

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

February 25, 2016

The Marlboro Township Council held its regularly scheduled Meeting on February 25, 2016 at 7:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Mazzola opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of this meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on January 11, 2016; 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 Cantor, Councilman Metzger, Councilman Scalea, Council Vice President Marder and Council President Mazzola.

Also present were: Mayor Jonathan L. Hornik, Louis N. Rainone, Esq., Business Administrator Jonathan Capp, Municipal Clerk Alida Manco, Deputy Municipal Clerk Suzanne Branagan.

Councilman Metzger moved that the minutes of February 11, 2016 be approved. This was seconded by Council President Mazzola, and passed on a roll call vote of 4 - 0 in favor with Vice President Marder abstaining.

Councilman Metzger moved that the minutes of February 17, 2016 be approved. This was seconded by Vice Council President Marder, and passed on a roll call vote of 4 - 0 in favor with Councilman Scalia abstaining.

The following Res. #2016-85/Ord. #2016-1 (2016 Salary Ordinance) was introduced by reference, offered by Councilman Scalea and seconded by Council Vice President Marder. Council President Mazzola opened the Public Hearing on Ord. #2016-1. As there was no one who wished to speak, the Public Hearing was closed. The

resolution/ordinance was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2016-85

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

ORDINANCE # 2016-1

ORDINANCE AMENDING CHAPTER 4, ARTICLE XX  
(ADMINISTRATION OF GOVERNMENT, OFFICERS AND EMPLOYEES)  
AND FIXING THE SALARIES OF VARIOUS OFFICERS AND EMPLOYEES  
OF THE TOWNSHIP OF MARLBORO 2016

which was introduced on February 11, 2016, public hearing held on February 25, 2016, be adopted on second and final reading this 25th day of February, 2016.

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

The following Res. #2016-86/Ord. #2016-2 (Bond Ordinance - General Capital Improvements) was introduced by reference, offered by Councilman Metzger and seconded by Councilman Scalea. Council President Mazzola opened the Public Hearing on Ord. #2016-2. As there was no one who wished to speak, the Public Hearing was closed. The resolution/ordinance was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2016-86

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

ORDINANCE # 2016-2

BOND ORDINANCE PROVIDING FOR THE VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$3,341,669 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$3,174,582 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

which was introduced on February 11, 2016, public hearing held on February 25, 2016, be adopted on second and final reading this 25th day of February, 2016.

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

ORDINANCE # 2016-2

BOND ORDINANCE PROVIDING FOR THE VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$3,341,669 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$3,174,582 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

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 several improvements described in Section 3 of this bond ordinance are hereby respectively 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, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$3,341,669, and further including the aggregate sum of \$167,087 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$3,174,582 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. 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 estimated maximum amount of bonds or notes to be

issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	Appropriation & <u>Estimated Cost</u>	Estimated Maximum Amount of <u>Bonds &amp; Notes</u>	<u>Period of Usefulness</u>
a) <u>General Computer Office</u> Acquisition of MIS equipment, including but not limited to, MS Licensing Enterprise Agreement, the Annual PC and Laptop Replace Program, and the acquisition of various equipment, including MIS equipment, MIS infrastructure, rack mount servers, firewall and network improvement hardware and a map machine, including all related costs and expenditures incidental thereto.	\$196,248	\$186,435	5 years
b) <u>Engineering</u> 1) Engineering for various capital projects, including but not limited to, road and sidewalk improvements, as more fully described on a list of file in the Office of the Clerk, including all work and materials necessary therefor and incidental thereto.	\$1,822,081	\$1,730,976	10 years

<p>2) Engineering for various drainage projects, including but not limited to Church Road and Orchard Parkway and including all work and materials necessary therefor and incidental thereto.</p>	<p>\$173,273</p>	<p>\$164,609</p>	<p>15 years</p>
<p>c) <u>Police</u>  1) The acquisition of a truck/van and a copier, including all related costs and expenditures incidental thereto.</p> <p>2) The acquisition of equipment, including portable and mobile radios, a portable thermal night vision camera and communications equipment including all related costs and expenditures incidental thereto.</p> <p>3) The acquisition of equipment, including equipment for police vehicles, trucks/vans, portable public address system and equipment for Emergency Response Team, including all related costs and expenditures incidental thereto.</p>	<p>\$44,720</p> <p>\$24,842</p> <p>\$57,665</p>	<p>\$42,484</p> <p>\$23,599</p> <p>\$54,781</p>	<p>5 years</p> <p>10 years</p> <p>15 years</p>

<p>d) <u>Road Maintenance</u>  1) The acquisition of trucks, including a pickup truck with plow and a dump truck with plow/spreader, including all related costs and expenditures incidental thereto.</p> <p>2) The acquisition of equipment, including but not limited to, a front end loader with straight and claw bucket and a trailer, including all related costs and expenditures incidental thereto.</p>	<p>\$239,200</p> <p>\$265,200</p>	<p>\$227,240</p> <p>\$251,940</p>	<p>5 years</p> <p>15 years</p>
<p>e) <u>Vehicle Maintenance</u>  Above-ground storage tank improvements at the Department of Public Works Yard, including all work and materials necessary therefor and incidental thereto.</p>	<p>\$199,160</p>	<p>\$189,202</p>	<p>15 years</p>
<p>f) <u>Grounds Maintenance</u>  Improvements to public buildings and the construction of a salt shed, including work and materials necessary therefore and incidental thereto.</p>	<p>\$155,480</p>	<p>\$147,706</p>	<p>15 years</p>

<p>g) <u>Park and Recreation</u>  1) The acquisition of trucks, including a pickup truck with plow and a dump truck with plow/spreader, including all related costs and expenditures incidental thereto.</p> <p>2) The acquisition of equipment, including but not limited to, landscape trailers, zero turn mowers and a zero turn mower decks, including all related costs and expenditures incidental thereto.</p>	<p>\$93,600</p> <p>\$45,240</p>	<p>\$88,920</p> <p>\$42,978</p>	<p>5 years</p> <p>15 years</p>
<p>h) <u>Recreation</u>  The acquisition of a minivan, including all related costs and expenditures incidental thereto.</p>	<p>\$21,840</p>	<p>\$20,748</p>	<p>5 years</p>
<p>i) <u>Municipal Court</u>  The acquisition of furniture, including all related costs and expenditures incidental thereto.</p>	<p>\$3,120</p>	<p>\$2,964</p>	<p>5 years</p>
<p>TOTAL:</p>	<p><u>\$3,341,669</u></p>	<p><u>\$3,174,582</u></p>	

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose.

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 bond anticipation note shall mature later than one year from its date. The bond anticipation 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 bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation 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 bond anticipation 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 bond anticipation 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 bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

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

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements or purposes that 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 benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 10.44 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 \$3,174,582, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$128,526 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 purposes or improvements.

Section 7. The Township hereby declares the intent of the Township to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes or improvements described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purposes or improvements described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

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. The full faith and credit of the Township are 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 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 Res. #2016-87/Ord. #2016-3 (Bond Ordinance - Water Capital Improvements) was introduced by reference, offered by Council Vice President Marder and seconded by Councilman Metzger. Council President Mazzola opened the Public Hearing on Ord. #2016-3. As there was no one who wished to speak, the Public Hearing was closed. The resolution/ordinance was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2016-87

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

ORDINANCE # 2016-3

BOND ORDINANCE PROVIDING FOR VARIOUS WATER UTILITY IMPROVEMENTS IN AND BY THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$543,920 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$543,920 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE THE COST THEREOF.

which was introduced on February 11, 2016, public hearing held on February 25, 2016, be adopted on second and final reading this 25th day of February, 2016.

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

ORDINANCE # 2016-3

BOND ORDINANCE PROVIDING FOR VARIOUS WATER UTILITY IMPROVEMENTS IN AND BY THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$543,920 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$543,920 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE THE COST THEREOF.

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 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"). For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$543,920. No down payment is required as the purposes authorized herein are deemed self-liquidating and the bonds and bond anticipation notes authorized herein are deductible from the gross debt of the Township, as more fully explained in Section 6(e) of this bond ordinance.

Section 2. In order to finance the cost of the improvements or purposes, negotiable bonds are hereby authorized to be issued in the principal amount of \$543,920 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. 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 estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Appropriation &amp; Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds &amp; Notes</u>	<u>Period of Usefulness</u>
a) The acquisition of a pickup truck with plow, including all related costs and expenditures incidental thereto.	\$83,200	\$83,200	5 years
b) Various improvements, including, but not limited to, emergency repairs and in-house repair materials for hydrants, valves and pipes, including all work and materials necessary therefor and incidental thereto and further including all related costs and expenditures incidental thereto.	\$260,000	\$260,000	15 years
c) Well redevelopment and rehabilitation, including all work and materials necessary therefor and incidental thereto.	\$200,720	\$200,720	40 years
TOTAL:	<u>\$543,920</u>	<u>\$543,920</u>	

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum

amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose.

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 bond anticipation note shall mature later than one year from its date. The bond anticipation 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 bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation 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 bond anticipation 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 bond anticipation 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 bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

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

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are improvements or purposes that the Township may lawfully undertake as self-liquidating purposes of a municipal public

utility. No part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 22.69 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 \$543,920, but that the net debt of the Township determined as provided in the Local Bond Law is not increased by this bond ordinance. The obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$20,920 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 purposes or improvements.

(e) This bond ordinance authorizes obligations of the Township solely for purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for purposes that are deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from the gross debt of the Township pursuant to N.J.S.A. 40A:2-44(c).

Section 7. The Township hereby declares the intent of the Township to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the costs of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount

of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

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. The full faith and credit of the Township are 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 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 Res. #2016-88/Ord. #2016-4 (Amending Fees - Various) was introduced by reference, offered by Council Vice President Marder and seconded by Councilman Scalea. Council President Mazzola opened the Public Hearing on Ord. #2016-4. As there was no one who wished to speak, the Public Hearing was closed. The resolution/ordinance was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2016-88

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

ORDINANCE # 2016-4

AN ORDINANCE AMENDING AND SUPPLEMENTING LICENSING AND PERMITTING FEES FOR WRECKER LICENSES; PARKING PERMITS; STORMWATER MANAGEMENT MAINTENANCE; WATER UTILITY CONNECTION FEES; NON-RESIDENT COMMUNITY GARDEN PERMIT FEES; UNIFORM CONSTRUCTION CODE; LAND USE AND DEVELOPMENT ESCROW AND NON-REFUNDABLE FEES; FEES FOR CERTIFICATE OF CONTINUED OCCUPANCY AND RECREATION & SWIM PROGRAM FEES OF THE CODE OF THE TOWNSHIP OF MARLBORO

which was introduced on February 11, 2016, public hearing held on February 25, 2016, be adopted on second and final reading this 25th day of February, 2016.

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

The following Res. #2016-89/Ord. #2016-5 (Providing for Lease Purchase Financing and Acquisition of Police Cars) was introduced by reference, offered by Councilman Cantor and seconded by Council Vice President Marder. Council President Mazzola opened the Public Hearing on Ord. #2016-5. As there was no one who wished to speak, the Public Hearing was closed. The resolution/ordinance was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2016-89

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

ORDINANCE #2016-5

ORDINANCE PROVIDING FOR THE LEASE PURCHASE FINANCING AND ACQUISITION OF POLICE CARS FOR AND BY THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY.

which was introduced on February 11, 2016, public hearing held on February 25, 2016, be adopted on second and final reading this 25th day of February, 2016.

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

ORDINANCE # 2016-5

ORDINANCE PROVIDING FOR THE LEASE PURCHASE  
FINANCING AND ACQUISITION OF POLICE CARS FOR  
AND BY THE TOWNSHIP OF MARLBORO, IN THE  
COUNTY OF MONMOUTH, NEW JERSEY.

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 the full membership thereof affirmatively concurring) AS FOLLOWS:

Section 1. The Township Council of the Township of Marlboro, in the County of Monmouth, New Jersey hereby authorizes the lease purchase financing and acquisition of police cars for the Township pursuant to N.J.S.A. 40A:11-15(7) for a total principal cost of not to exceed \$160,000. The procurement of the police cars is available through a State Contract. The rental payments will be paid over three years at an interest rate per annum to be approved by the Chief Financial Officer of the Township through a procurement process authorized herein and in accordance with law. The Chief Financial Officer of the Township is authorized to take financing bids or proposals or procure financing by other lawful means, including through a national purchasing cooperative, as she deems most cost effective for the Township.

Section 2. The Mayor and/or the Chief Financial Officer are hereby authorized to negotiate, execute and deliver, subject to the review of Bond Counsel, a lease purchase agreement (the "Lease") in accordance with the terms set forth in this ordinance, an agent or an escrow agreement, an assignment agreement, if necessary, and such other documents as may be necessary to consummate the transaction. The Township Council authorizes the Chief Financial Officer to establish an escrow account for the deposit of the lease proceeds and to direct the deposit and investment of the lease proceeds in the escrow for the term of the Lease in accordance with the requirements of law. The Township Council hereby authorizes and directs the Mayor or the Chief Financial Officer to execute the Lease and such other documents as may be required to consummate the transaction in forms approved by Bond Counsel, such approval to be evidenced by the execution of the Lease or such other documents by the Mayor or Chief Financial Officer. The Clerk is authorized to attest to such documents under the seal of the Township. The Mayor and /or the Chief Financial Officer are

also authorized and directed to take on behalf of the Township such other actions as shall be necessary and appropriate to accomplish the lease purchase financing of the police cars in accordance with the terms of the Lease and this ordinance and pursuant to the terms of the agreements and instruments authorized to be prepared hereby and to accomplish the performance of the obligations of the Township in respect thereto.

Section 3. The payment of rent or other monies due under the Lease shall be made from operating funds, subject to the availability of funds and appropriation annually of sufficient funds as may be required to meet the obligations of the Lease, and the Lease shall contain a clause making it subject to such appropriation or shall contain an annual cancellation clause. Neither the Township nor any agency, department or political subdivision thereof shall be obligated to pay any sum to the purchaser or lessor under the Lease from any taxing source for the payment of any sums due under the Lease unless an appropriation is made in a duly approved budget of the Township. The obligations of the Township shall not constitute indebtedness of the Township or of any department, agency or political subdivision thereof. The Lease shall set forth the term of the Lease, the rental payments to be paid by the Township in respect thereof, and the dates on which such rental payments shall be due and payable.

Section 4. The Township Council hereby covenants that it will comply with any conditions subsequent imposed by the Internal Revenue Code of 1986, as amended (the "Code"), in order to preserve the exemption from taxation of the interest portion of rental payments due on the Lease, including the requirement to rebate all net investment earnings on the gross proceeds above the yield on the Lease, if applicable.

Section 5. The Township Council hereby declares its intent to issue the Lease in the expected maximum principal amount of the Lease set forth herein and to use the proceeds of the Lease to pay or reimburse expenditures for the costs of the purpose for which the Lease is authorized herein. This resolution is a declaration of intent within the meaning and for the purposes of Treasury Regulations Section 1.150-2 or any successor provisions of federal income tax law.

Section 6. This ordinance shall take effect 20 days following final publication after final adoption and otherwise

as provided by law.

The following Resolution #2016-090 (Advising Mon County Tax Board that Marlboro is Opting Out of Taxation Assessment Demonstration Pilot Program) was introduced by reference, offered by Councilman Cantor, seconded by Council Vice President Marder, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2016-90

ADVISING THE MONMOUTH COUNTY BOARD OF TAXATION THAT  
THE TOWNSHIP OF MARLBORO IS OPTING OUT OF THE  
MONMOUTH COUNTY ASSESSMENT DEMONSTRATION PILOT PROGRAM

WHEREAS, in March, 2013, Governor Christie signed into law P.L. 2013, Chapter 15 known as the Assessment Demonstration Pilot Program; and

WHEREAS, Monmouth County elected to participate in this pilot program, and remains the only County to do so; and

WHEREAS, the Township of Marlboro was ordered by the Monmouth County Board of Taxation to implement the Assessment Demonstration Program (ADP); and

WHEREAS, the County program requires the municipal Tax Assessor to annually perform a town-wide reassessment and mandates that 20% of the properties within a municipality be inspected annually so that 100% of all properties are inspected every 5 years; and

WHEREAS, the Monmouth County Board of Taxation has certified reassessed values for 2015 and 2016 (preliminary) for Marlboro under the ADP; and

WHEREAS, Mayor Hornik has been vocal in his opposition to the program, expressing that the ADP:

- mandates that municipalities include the cost of inspecting 20% of the properties in the annual budget, an amount in excess of \$60,000 for Marlboro
- exposes taxpayers to abrupt swings in the real estate market on an annual basis
- inappropriately interferes with local tax assessors

- has a disproportionate adverse effect on residential and senior citizen property taxpayers
- denies taxpayers the protection of the Freeze Act forcing them to file appeals year after year
- does not preclude the Tax Board from ordering a revaluation

; and

WHEREAS, an investigation by the Asbury Park Press has uncovered numerous questions about the integrity of the program; and

WHEREAS, on October 22, 2015, the Municipal Council of the Township of Marlboro approved Res. #2015-325 calling on the Monmouth County Tax Board to suspend the program; and

WHEREAS, the Monmouth County Board of Taxation approved a resolution (undated) authorizing that "any municipality may opt out of the requirement to perform Annual Reassessments within the (ADP) for 2017 if they do so by 11:59 pm on April 29, 2016" (ATTACHED); and

WHEREAS, in order to obtain up to date information about the ADP, and, specifically, the "opt-out" being offered, representatives from the Township attended a meeting sponsored by the New Jersey Municipal Managers' Association (NJMMA) in Manalapan, at which numerous state and local officials were present, and have attempted to obtain clarification on certain points from the Monmouth County Board of Taxation; and

WHEREAS, the Township understands the following to hold true in the event a municipality "opts-out":

- The "opt-out" extends through the end of the five (5) year Pilot Program which includes both the 2017 and 2018 tax years;
- Inspections covering 20% of Township properties on an annual basis will no longer be required;
- The Tax Assessor must continue to annually certify values for all properties to the County Board of Taxation by November 1<sup>st</sup>;
- The deadline for filing a tax appeal with the Monmouth County Board of Taxation remains January 15<sup>th</sup> of the tax year

; and

WHEREAS, Mayor Hornik has recommended that the Township opt-out of the Monmouth County Tax Assessment Demonstration Pilot Program in the best interest of the taxpayers of Marlboro; and

WHEREAS, the Municipal Council believes that the Mayor's call for opting out of the Monmouth County Tax Assessment Demonstration Pilot Program is in the best interest of the taxpayers of Marlboro.

NOW, THEREFORE, BE IT RESOLVED that the Municipal Council of the Township of Marlboro supports Mayor Hornik's recommendation and approves of the Township's opting out of the Monmouth County Tax Assessment Demonstration Pilot Program.

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

- a. Monmouth County Board of Freeholders
- b. Monmouth County Board of Taxation
- c. State Senator Joseph Kyrillos
- d. State Assembly Member Declan O'Scanlon
- e. State Assembly Member Amy Handlin

As the Consent Agenda, the following resolutions were introduced by reference, offered by Councilman Scalea, seconded by Council Vice President Marder and passed on a roll call vote of 5 - 0 in favor. Res. #2016-91 (2016 Temporary Emergency Appropriations), Res. #2016-92 (2015 Budget Transfers), Res. #2016-93 (Amendment to Shared Service Agreement with Manalapan - Swim Club and Swim Camp Programs), Res. #2016-94 (Amendment to Shared Service Agreement with Colts Neck - Swim Club and Swim Camp Programs), Res. #2016-95 (Authorizing Shared Services Agreement with Howell Township for Use of Firearms Practice Range), Res. #2016-96 (Amending and Reauthorizing Shared Services Agreement for Computer Aided Dispatch (CAD)-Based Emergency Recall Services for Emergency Services Volunteers), Res. #2016-97 (Authorizing Temporary Extension of Contract - Recycling Collection & Disposal Services), Res. #2016-98 (Confirming Emergency Contract - Emergency Water System Repairs), Res. #2016-99 (Confirming Emergency Contracts - Snow Removal), Res. #2016-100 (Authorizing Award of Cooperative Contract (MRESC) - Restoration Services). Res. #2016-101 (Authorizing Transfer and Acceptance of Surplus

Military Equipment from US Dept of Defense (DOD)), Res. #2016-103 (Approving Continuation of Group Dental Insurance for Employees), Res. #2016-104 (Authorizing Affordable Housing Rehabilitation Lien Subordination - 2 Sherbrooke Lane), Res. #2016-105 (Redemption Tax Sale Certs - Various), Res. #2016-98 (Confirming Emergency Contract - Emergency Water System Repairs), Res. #2016-106 (Disabled Veteran Deduction - B 146, L 24 -23 Falson Ln) and Res. #2016-107 (Refunds for Overpayments 2016 Taxes - Various).

RESOLUTION # 2016-91

EMERGENCY TEMPORARY APPROPRIATION  
PRIOR TO ADOPTION OF THE BUDGET

WHEREAS, N.J.S.A. 40A:4-20 provides authorization for an emergency temporary appropriation after the first thirty days of the fiscal year and before the adoption of the 2016 Municipal budget; and

WHEREAS, this resolution authorizes appropriations representing 50% of the full 2015 appropriations with the exception of debt service and obligations associated with seasonal considerations; and

WHEREAS, the total emergency temporary resolutions adopted in the year CY 2016 pursuant to the provisions of N.J.C.A. 40A 4-20 (Chapter 96, P.L.1951 as amended) including this resolution total: \$21,335,887.62 for the municipal budget, \$3,735,344.65 for the operations of the water utility, and \$1,244,143.85 for the operations of the recreation and swim utility; and

NOW THEREFORE, BE IT RESOLVED, that in accordance with the provisions of N.J.S.A. 40A:4-20:

1. An emergency temporary appropriation be and the same is hereby made for each of the accounts listed on the attached.
2. That each said emergency temporary appropriation will be provided for in the CY 2016 budget under the same title as appropriated above.
3. That one certified copy of this resolution be filed with the Director of Local Government Services.

RESOLUTION # 2016-92

RESOLUTION AUTHORIZING TRANSFER  
OF APPROPRIATION RESERVES  
DURING FIRST THREE MONTHS  
OF THE FISCAL YEAR

WHEREAS, N.J.S.A. 40A: 4-59 provides for appropriation reserve transfers during the first three (3) months of the following fiscal year, when it has been determined that additional funds may be necessary to pay for services or goods that had been received in the operations of the preceding year.

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Marlboro does hereby authorize the transfers among the Appropriation Reserves (Calendar Year 2015 Municipal Budget) as follows:

Account	From	To
(2015) Employee Insurance - Other Expenses	\$200,000.00	
(2015) Police Salary & Wages	50,000.00	
(2015) Police Other Expenses	50,000.00	
(2015) Snow Removal Other Expenses		\$200,000.00
(2015) Accumulated Absences		100,000.00
	<u>\$300,000.00</u>	<u>\$300,000.00</u>

RESOLUTION # 2016-93

A RESOLUTION AUTHORIZING AN AMENDMENT TO SHARED  
SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF  
MARLBORO AND THE TOWNSHIP OF MANALAPAN FOR  
USE OF THE MARLBORO SWIM CLUB

WHEREAS, the Township of Marlboro ("Provider") and the Township of Manalapan ("Manalapan") initially entered into an agreement on June 17, 2008 for the use of the Marlboro Swim Club; and

WHEREAS, the fees to be charged to Manalapan residents for membership at the Marlboro Swim Club were set forth in "EXHIBIT A" of the agreement; and

WHEREAS, Marlboro and Manalapan have agreed to update the fees in the agreement as set forth in the document labeled "EXHIBIT A" dated February 25, 2016.

NOW THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that the shared services agreement between Marlboro and Manalapan be amended as set forth in "EXHIBIT A" dated February 25, 2016.

RESOLUTION # 2016-94

A RESOLUTION AUTHORIZING AN AMENDMENT TO SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF MARLBORO AND THE TOWNSHIP OF COLTS NECK FOR USE OF THE MARLBORO SWIM CLUB

WHEREAS, the Township of Marlboro ("Provider") and the Township of Colts Neck ("Colts Neck") entered into an agreement on April 12, 2012 for the use of the Marlboro Swim Club; and

WHEREAS, the fees to be charged to Colts Neck residents for membership at the Marlboro Swim Club were set forth in "EXHIBIT A" of the agreement; and

WHEREAS, Marlboro and Colts Neck have agreed to update the fees in the agreement as set forth in the document labeled "EXHIBIT A" dated February 25, 2016.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that the shared services agreement between Marlboro and Colts Neck be amended as set forth in "EXHIBIT A" dated February 25, 2016.

RESOLUTION # 2016-95

A RESOLUTION OF THE TOWNSHIP OF MARLBORO IN MONMOUTH COUNTY, NEW JERSEY, AMENDING AND RENEWING THE SHARED SERVICES AGREEMENT WITH THE HOWELL TOWNSHIP DEPARTMENT OF POLICE FOR THE USE OF THE HOWELL FIREARMS RANGE

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et seq., (the "Act") permits units of local government to share services for particular purposes and to effectuate agreements for any service or circumstance that will aid and encourage a reduction of local expenses; and

WHEREAS, the Township of Marlboro ("Marlboro") and Howell

Township ("Howell") are public bodies corporate and politic of the State of New Jersey and are authorized under New Jersey Law to enter into a Shared Services Agreement pursuant to the Act; and

WHEREAS, the Township Council of the Township of Marlboro authorized the execution of a shared services agreement with Howell Township on December 9, 2010 for use of the Howell Township Firearms Range; and

WHEREAS, Marlboro desires to continue the utilization of the Howell Township's Firearms Range; and

WHEREAS, representatives of Marlboro and Howell have negotiated an amended Shared Services Agreement, a copy of which is annexed hereto as EXHIBIT A, and the terms of which are incorporated into this resolution as if set forth at length herein; and

WHEREAS, the Township Council of the Township of Marlboro has determined that the entry into the Shared Services Agreement is in the best interest of the residents and taxpayers of Marlboro,

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Marlboro as follows:

1. The above recitals are hereby incorporated into the body of this Resolution as if set forth at length herein.
2. The Mayor is hereby authorized to execute the Shared Services Agreement annexed hereto as EXHIBIT A.

RESOLUTION # 2016-96

A RESOLUTION OF THE TOWNSHIP OF MARLBORO IN MONMOUTH COUNTY, NEW JERSEY AMENDING AND REAUTHORIZING A SHARED SERVICES AGREEMENT BETWEEN THE MARLBORO TOWNSHIP DEPARTMENT OF PUBLIC SAFETY AND MARLBORO FIRE DISTRICTS TO PROVIDE COMPUTER AIDED DISPATCH (CAD) -BASED EMERGENCY RECALL SERVICES FOR VOLUNTEERS

WHEREAS, the Township of Marlboro (the "Township") Department of Public Safety, Division of Police currently provides emergency dispatching services for the Township of Marlboro which includes volunteer emergency medical services and

the independent fire districts; and

WHEREAS, on November 13, 2014 (R.2014-384) the Township Council authorized a shared services agreement with Marlboro Fire District 2 ("District 2") to provide computer aided dispatch (CAD) based emergency recall services for volunteer firefighters; and

WHEREAS, Marlboro Fire District 2 wishes to extend the shared services agreement; and

WHEREAS, Marlboro Fire Districts 1 and 3 have requested that the Marlboro Township Department of Public Safety, Division of Police acquire an add-on module to the existing computer aided dispatch software application which provides for automated emergency recall of volunteers; and

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et seq., (the "Act") permits units of local government to share services for particular purposes and to effectuate agreements for any service or circumstance that will aid and encourage a reduction of local expenses; and

WHEREAS, the Township of Marlboro ("Township") and Fire Districts 1, 2 and 3 ("Marlboro Fire Districts") are public bodies corporate and politic of the State of New Jersey and are authorized under New Jersey Law to enter into a Shared Services Agreement pursuant to the Act; and

WHEREAS, the Township has the facilities to provide computer aided dispatch (CAD)-based emergency recall services for volunteer firefighters; and

WHEREAS, the Township and Marlboro Fire Districts have negotiated a Shared Services Agreement, a copy of which is annexed hereto as EXHIBIT A, and the terms of which are incorporated into this resolution as if set forth at length herein; and

WHEREAS, the Marlboro Chief of Police has recommended the proposed agreement as representing the best value and public safety solution for Marlboro taxpayers; and

WHEREAS, the Mayor and Municipal Council have indicated their desire to accept the recommendation of the Chief of

Police.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Marlboro as follows:

1. The above recitals are hereby incorporated into the body of this Resolution as if set forth at length herein.
2. The Shared Services Agreement shall be open to public inspection in the Clerk's office and shall take effect upon the adoption of a resolution and execution of the agreement by both parties.
3. The Mayor and Township Clerk are hereby authorized to execute the Shared Services Agreement annexed hereto as EXHIBIT A.

RESOLUTION # 2016-97

A RESOLUTION AUTHORIZING CONTRACT ON A MONTHLY BASIS TO WASTE MANAGEMENT OF NEW JERSEY, INC. FOR THE PROVISION OF RECYCLING COLLECTION AND DISPOSAL SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (DPW)

WHEREAS, by Resolution #2011-095 the Township Council of the Township of Marlboro awarded a contract to WASTE MANAGEMENT OF NEW JERSEY, INC. for the PROVISION OF RECYCLING COLLECTION AND DISPOSAL SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (DPW) for the period March 1, 2011 through December 31, 2015; and

WHEREAS, pursuant to N.J.S.A. 40A:11-15, a contract may be extended by mutual agreement of the parties to the contract when a contracting unit has commenced rebidding prior to the time the contract expires; and

WHEREAS, the prices for most recycling commodities have steadily decreased over the past year; and

WHEREAS, due to the loss of revenue from recycling commodities and increased operating expenses the incumbent vendor was unwilling to extend the contract at the current pricing of \$21,488.74 per month; and

WHEREAS, the Township is obligated to provide recycling collection services; and

WHEREAS, on December 17, 2015 (R.2015-416) the Township awarded a contract to Waste Management of New Jersey, Inc. on a monthly basis for \$25,000.00 per month through March 31, 2016; and

WHEREAS, on February 9, 2016 the Township received sealed bids for RECYCLING COLLECTION AND DISPOSAL SERVICES; and

WHEREAS, pursuant to N.J.S.A. 40A:11-13.2(b) the Township Council rejected all bids on February 11, 2016 (R.2016-084) as the bid submitted by the apparent lowest bidder exceeded the Township's budgeted cost; and

WHEREAS, in anticipation of receiving bids for Recycling Collection and Disposal Services for a second time, the Township wishes to continue utilizing the incumbent vendor, Waste Management of New Jersey, Inc.; and

WHEREAS, due to the loss of revenue from recycling commodities and increased operating expenses the incumbent vendor is unwilling to extend the contract at the current pricing of \$25,000.00 per month; and

WHEREAS, Waste Management of New Jersey, Inc. will continue to provide the required recycling collection and disposal services at the proposed rate of \$40,000.00 per month; and

WHEREAS, the Superintendent of Public Works has recommended that the Township award a contract to WASTE MANAGEMENT OF NEW JERSEY, INC. on a monthly basis until such time as a new contract can be awarded; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation as set forth herein; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract be awarded on a monthly basis to WASTE MANAGEMENT OF NEW JERSEY, INC. whose address is 107 Silvia Street, Ewing, NJ 08628 commencing on April 1, 2016, in a total amount not to exceed \$120,000.00; and

BE IT FURTHER RESOLVED, that funds in an amount not to exceed \$120,000.00 will be made available and certified by the

Chief Financial Officer from Current Account # 01-201-26-117-233112 upon adoption of the 2016 municipal budget.

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

- a. WASTE MANAGEMENT OF NEW JERSEY, INC.
- b. Business Administrator
- c. Department of Public Works
- d. Chief Financial Officer

RESOLUTION # 2016-98

A RESOLUTION CONFIRMING EMERGENCY CONTRACT WITH LUCAS CONSTRUCTION GROUP, INC. FOR THE PROVISION OF EMERGENCY WATER SYSTEM REPAIRS PURSUANT TO N.J.S.A. 40A:11-6 FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS WATER UTILITY DIVISION

WHEREAS, on January 22, 2016 the Department of Public Works Water Utility Division reported a water main break in the vicinity of 35 Truman Drive designated as Emergency #1601; and

WHEREAS, N.J.S.A. 40A:11-6 states that "Any contract may be ... awarded for a contracting unit without public advertising for bids and bidding therefor ... when an emergency affecting the public health, safety or welfare requires the immediate ... performance of services ... ."; and

WHEREAS, N.J.S.A. 40A:11-6(b) states that "Upon the furnishing of such goods or services ... the contractor furnishing such goods or services shall be entitled to be paid therefor and the contracting unit shall be obligated for said payment ..."; and

WHEREAS, the condition posed a serious threat to the public health, safety and welfare, constituting an emergency under the terms of N.J.S.A. 40A:11-6; and

WHEREAS, pursuant to N.J.S.A. 40A:11-6, the Township contacted its existing emergency water main repair contractor, LUCAS CONSTRUCTION GROUP, INC., 173 Amboy Road, Morganville, NJ 07751 to provide the emergency repairs, estimated at an amount not to exceed \$7,849.31; and

WHEREAS, the Chief Financial Officer has certified the availability of funds in Reserve for Insurance Account #01-286-55-004; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that the emergency contract award pursuant to N.J.S.A. 40A:11-6 be confirmed for emergency water main repairs to LUCAS CONSTRUCTION GROUP, INC., 173 Amboy Road, Morganville, NJ 07751 for an amount not to exceed \$7,849.31.

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

- a. Lucas Construction Group, INC.
- b. Township Business Administrator
- c. Township Chief Financial Officer
- d. Township Director of Public Works

RESOLUTION # 2016-99

A RESOLUTION CONFIRMING EMERGENCY CONTRACTS WITH L.J. PESCE LLC, LUCAS CONSTRUCTION GROUP, INC., PREMIUM GROWERS, INC., TRI COUNTY TURF, LLC, AND TRIPLE C NURSERIES, INC. FOR THE SUPPLY OF CONTRACT SNOW REMOVAL SERVICES PURUSANT TO N.J.S.A. 40A:11-6 FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, on January 22, 2016 the Governor issued Executive Order No. 202 and declared a state of emergency in response to winter storm Jonas, designated as Township Emergency #1602; and

WHEREAS, N.J.S.A. 40A:11-6 states that "Any contract may be ... awarded for a contracting unit without public advertising for bids and bidding therefor ... when an emergency affecting the public health, safety or welfare requires the immediate ... performance of services ... ."; and

WHEREAS, N.J.S.A. 40A:11-6(b) states that "Upon the furnishing of such goods or services ... the contractor furnishing such goods or services shall be entitled to be paid therefor and the contracting unit shall be obligated for said payment ..."; and

WHEREAS, on January 22, 2016 the Department of Public Works advised that contract snow plow services and additional equipment would be required in order to remove the snow from the roadways prior to temperatures falling below the freezing mark; and

WHEREAS, the severe winter storm which began on January 22, 2016 led to a substantial amount of snow accumulating on the roadways posing a serious threat to the public health, safety

and welfare, constituting an emergency under the terms of N.J.S.A. 40A:11-6; and

WHEREAS, on October 8, 2015 (R.2015-315) and October 22, 2015 (R.2015-330), the Township Council awarded contracts for the Supply of Contract Snow Removal Services for the Township of Marlboro Department of Public Works, as follows:

Garden Irrigation	58,800.00
L.J. Pesce LLC	99,900.00
Lucas Construction Group, Inc.	150,000.00
Premium Growers, Inc.	158,400.00
Tri County Turf, LLC	164,700.00
Triple C Nurseries, Inc.	184,800.00

; and

WHEREAS, pursuant to N.J.S.A. 40A:11-6, the Township authorized the contract vendors to perform snow removal services at their contract pricing for amounts estimated at \$44,200.00 for Garden Irrigation, 316 Tennent Road Suite #203, Morganville, NJ 07751, \$36,300.00 for L.J. Pesce LLC, PO Box 88, 19 Windswept Rd., Holmdel, NJ 07733, \$55,950.00 for Lucas Construction Group, Inc., 173 Amboy Road, Morganville, NJ 07751, \$64,440.00 for Tri County Turf, LLC, 4 Rosewood Drive, Holmdel, NJ 07733, \$97,400.00 for Premium Growers, Inc., 178 Highway 34, Holmdel, NJ 07733, and \$59,140.00 for Triple C Nurseries, PO Box 306, 915 B Holmdel Rd, Holmdel, NJ 07733; and

WHEREAS, the Chief Financial Officer will certify funds upon adoption of the 2016 budget.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that emergency contract awards pursuant to N.J.S.A. 40A:11-6 be confirmed for snow plowing services required, and estimated to be required, as follows:

Garden Irrigation	44,200.00
L.J. Pesce LLC	36,300.00
Lucas Construction Group, Inc.	55,950.00
Premium Growers, Inc.	97,400.00
Tri County Turf, LLC	64,440.00
Triple C Nurseries, Inc.	59,140.00

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

- a. Garden Irrigation
- b. LJ Pesce LLC
- c. Premium Growers, Inc.
- d. Tri County Turf, LLC
- e. Triple C Nurseries, Inc.
- f. Lucas Construction Group
- g. Township Business Administrator
- h. Township Chief Financial Officer
- i. Township Director of Public Works

RESOLUTION # 2016-100

RESOLUTION CONFIRMING EMERGENCIES AND AUTHORIZING A CONTRACT FOR DISASTER RECOVERY SERVICES FOR THE RESTORATION OF VARIOUS AREAS OF TOWNSHIP BUILDINGS THROUGH BIDS OBTAINED BY THE MIDDLESEX REGIONAL EDUCATION SERVICES COMMISSION (MRESC)

WHEREAS, on February 3, 2016 and February 4, 2016 the Department of Public Works reported substantial water leaks in various areas of Township Buildings including the Recreation Center, the police side of the Municipal Complex and the Public Library designated as Emergencies #1603 & #1604; and

WHEREAS, N.J.S.A. 40A:11-6 states that "Any contract may be ... awarded for a contracting unit without public advertising for bids and bidding therefor ... when an emergency affecting the public health, safety or welfare requires the immediate ... performance of services ... ."; and

WHEREAS, N.J.S.A. 40A:11-6(b) states that "Upon the furnishing of such goods or services ... the contractor furnishing such goods or services shall be entitled to be paid therefor and the contracting unit shall be obligated for said payment ..."; and

WHEREAS, the condition posed a serious threat to the public health, safety and welfare, constituting an emergency under the terms of N.J.S.A. 40A:11-6; and

WHEREAS, the Township is authorized to purchase DISASTER RECOVERY SERVICES from bids obtained from a cooperative pricing system such as the MIDDLESEX REGIONAL EDUCATION SERVICES COMMISSION (MRESC) pursuant to the authority provided by N.J.S.A. 40A:11-11(6); and

WHEREAS, the MIDDLESEX REGIONAL EDUCATION SERVICES COMMISSION (MRESC) conducted a public bidding process and awarded a contract to allRisk, Inc., 501 Kennedy Boulevard, Somerdale, NJ 08083, for the provision of DISASTER RECOVERY SERVICES; and

WHEREAS, pursuant to N.J.S.A. 40A:11-6, the Township contacted the MRESC's current contract vendor, allRisk, Inc. to provide emergency DISASTER RECOVERY SERVICES, estimated at an amount not to exceed \$10,510.00; and

WHEREAS, at this time, the Public Works Department has recommended the award of contract for additional DISASTER RECOVERY SERVICES for a total amount not to exceed \$43,506.01; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to procure additional DISASTER RECOVERY SERVICES through the MRESC; and

WHEREAS, funds have been certified by the Chief Financial Officer from the Reserve for Insurance Account #01-286-55-004 for this purpose; and

WHEREAS, the Marlboro Township Council, having considered the same, desires to authorize the purchase of additional DISASTER RECOVERY SERVICES from allRisk, Inc., at pricing pursuant to the bid obtained by the MRESC, for a total amount not to exceed \$43,506.01.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that the emergency contract award pursuant to N.J.S.A. 40A:11-6 be confirmed for emergency DISASTER RECOVERY SERVICES to allRisk, Inc., 501 Kennedy Boulevard, Somerdale, NJ 08083 for an amount not to exceed \$10,510.00; and

BE IT FURTHER RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase additional DISASTER RECOVERY SERVICES, at pricing pursuant to the bid obtained by the MRESC, for a total amount not to exceed \$43,506.01; and

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

- a. AllRisk, Inc., Somerdale, NJ
- b. Township Administrator
- c. Township Public Works Department
- d. Township Chief Financial Officer

RESOLUTION # 2016-101

AUTHORIZING THE TRANSFER AND ACCEPTANCE OF SURPLUS MILITARY  
EQUIPMENT FROM THE UNITED STATES DEPARTMENT OF DEFENSE  
(DOD) 1033 PROGRAM FOR THE MARLBORO DIVISION OF POLICE

WHEREAS, the 1033 Program (formerly the 1208 Program) permits the Secretary of Defense to transfer, without charge, excess U.S. Department of Defense (DOD) personal property (supplies and equipment) to state and local law enforcement agencies (LEAs); and

WHEREAS, the Municipal Council authorized the Township through the Division of Police (R 2014-217) to make application to the Department of Defense 1033 Program for military surplus equipment from the United States DOD; and

WHEREAS, the Division of Police made application and has received the transferred surplus equipment identified in Schedule A attached.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Marlboro that the Township through the Division of Police is hereby authorized to accept the military surplus equipment identified in Schedule A from the Department of Defense 1033 Program.

RESOLUTION # 2016-103

A RESOLUTION APPROVING THE CONTINUATION OF GROUP DENTAL COVERAGE  
PROGRAM FOR EMPLOYEES OF THE TOWNSHIP OF MARLBORO WITH DELTA  
DENTAL FOR MARCH 1, 2016 THROUGH FEBRUARY 28, 2017

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 2014, 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; and

WHEREAS, on behalf of the Township, NAIMC received (5) competitive quotes in response to the solicitation, and after evaluated several factors including estimated plan cost, network and provider coverage (disruption), rate guarantees and Township loss history, recommended that the Township renew with Delta Dental for the 2014-15 plan year; and

WHEREAS, Delta Dental has proposed to continue coverage for Township employees with no rate increase and is offering a two (2) year rate guarantee at \$45.60/month (single) and \$123.05/month (family) for an estimated total annual cost of \$220,000.00; and

WHEREAS, after evaluating all of the factors, NAIMC has recommended that the Township renew with Delta Dental for the 2016-17 plan year; and

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

WHEREAS, the Chief Financial Officer has certified that funds in the amount of \$183,334.00 are available for this purpose from Account # 01-201-23-100-203; and

WHEREAS, funds for the 2017 portion will be made available and certified by the Chief Financial Officer from Account #01-201-23-100-203 upon adoption of the 2017 municipal budget; 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, 2016 - February 28, 2017 at \$45.60/month (single) and \$123.05/month

(family) for an estimated total cost of \$220,000.00.

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. Township Administrator
- d. Township Chief Financial Officer

RESOLUTION # 2016-104

A RESOLUTION OF THE MARLBORO TOWNSHIP TOWN COUNCIL AUTHORIZING A SUBORDINATION OF A MORTGAGE DATED NOVEMBER 9, 2011, AGAINST A PROPERTY LOCATED AT 2 SHERBROOKE LANE, MORGANVILLE, NEW JERSEY, AND OWNED BY BARRY IVLER AND BONNIE IVLER, HUSBAND AND WIFE

WHEREAS, the Township of Marlboro currently operates and participates under the auspices of New Jersey's Fair Housing Act (N.J.S.A. 52:27D-301 et. seq.) as to its affordable housing obligations; and

WHEREAS, the homeowners hereunder, Barry Ivler and Bonnie Ivler, husband and wife ("the Homeowners"), purchased a residence which is commonly known as 2 Sherbrooke Lane, in the Township of Marlboro, and said home can be more specifically identified as Lot 13, Block 267 ("the Residence"); and

WHEREAS, the Homeowners made application to the then administrative agent as to Marlboro Township's "Housing Rehabilitation Program"; and

WHEREAS, Marlboro's administrative agent issued a "certificate of eligible household" to the Homeowners on July 28, 2011; and

WHEREAS, as part and parcel of participating in the rehabilitation program the Homeowners executed a mortgage to Marlboro Township (dated November 9, 2011) to secure a forgivable loan of \$16,875.00 with said mortgage being recorded on November 8, 2012, in the Monmouth County Clerk's Office in deed book OR-8979, at page 8611 et seq. ("the Marlboro Mortgage"); and

WHEREAS, by virtue of the foregoing, the Residence was made subject to the Uniform Housing Affordability Controls act which

is codified at N.J.A.C. 5:80-26.1 et seq.; and

WHEREAS, the Homeowners have now negotiated with FFC Mortgage ("the Lender") to refinance their existing first mortgage against the Residence; and

WHEREAS, as a condition of the imminent refinancing, the Lender requires a subordination of the Marlboro Mortgage; and

WHEREAS, the Homeowners now desire to refinance and as a consequence thereof, they too ask the Marlboro Township Town Council to approve a subordination of the Marlboro Mortgage in order to facilitate their refinance application; and

WHEREAS, it has been determined that there is good cause to grant this subordination of the Marlboro Mortgage;

NOW, THEREFORE, BE IT RESOLVED that the Hon. Mayor Jonathan L. Hornik is hereby authorized to execute the attached subordination of the Marlboro Mortgage on the Residence; and

BE IT FURTHER RESOLVED that subsequent to the signature of the said subordination that this subordination will be recorded in the Monmouth County Clerk's Office.

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

- a. Township Business Administrator, Jonathan Capp
- b. Lynn Franco, Municipal Housing Liaison
- c. Kenneth W. Biedzynski, Affordable Housing Special Counsel

RESOLUTION # 2016-105

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$ 62,565.84 as per Schedule "A",

WHEREAS, the holders of the above-mentioned tax sale certificates are entitled to the amount of the sale plus interest and costs,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the amount of \$ 62,565.84 be refunded

to the certificate holders as per Schedule "A",

<u>SCHEDULE "A"</u>			
<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>LIENHOLDER</u>	<u>AMOUNT</u>
2015-078	288/29/C0132	US Bank Cust for BV001 Trust 50 South St, Suite 2050 Philadelphia, PA 19102 Assessed Owner: Sieczkowski, Valerie	3,230.34
2015-073	263/3	TTLBL, LLC 4747 Executive Drive Suite 510 San Diego, CA 92121 Assessed Owner: Menasse, Brian & Kim	2,631.38
2015-102	358/6	Christiana Trust as Custodian 2020 Howell Mill Road C-513 Atlanta, GA 30318 Assessed Owner: MYK Builders, LLC	47,756.46
2015-045	178/290/C0325	TTLBL, LLC 4747 Executive Drive Suite 510 San Diego, CA 92121 Assessed Owner: Budd Investment Group	2,590.57
2014-059	213/29	MTAG CUST for Fig Capital 8323 Ramona Blvd West, Suite 2 Jacksonville, FL 32221 Assessed Owner: Lobdell, David & Brooke	1,287.58
2015-012	120.02/14	TTLBL, LLC 4747 Executive Drive Suite 510 San Diego, CA 92121 Assessed Owner: Brienza, Robert & Carol	2,587.10
2015-013	127/19	Tower as Cust for Ebury Fund 1 NJ, LLC P.O. Box 37695 Baltimore, MD 21297 Assessed Owner: Federal National Mortgage Assn	2,482.41

TOTAL: 62,565.84

RESOLUTION # 2016-106

WHEREAS, the Tax Assessor has granted a disabled veteran exemption for Reingle, Robert & Patrica, Block 146 Lot 24, located at 23 Falson Lane,

WHEREAS, taxes were billed for 2015 in the amount of \$8,174.37, and

WHEREAS, this exemption became effective December 1, 2015 and

WHEREAS, taxes for 2015 need to be cancelled in the amount of \$671.70 and be refunded in the amount of \$671.70, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to cancel the 2015 taxes of \$671.70 and a refund of \$671.70 be paid to Reingle, Robert & Patricia.

RESOLUTION # 2016-107

WHEREAS, the attached list in the amount of \$ 1,523.55 known as Schedule "A", is comprised of amounts representing overpayments for 2016 taxes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund the above-mentioned overpaid amounts as per the attached Schedule "A",

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNER</u>	<u>2016 REFUND</u>
263/9		Cicccone, Joseph & Caryn	1,532.55
14	Floyd Wyckoff Dr	14 Floyd Wyckoff Drive Morganville, NJ 07751	
		Assessed Owners: Cicccone, Joseph & Caryn	

At 7:20 PM, Council Vice President Marder moved that the meeting be adjourned. This was seconded by Councilman Cantor, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: MARCH 10, 2016

OFFERED BY: METZGER

AYES: 5

SECONDED BY: CANTOR

NAYS: 0

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ALIDA MANCO,  
MUNICIPAL CLERK

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CAROL MAZZOLA,  
COUNCIL PRESIDENT