00 be paid out in respect of any Subdivision lot; and

WHEREAS, by Ordinance #2009-26, adopted on August 10, 2009, the Township of Marlboro established an increase in the limit of the amount remediation funds that may be paid out in respect of any Subdivision lot in an amount up to \$10,000.00; and

WHEREAS, Ordinances #2004-23 and #2009-26 condition the reimbursement of such remediation funds upon the Township Chief Financial Officer's review and approval of applications for reimbursement from Subdivision lot owners; and

WHEREAS, the owner of the Subdivision Lot known as 305 Wembley Place, Block 142.01, Lot 9, Morganville, New Jersey, (the "Property") was reimbursed \$7,500.00 via Resolution #2008-378, as well as an additional

reimbursement of \$2,500 via Purchase Order #09-03627 from the referenced fund for the remediation sinkhole hazards; and

WHEREAS, the owner of the Subdivision Lot known as 305 Wembley Place, Block 142.01, Lot 9, Morganville, New Jersey, (the "Property") has made a secondary claim for funds expended in the remediation of sinkhole hazards at the Property which exceeded \$10,000.00; and

WHEREAS, the application for reimbursement was made after the deadline specified in the ordinance for the initial claims period but prior to the close out period for the supplemental claims period; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose from Account # X-04-55-956-901; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed the February 14, 2011 and the February 24, 2011 reports from the Township Engineer, a copy of which is attached hereto and made a part hereof which recommends the disbursement of funds to the applicant; and

WHEREAS, the Township Council desires to take the following action regarding the reimbursement of additional monies in the amount of \$2,578.40 for remediation of sinkhole hazards at the Property.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the additional amount of \$2,578.40 from the Appropriated Funds (as defined hereinabove), be paid to the owner of 305 Wembley Place, Block 142.01, Lot 9, Morganville, New Jersey for the remediation of sinkhole hazards at the subject property in accordance with the provisions of Ordinances #2004-23 and #2009-26; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Mr. Robert Liotta
- b. Mayor Jonathan L. Hornik

- c. Township Business Administrator
- d. Chief Financial Officer
- e. Township Engineer
- f. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2011-120 (Providing for Issuance of Refunding Bonds - MCIA) was introduced by reference, offered by Councilman LaRocca, seconded by Councilwoman Mazzola, and was passed on a roll call vote of 4 - 0 in favor (Absent: Metzger).

RESOLUTION # 2011-120

RESOLUTION OF THE TOWNSHIP OF MARLBORO  
PROVIDING FOR THE ISSUANCE OF REFUNDING BONDS  
FOR THE REFUNDING OF CERTAIN OUTSTANDING  
BONDS OF THE TOWNSHIP IN CONNECTION WITH THE  
MONMOUTH COUNTY IMPROVEMENT AUTHORITY'S  
GOVERNMENT POOLED LOAN PROGRAM; PROVIDING FOR  
THE FORM, MATURITIES AND OTHER DETAILS OF  
SAID REFUNDING BONDS; PROVIDING FOR THE SALE  
OF THE REFUNDING BONDS TO THE MONMOUTH COUNTY  
IMPROVEMENT AUTHORITY; AND APPROVING AND  
AUTHORIZING THE EXECUTION AND DELIVERY BY THE  
TOWNSHIP OF A BOND PURCHASE AGREEMENT AND A  
CONTINUING DISCLOSURE AGREEMENT

WHEREAS, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law") authorizes the issuance by the Township of Marlboro, in the County of Monmouth, State of New Jersey (the "Township"), of bonds for the purpose of refunding outstanding bonds of the Township; and

WHEREAS, the Township has previously issued several series of bonds in connection with the Township's participation in various pooled loan programs sponsored by The Monmouth County Improvement Authority (the "Authority");

WHEREAS, at the request of the Authority and in accordance with the Local Bond Law, the Township Council did, on October 21, 2010, finally adopt Ordinance No. 2010-26 (the "Refunding Ordinance") authorizing the issuance by the Township of refunding bonds in the amount of not to exceed \$8,790,000 for the purpose of refunding all or a part of (i) \$518,000 of

the Township's Bonds dated December 1, 1997, maturing on December 1 in the year 2011 (the "1997 Bonds"); (ii) \$3,183,000 of the Township's Bonds dated December 1, 2001, maturing on December 1 in the years 2012 through 2016 (the "2001 Bonds"); (iii) \$2,282,000 of the Township's Bonds dated December 1, 2002, maturing on December 1 in the years 2013 through 2018, inclusive (the "2002 Bonds"); and (iv) \$1,277,000 of the Township's Bonds dated December 18, 2003, maturing on December 1 in the years 2014 through 2018 (the "2003 Bonds"), to provide debt service savings for the Township; and

WHEREAS, pursuant to the Local Bond Law, the Township sought and obtained approval on October 13, 2010 from the Local Finance Board in the Division of Local Government Services of the Department of Community Affairs of the State of New Jersey (the "Local Finance Board") to the adoption by the Township Council of the Refunding Ordinance and the issuance of obligations thereunder; and

WHEREAS, the Authority has advised the Township that it plans to distribute a Preliminary Official Statement pertaining to the issuance by the Authority of its Government Pooled Loan Refunding Revenue Bonds, Series 2011 (the "Authority's Bonds"), to be issued pursuant to a bond resolution of the Authority adopted on October 14, 2010 (said bond resolution, together with any amendments and supplements thereto, is referred to herein as the "Authority's Bond Resolution"), and that the proceeds of the Authority's Bonds will be applied to the refunding, depending on the market conditions at the time of the sale of the Authority's Bonds, of all or a portion of the Township's 1997 Bonds, 2001 Bonds and 2003 Bonds; and

WHEREAS, in accordance with the Local Bond Law, the Township desires to (i) authorize and approve the issuance of refunding bonds (the "Bonds" or the "Refunding Bonds") in the aggregate principal amount not to exceed \$7,250,000, to be issued for the purpose of refunding all or a portion of the Township's 1997 Bonds, 2001 Bonds and 2002 Bonds, depending on the market conditions at the time of the sale of the Authority's Bonds; and (ii) to provide for the form of

the Refunding Bonds and the sale of the Refunding Bonds to the Authority; and

WHEREAS, in connection with the sale and issuance of the Refunding Bonds, the Township also desires to approve and authorize the forms and the entering into of a Bond Purchase Agreement with the Authority (the "Bond Purchase Agreement"), pursuant to which the Authority will agree to purchase the Refunding Bonds upon satisfaction of the conditions precedent set forth therein and with such terms for the Refunding Bonds as shall be set forth therein, and a Continuing Disclosure Agreement by and between the Township and TD Bank, National Association, as trustee for the Authority's Bonds (the "Continuing Disclosure Agreement").

NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

*Section 1.* The Township hereby authorizes the issuance and sale of the Refunding Bonds of the Township in the aggregate principal amount not to exceed \$7,250,000. The proceeds of the Refunding Bonds shall be applied for the purpose of refunding all or a portion of the 1997 Bonds, the 2001 Bonds and the 2002 Bonds and paying the costs of issuing the Refunding Bonds.

*Section 2.* The Refunding Bonds shall be issued as a single series designated as "General Obligation Refunding Bonds, Series 2011". The Refunding Bonds shall be in the form, shall be dated, shall be issued in the denomination, and shall be issued as a fully registered bond as provided in the Bond Purchase Agreement. The Refunding Bonds shall mature in the years and in the principal amounts and shall bear interest at the rate or rates and shall be payable on the dates as shall be determined by the Mayor or the Chief Financial Officer of the Township within the limitations hereinafter provided and as shall be provided in the Bond Purchase Agreement.

The Council hereby delegates to each of the Mayor and the Chief Financial Officer of the Township the power and authority to determine which of the 1997

Bonds, the 2001 Bonds or the 2002 Bonds shall be refunded and to sell and award the Refunding Bonds in accordance with this Resolution and the prior approval of the Local Finance Board and in accordance with the following parameters: the Refunding Bonds shall be issued in a maximum aggregate principal amount not to exceed \$7,250,000, comprised of not to exceed \$625,000 to refund the 1997 Bonds, not to exceed \$3,855,000 to refund the 2001 Bonds and not to exceed \$2,770,000 to refund the 2002 Bonds; the Refunding Bonds shall mature substantially as set forth in the application submitted to and approved by the Local Finance Board; the Refunding Bonds shall bear interest at the rate or rates not to exceed the maximum interest rate set forth in the application submitted to and approved by the Local Finance Board; and the present value savings to be achieved by the Township in connection with the issuance of the Refunding Bonds to refund the refunded bonds shall not be less than the percentage of the principal amount of the refunded bonds approved by the Local Finance Board, with such savings to be achieved, as far as practicable, as set forth in the application submitted to and approved by the Local Finance Board. The Chief Financial Officer of the Township is hereby authorized to execute an award certificate certifying and determining the principal amount, interest rate or rates and maturity schedule for the Refunding Bonds, and the Chief Financial Officer of the Township is further hereby directed to report in writing to the Township Council at their first meeting after the sale of the Refunding Bonds as to the principal amount, interest rate or rates and maturity schedule for the Refunding Bonds sold, the price obtained and the present value savings in connection with the refunding.

The Refunding Bonds shall be in substantially the form thereof attached as an exhibit to the form of the Bond Purchase Agreement attached hereto and approved herein, with such omissions, insertions and variations as are properly required.

*Section 3.* The Refunding Bonds shall be executed by the Mayor and the Chief Financial Officer, by their manual or facsimile signatures, and the corporate seal of the Township shall be affixed thereto, or imprinted or reproduced thereon, and attested by the manual signature of the Township Clerk.

*Section 4.* Pursuant to N.J.S.A. 40A:2-27(a)(2), the execution, delivery and performance by the Township of the Bond Purchase Agreement by and between the Township and the Authority relating to the sale of the Bonds, in substantially the form attached hereto as Exhibit A, is hereby authorized and approved. The Mayor, the Chief Financial Officer and the Administrator (each an "Authorized Officer") of the Township are each hereby authorized to execute the Bond Purchase Agreement on behalf of the Township with such insertions, revisions and changes therein as shall be approved by the Authorized Officer executing the same in consultation with the Township's Bond Counsel, such approval to be conclusively evidenced by the execution thereof.

*Section 5.* The execution, delivery and performance by the Township of the Continuing Disclosure Agreement in substantially the form attached as an exhibit to the form of the Bond Purchase Agreement attached hereto and approved herein is hereby authorized and approved, and the Chief Financial Officer or any other Authorized Officer is hereby authorized and directed to execute and deliver the Continuing Disclosure Agreement on behalf of the Township in substantially such form, with such insertions, revisions and changes therein as shall be approved by the Authorized Officer in consultation with the Township's Bond Counsel, such approval to be conclusively evidenced by the execution thereof.

*Section 6.* In order to maintain the exclusion from gross income for federal income tax purposes of interest on the Refunding Bonds under Section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), and for no other purpose, the Township covenants to comply with each applicable requirement of the Code applicable to said Refunding Bonds, and the Township covenants not to take any action or fail to take any action which would cause the interest on said Refunding Bonds to lose the exclusion from gross income for federal income taxation purposes under Section 103 of the Code.

The Township covenants and agrees with the holders of the Refunding Bonds that the Township shall not take

any action or omit to take any action which would cause the Refunding Bonds to be "private activity bonds" or "arbitrage bonds" within the meaning of Sections 141(a) or 148, respectively, of the Code, or any successor provision.

The Township covenants that it will take no action which would cause the Refunding Bonds to be federally guaranteed (within the meaning of Section 149(b) of the Code).

*Section 7.* The Mayor, the Chief Financial Officer, the Administrator and the Clerk of the Township are hereby designated, authorized and directed to perform any action or to determine any other matters or details relating to the Refunding Bonds, as may be required hereunder or under the Authority's Bond Resolution, and to do or perform or cause to be done or performed any and all acts as such officers or Bond Counsel may deem necessary or appropriate in order to effect the proper issuance, execution and delivery of the Refunding Bonds, and to execute, among other things, a tax and arbitrage certificate certifying that, among other things, the Township, to the extent it is empowered and allowed under applicable law, covenants that it will do and perform all acts and things necessary or desirable for the purpose of monitoring compliance to assure that interest paid on the Refunding Bonds is excludable from gross income under the Code, an IRS Form 8038-G pertaining to the Refunding Bonds, if required, and any and all instruments, opinions, affidavits, certificates, resolutions, documents or other papers as may be deemed necessary or desirable.

*Section 9.* This resolution shall take effect upon the adoption hereof.

As the consent agenda, the following Resolutions were introduced by reference, offered by Councilwoman Mazzola, seconded Councilman LaRocca and passed on a roll call vote of 4 - 0 in favor (Absent: Metzger): Res. #2011-121 (Raffle License - Marlboro Jewish Ctr - Casino Night), Res. #2011-122 (Raffle License - Marlboro Mustangs Diamond Club Corp.- Off Premise

50/50) and Res. #2011-123 (Raffle License - Saint Gabriels - Off Premise 50/50).

RESOLUTION # 2011-121

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 07-2011 (Casino Night) be and it is hereby granted to Marlboro Jewish Center, 103 School Road West, Marlboro, New Jersey 07746.

BE IT FURTHER RESOLVED that said Raffle will be held on April 9, 2011 from 8:30 PM to 12:00 AM at Marlboro Jewish Center, 103 School Road West, Marlboro, N. J. 07746.

RESOLUTION # 2011-122

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 08-2011 (Off-Premise 50/50) be and it is hereby granted to Marlboro Mustangs Diamond Club, Corp. 17 North Main Street (mailing address 17 North Main Street), Marlboro, New Jersey 07746.

BE IT FURTHER RESOLVED that said Raffle will be held on May 6, 2011 at 8 PM at Marlboro High School, 95 North Main Street, Marlboro, N. J. 07746.

RESOLUTION # 2011-123

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 09-2011 (Off Premise 50/50) be and it is hereby granted to St. Gabriel's R.C. Church, 100 North Main Street, Marlboro, New Jersey 07746.

BE IT FURTHER RESOLVED that said Raffle will be held on November 27, 2011 at 12 Noon at St. Gabriel's Church, 100 North Main Street, Marlboro, N. J. 07746.

At 8:10 PM, Councilwoman Mazzola moved that the meeting be adjourned. This was seconded by Councilman LaRocca and passed on a roll call vote of 4 - 0 in favor (Absent: Metzger).

MINUTES APPROVED: April 7, 2011

OFFERED BY: La Rocca AYES: 3

SECONDED BY: Mazzola NAYS: 0

ABSTAIN: Metzger

ABSENT: Cantor

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ALIDA MANCO,  
MUNICIPAL CLERK

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RANDI MARDER,  
COUNCIL PRESIDENT