

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

May 3, 2012

The Marlboro Township Council held its regularly scheduled meeting on May 3, 2012 at 7:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Cantor 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 to the Asbury Park Press, the Star Ledger and News Transcript on January 9, 2012; 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, Councilwoman Marder, Councilwoman Mazzola, Council Vice President Metzger and Council President Cantor.

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

Council Vice President Metzger moved that the minutes of April 12, 2012 be approved. This was seconded by Councilman LaRocca and passed on a roll call vote of 5 - 0 in favor.

Council President Cantor opened the Public Hearing on Ord. #2012-5 (Amend Chapter 4, 10, & 265 - Consolidating Functions of Various Boards, Commissions and Committees into a Recreation and Swim Utility). After the Public Hearing was held and closed, the following Res. #2012-175/Ord. #2012-5 was introduced by reference, offered by Councilman LaRocca, seconded by Council Vice President Metzger and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-175

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

ORDINANCE #2012-5

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 4 "ADMINISTRATION OF GOVERNMENT"; CHAPTER 10 "RECREATION COMMISSION"; AND CHAPTER 265 "PARKS AND RECREATION FACILITIES" OF THE CODE OF THE TOWNSHIP OF MARLBORO TO CONSOLIDATE THE FUNCTIONS OF VARIOUS BOARDS, COMMISSIONS AND COMMITTEES IN A RECREATION AND SWIM UTILITY

which was introduced on April 12, 2012, public hearing held May 3, 2012, be adopted on second and final reading this 3rd day of May, 2012.

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

Council President Cantor opened the Public Hearing on Ord. #2012-7 (Appropriating \$380,000.00 from Capital Surplus for improvements to athletic fields at Municipal Complex). After the Public Hearing was held and closed, the following Res. #2012-176/Ord. #2012-7 was introduced by reference, offered by Councilman LaRocca, seconded by Councilwoman Marder and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-176

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

ORDINANCE # 2012-7

AN ORDINANCE APPROPRIATING \$380,000.00 FROM CAPITAL SURPLUS FOR IMPROVEMENTS TO ATHLETIC FIELDS AT THE MUNICIPAL COMPLEX IN THE TOWNSHIP OF MARLBORO

which was introduced on April 12, 2012, public hearing held May 3, 2012, be adopted on second and final reading this 3rd day of May, 2012.

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

Council President Cantor opened the Public Hearing on Ord. #2012-8 (Authorizing Issuance of Bonds or Notes - General Capital Improvements). After the Public Hearing was held and closed, the following Res. #2012-177/Ord. #2012-8 was introduced by reference, offered by Councilwoman Marder, seconded by Councilman LaRocca and passed on a roll call vote of 4 - 1 in favor, with Councilwoman Mazzola voting no.

RESOLUTION # 2012-177

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

ORDINANCE # 2012-8

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 \$2,879,221 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$2,287,511 IN BONDS OR NOTES OF THE TOWNSHIP OF MARLBORO TO FINANCE THE SAME

which was introduced on April 12, 2012, public hearing held May 3, 2012, be adopted on second and final reading this 3rd day of May, 2012.

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

ORDINANCE # 2012-8

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 \$2,879,221 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$2,287,511 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 \$2,879,221, and including the aggregate sum of \$116,710 as the down payments for the improvements or purposes pursuant to the Local Bond Law and the \$250,000 open space grant expected to be received from the County of Monmouth and the \$225,000 Municipal

Aid program grant expected to be received from the New Jersey Department of Transportation. The down payments have been made available by virtue of the provision in a previously adopted budget or budgets for down payment or for capital improvement purposes.

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 \$2,287,511 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: various improvements to Class B (as provided in the Local Bond Law) municipal buildings, including, without limitation, install generator at Marlboro First Aid building, installation of drop ceiling air conditioning unit, remediation and improvements at Police Building, installation of truck lift, HVAC and building upgrades at Municipal Building, Municipal Annex renovations and gym floor replacement, and including all work and materials necessary therefore and incidental thereto.

Appropriation and Estimated Cost:	\$580,657
Amount of Down Payment:	28,187
Maximum Amount of Bonds or Notes:	\$552,470
Period of Usefulness	15 years

- (2) Purpose: purchase of information and telecommunication equipment with a unit cost of less than \$5,000, including, without limitation, MS licensing enterprise agreement, miscellaneous computer hardware, annual PC and laptop replacement program, replacement of laser printers, toughbook modems, wireless access points, pagers for Marlboro First Aid Squad and replacement of mobile and portable radios, and including all work and materials necessary therefore and incidental thereto.

Appropriation and Estimated Cost:	\$217,588
Amount of Down Payment:	\$ 10,563
Maximum Amount of Bonds or Notes:	\$ 207,025

Period of Usefulness 5 years

- (3) Purpose: purchase of information and telecommunication equipment with a unit cost of \$5,000 or greater, including, without limitation, copier, remote receiver site and microwave link, and standby microwave equipment, and including all work and materials necessary therefore and incidental thereto.

Appropriation and Estimated Cost: \$52,736
Amount of Down Payment: \$ 2,560
Maximum Amount of Bonds or Notes: \$50,176
Period of Usefulness 5 years

- (4) Purpose: improvements to parks and recreational facilities, including, without limitation, improvements to athletic fields, improvements to Nolan Road Park, improvements to Vanderburg Soccer Complex and Aquatic Center, softball field and handball court at Marlboro Elementary School, tennis courts at Robertsville School, improvements to Municipal Park Complex, improvements to Hawkins Road Park and improvements to Geoghegen Property Ballfield, and including all work and materials necessary therefore and incidental thereto.

Appropriation and Estimated Cost: \$798,990
Grant Expected to be Received: \$250,000
Amount of Down Payment: 26,650
Maximum Amount of Bonds or Notes: \$522,340
Period of Usefulness: 15 years

- (5) Purpose: the reconstruction of various roads to Class B standard, as provided in the Local Bond Law, including, without limitation, improvements to Texas Road, road improvements at Morganville First Aid Squad, road improvements at Union Hill Commuter Lot and the Township's 2012 Road Improvement Program, 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 necessary drainage improvements and all work and materials necessary therefore and incidental thereto.

Appropriation and Estimated Cost: \$667,440
Amount of Down Payment: \$ 32,400
Maximum Amount of Bonds or Notes: \$635,040
Period of Usefulness: 10 years

- (6) Purpose: the reconstruction of portions of Vanderburg Road to Class B standard, as provided in the Local Bond

Law, and including all work and materials necessary therefore and incidental thereto.

Appropriation and Estimated Cost:	\$276,500
Grant Expected to be Received:	\$225,000
Amount of Down Payment:	\$2,500
Maximum Amount of Bonds or Notes:	\$49,000
Period of Usefulness:	10 years

- (7) Purpose: purchase of equipment, excluding information and telecommunication equipment, including, without limitation, furniture replacement, refurbishment of dump truck bodies and equipment necessary to outfit police vehicles, including, without limitation, cages, partition with sliding window and radar and defibrillator, and including all work and materials necessary therefore and incidental thereto.

Appropriation and Estimated Cost:	\$79,310
Amount of Down Payment:	\$ 3,850
Maximum Amount of Bonds or Notes:	\$75,460
Period of Usefulness	15 years

- (8) Purpose: purchase of automotive vehicles excluding passenger cars and station wagons, including, without limitation, dump truck with plow and spreader and pickup truck with plow, and including all work and materials necessary therefore and incidental thereto.

Appropriation and Estimated Cost:	\$206,000
Amount of Down Payment:	\$10,000
Maximum Amount of Bonds or Notes:	\$196,000
Period of Usefulness	5 years

(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 11.52 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 \$2,287,511, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$414,050 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. Except as provided in Section 8, 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. As a portion of the total appropriation of \$2,879,221 made in Section 1 hereof, there is herein appropriated for the improvements or purposes described in Section 3(a) hereof the sum of \$250,000 in open space grant expected to be received from the County of Monmouth and \$225,000 Municipal Aid program grant expected to be received from the New Jersey Department of Transportation's Fiscal Year 2012 Municipal Aid Program

Section 9. 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 10. 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 11. 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 12. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

The foregoing bond ordinance is approved.

Council President Cantor opened the Public Hearing on Ord. #2012-9. After the Public Hearing was held and closed, the following Res. #2012-178/Ord. #2012-9 was introduced by reference, offered by Council Vice President Metzger, seconded by Councilwoman Mazzola and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-178

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

ORDINANCE # 2012-9

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, PROVIDING FOR IMPROVEMENTS TO THE SWIM UTILITY IN THE TOWNSHIP OF MARLBORO AND APPROPRIATING \$136,475 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$136,475 IN BONDS OR NOTES OF THE TOWNSHIP OF MARLBORO TO FINANCE THE SAME

which was introduced on April 12, 2012, public hearing held May 3, 2012, be adopted on second and final reading this 3rd day of May, 2012.

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

ORDINANCE # 2012-9

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, PROVIDING FOR IMPROVEMENTS TO THE SWIM UTILITY IN THE TOWNSHIP OF MARLBORO AND APPROPRIATING \$136,475 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$136,475 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 \$136,475. No down payment is required in connection with the improvements or purposes for which obligations are authorized as provided in Section 3 hereof as said purposes are deemed to be self-liquidating and the obligations 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 improvement or purpose not covered by application of the down payment or otherwise provided for hereunder, negotiable bonds or notes are hereby authorized to be issued in the principal amount of \$136,475 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds or notes, 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 which the bonds or notes are to be issued is the renovation of the swim club bathrooms, refurbish basketball courts and snack bar at the Swim Club and improvements to the Marlboro Country Park relating to the Swim Club, including, but not limited to, upgrade of the softball field, tennis courts, lighting, handball wall and courts, fencing and walkways, and including all work and materials necessary therefor and incidental thereto.

(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 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 15 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 \$136,475, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An amount not exceeding \$23,625 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 (other than those identified in Section 8 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. 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 10. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

The foregoing bond ordinance is approved.

Council President Cantor opened the Public Hearing on Ord. #2012-10 (Authorizing Issuance of Bonds or Notes - Water Capital Improvements). After the Public Hearing was held and closed, the following Res. #2012-179/Ord. #2012-10 was introduced by reference, offered by Council Vice President Metzger, seconded by Councilwoman Marder and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-179

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

ORDINANCE # 2012-10

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, PROVIDING FOR IMPROVEMENTS TO THE WATER UTILITY SYSTEM IN AND FOR THE TOWNSHIP OF MARLBORO AND APPROPRIATING \$334,750 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$334,750 IN

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

which was introduced on April 12, 2012, public hearing held May 3, 2012, be adopted on second and final reading this 3rd day of May, 2012.

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

ORDINANCE # 2012-10

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN
THE COUNTY OF MONMOUTH, NEW JERSEY, PROVIDING FOR
IMPROVEMENTS TO THE WATER UTILITY SYSTEM IN AND FOR
THE TOWNSHIP OF MARLBORO AND APPROPRIATING \$334,750
THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$334,750
IN WATER UTILITY 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 \$334,750. No down payment is required in connection with the improvements or purposes for which obligations are authorized as provided in Section 3 hereof as said purposes are deemed to be self-liquidating and the obligations 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 improvement or purpose, negotiable bonds or notes are hereby authorized to be issued in the principal amount of \$334,750 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds or notes, 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 which the bonds or notes are to be issued are water meter replacement, acquisition of hydrants, valves, pipes and other capital repair materials and major emergency capital repairs to the water treatment plants and water distribution

system, and including all other work and materials necessary therefor and incidental thereto.

(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 15 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 \$334,750, but that the net debt of the Township determined as provided in the Local Bond Law is not increased by this bond ordinance and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An amount not exceeding \$24,750 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.

(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 a purposes that are deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-46 and are deductible from gross debt pursuant to N.J.S.A. 40A:2-44(c).

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

The foregoing bond ordinance is approved.

The following Resolution #2012-180/Ordinance #2012-11 (Appropriating \$5,275,000 from Affordable Housing Trust Fund for Acquisition of Property - 137 Route 9 - Marlboro Motor Lodge) was introduced by reference, offered by Councilwoman Mazzola, seconded by Councilwoman Marder and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-180

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

ORDINANCE # 2012-11

AN ORDINANCE APPROPRIATING \$5,275,000.00 FROM THE AFFORDABLE HOUSING TRUST FUND FOR THE ACQUISITION OF THE PROPERTY LOCATED AT 137 ROUTE 9 IN THE TOWNSHIP OF MARLBORO KNOWN AS THE MARLBORO MOTOR LODGE PROPERTY

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on May 17, 2012 at 7:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2012-11

AN ORDINANCE APPROPRIATING \$5,275,000.00 FROM THE AFFORDABLE HOUSING TRUST FUND FOR THE ACQUISITION OF THE PROPERTY LOCATED AT 137 ROUTE 9 IN THE TOWNSHIP OF MARLBORO KNOWN AS THE MARLBORO MOTOR LODGE PROPERTY

WHEREAS, the Marlboro Motor Lodge Property, located at 137 Route 9 and identified as Block 270 Lot 14 on the official tax map of the Township of Marlboro (the "Marlboro Motor Lodge Property") was included as part of the Township's Housing Element and Fair Share Plan dated July 1, 2010; and

WHEREAS, the Housing Element and Fair Share Plan, proposes that the Marlboro Motor Lodge Property be developed with 100% affordable senior rental housing consisting of 92 senior rental units with one unit being set aside for a superintendents unit thus producing 91 units eligible for affordable housing credits; and

WHEREAS, on August 24, 2010, the Municipal Council of the Township of Marlboro (O.2010-18) authorized the Mayor to enter into contract negotiations for the acquisition of the property known as Block 270, Lot 14 on the Official Tax Map of the Township of Marlboro, Monmouth County, New Jersey, commonly known as 137 Route 9 South, Marlboro, New Jersey from Marlboro Motor Lodge, Inc.; and

WHEREAS, by Motion dated November 1, 2010, the Township of Marlboro sought approval to permit the expenditure of funds from its Affordable Housing Trust fund to acquire the Marlboro Motor Lodge Property; and

WHEREAS, by notice dated September 14, 2011 the Commissioner of the Department of Community Affairs notified the Township of Marlboro that she had approved the request to expend Affordable Housing Trust Funds in the amount of \$5,275,000.00 for the acquisition of the Marlboro Motor Lodge Property; and

WHEREAS, the Township is engaged in negotiations with the property owner for acquisition of this parcel; and

WHEREAS, the estimated required funds needed for this purpose are currently available in the Affordable Housing Trust Fund of the Township of Marlboro.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey that a sum of \$5,275,000.00 is hereby appropriated for the aforementioned acquisition from the Township of Marlboro Affordable Housing Trust Fund for the Marlboro Motor Lodge Property; and

BE IT FURTHER ORDAINED that the Chief Financial Officer has executed a Certification of Funds and determined that sufficient funds are available for this purpose in the Affordable Housing Trust Fund; and

BE IT FURTHER ORDAINED that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

The following Resolution #2012-181/Ordinance #2012-12 (Appropriating \$424,000 from Affordable Housing Trust Fund - Rebuilding and Replacement of Leach Fields at Hamilton Park) was introduced by reference, offered by Councilwoman Mazzola, seconded by Councilman LaRocca and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-181

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

ORDINANCE # 2012-12

AN ORDINANCE APPROPRIATING \$424,000.00 FROM THE AFFORDABLE HOUSING TRUST FUND FOR THE REBUILDING AND REPLACEMENT OF LEACH FIELDS AT HAMILTON PARK

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on May 17, 2012 at 7:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2012-12

AN ORDINANCE APPROPRIATING \$424,000.00 FROM THE AFFORDABLE HOUSING TRUST FUND FOR THE REBUILDING AND REPLACEMENT OF LEACH FIELDS AT HAMILTON PARK

WHEREAS, the Township Council of the Township of Marlboro petitioned the Council on Affordable Housing (COAH) for substantive certification of its Housing Element and Fair Share Plan on July 22, 2010; and

WHEREAS, the Township of Marlboro's Fair Share Plan promotes an affordable housing program pursuant to the Fair Housing Act (N.J.S.A. 52:27D-301, et. seq.) and COAH's Third Round Substantive Rules (N.J.A.C. 5:97-1, et. seq.); and

WHEREAS, Hamilton Park was created and credited as affordable housing pursuant to the terms of a 1985 consent order; and

WHEREAS, on October 13, 2010, the Township entered into a lease agreement with the Midway Mobile Homeowners Association, Inc as to Hamilton Park which provided that the Township will

assume responsibility, out of the Affordable Housing Trust Fund, for rebuilding or replacement of the "leach fields" should they malfunction; and,

WHEREAS, the Township Engineer has determined that the four leach fields need to be rebuilt and the estimated cost is \$424,000.00; and

WHEREAS, the estimated required funds needed for this purpose are currently available in the Affordable Housing Trust Fund of the Township of Marlboro; and

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey that a sum of \$424,000.00 is hereby appropriated for the aforementioned program from the rebuilding and replacement of leach fields and associated costs at the Hamilton Park from the Township of Marlboro Affordable Housing Trust Fund; and

BE IT FURTHER ORDAINED that the Chief Financial Officer has executed a Certification of Funds and determined that sufficient funds are available for this purpose in the Affordable Housing Trust Fund; and

BE IT FURTHER ORDAINED that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

- a. New Jersey Council on Affordable Housing
- b. Kenneth W. Biedzynski, COAH Special Counsel
- c. Monmouth Housing Alliance d/b/a Affordable Housing Alliance
- d. Municipal Housing Liaison (Thomas P. Howley)
- e. Mayor Jonathan L. Hornik
- f. Township Administrator
- g. DeCotiis, Fitzpatrick, Cole & Wisler, LLP

The following Resolution #2012-203/Ordinance #2012-13 (Appropriating \$1,456,000 from Affordable Housing Trust Fund) was introduced by reference, offered by Councilwoman Marder and seconded by Council Vice President Metzger. After discussion, the resolution/ordinance was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-203

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

ORDINANCE # 2012-13

AN ORDINANCE APPROPRIATING \$1,456,000.00 FROM
THE AFFORDABLE HOUSING TRUST FUND FOR THE OWNER
OCCUPIED AND RENTAL HOUSING REHABILITATION
PROGRAM IN THE TOWNSHIP OF MARLBORO

be introduced and passed on first reading and that the same be
advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for
final passage on May 17, 2012 at 7:00 p.m. at the
Marlboro Municipal Complex, 1979 Township Drive, Marlboro,
New Jersey, at which time all persons interested will be
given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2012-13

AN ORDINANCE APPROPRIATING \$1,456,000.00 FROM
THE AFFORDABLE HOUSING TRUST FUND FOR THE OWNER
OCCUPIED AND RENTAL HOUSING REHABILITATION
PROGRAM IN THE TOWNSHIP OF MARLBORO

WHEREAS, the Township Council of the Township of Marlboro
petitioned the Council on Affordable Housing (COAH) for
substantive certification of its Housing Element and Fair Share
Plan on July 22, 2010; and

WHEREAS, the Township of Marlboro's Fair Share Plan promotes
an affordable housing program pursuant to the Fair Housing Act
(N.J.S.A. 52:27D-301, et. seq.) and COAH's Third Round
Substantive Rules (N.J.A.C. 5:97-1, et. seq.); and

WHEREAS, a municipality's fair share obligation pursuant to
N.J.A.C. 5:97-2.2(a) is comprised, in part, of an owner-occupied
rehabilitation obligation as well a rental rehabilitation
obligation which pertains to housing units that are both
deficient and occupied by low and/or moderate households; and

WHEREAS, COAH's rules require municipalities having a
rehabilitation obligation to provide a rehabilitation program to
renovate deficient housing units that are owner-occupied as well
as rented pursuant to N.J.A.C. 5:97-6.2; and

WHEREAS, COAH has determined that Marlboro has an owner-
occupied rehabilitation obligation of thirty-six (36) units; and

WHEREAS, COAH has determined that Marlboro has a rental
rehabilitation obligation of nine (9) units; and

WHEREAS, the Township of Marlboro awarded a contract to the Monmouth Housing Alliance, Inc. d/b/a Affordable Housing Alliance on September 10, 2009 for services as the administrator for its owner-occupied and rental rehabilitation programs pursuant to N.J.A.C. 5:97-6.2; and

WHEREAS, the Contract provides for a charge of \$1,500 per unit for the administration of both the owner-occupied and rental rehabilitation programs as well as a \$300 certification fee for each applicant who is accepted and deemed eligible for either an owner-occupied or rental rehabilitation project and the Township hereby deems these fees reasonable fees to be paid by the Township of Marlboro from its affordable housing trust fund; and

WHEREAS, the estimated cost of the owner-occupied and rental rehabilitation project is \$1,456,000.00; and

WHEREAS, the estimated required funds needed for this purpose are currently available in the Affordable Housing Trust Fund of the Township of Marlboro.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey that a sum of \$1,456,000.00 is hereby appropriated for the aforementioned program from the Township of Marlboro Affordable Housing Trust Fund; and

BE IT FURTHER ORDAINED that the Chief Financial Officer has executed a Certification of Funds and determined that sufficient funds are available for this purpose in the Affordable Housing Trust Fund; and

BE IT FURTHER ORDAINED that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

- a. New Jersey Council on Affordable Housing
- b. Kenneth W. Biedzynski, COAH Special Counsel
- c. Monmouth Housing Alliance d/b/a Affordable Housing Alliance
- d. Municipal Housing Liaison (Thomas P. Howley)
- e. Mayor Jonathan L. Hornik
- f. Township Administrator
- g. DeCotiis, Fitzpatrick, Cole & Wisler, LLP

The following Resolution #2012-182 (Authorizing Expert Witness Services to Review Middlesex Water Company's Application to the NJ Board of Public Utilities for a 17.47% Rate Increase) was introduced by reference, offered by Councilwoman Marder, seconded by Councilman Metzger and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-182

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT BETWEEN GUASTELLA ASSOCIATES, LLC AND THE TOWNSHIP OF MARLBORO FOR WATER RATE CASE PROFESSIONAL SERVICES FOR THE DEPARTMENT OF PUBLIC WORKS, WATER UTILITY DIVISION

WHEREAS, on January 9, 2012, Middlesex Water Company filed an application with the New Jersey Board of Public Regulatory Commission (BPU) for a 17.47% rate increases (subsequently assigned BPU Docket No. WR12010227); and

WHEREAS, a 17.47% increase would have an adverse impact on Marlboro Water Utility customers and residents; and

WHEREAS, the Marlboro Township Municipal Council authorized that a petition be filed by the Township with the BPU for permission to intervene in BPU Docket No. WR12010027 when assigned (R.2012-106); and

WHEREAS, the Township is need of water rate case professional services ("services") in order to present its case and mitigate the impact upon Marlboro water utility customers and residents; and

WHEREAS, such services are to be performed and rendered by a person or persons licensed and authorized to practice in the State of New Jersey and, accordingly, constitute professional services exempt from public bidding pursuant to the Local Public Contracts Law, specifically N.J.S.A. 40A:11-5(1)(a)(i); and

WHEREAS, the costs of water rate case professional services have historically been shared between the petitioning entities, including the Township of East Brunswick Water Utility; and

WHEREAS, on March 1, 2012, the Township of East Brunswick advertised for Requests for Qualifications (the "RFQ") for BPU water rate case professional services pursuant to a "Fair and Open Process," N.J.S.A. 19:44A-20.1 *et. seq.*; and

WHEREAS, on March 26, 2012, the Township of East Brunswick Municipal Council approved the sole respondent, Guastella Associates, LLC, 6 Beacon Street, Suite 200, Boston MA 02108 as qualified to serve the Township's needs (attached); and

WHEREAS, it has been determined that the value of the contract will not exceed \$17,500.00; and

WHEREAS, funds have been certified by the Chief Financial Officer for this purpose in account # 2-05-500-288; 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, and that no reportable contributions that would violate Marlboro Township Code Chapter 18 will be made during the term of the Business Entity's 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.

WHEREAS, Guastella Associates, LLC has performed such services for the former MTMUA and the Township of East Brunswick in the past, to the satisfaction of both entities; and

WHEREAS, the Department of Public Works, Water Utility Division and Department of Finance recommend an award of contract to Guastella Associates, LLC to perform the professional services described in the most efficient and cost-effective manner.

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 Guastella Associates, LLC pursuant to a fair and open process conducted by the Township of East Brunswick in accordance with the provisions of N.J.S.A. 19:44A-20.4; 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 compensation at the rates set forth in a proposal dated April 24, 2012, a copy of which is attached hereto, in an amount not to exceed \$15,000.00 until December 31, 2012 or the completion of the assignment; and

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

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

5. That notice of the award of this contract shall be published in accordance with law.

6. That a certified copy of this Resolution shall be provided to each of the following:

- a. Mayor Jonathan Hornik
- b. Township Administrator
- c. Water Utility Division
- d. Chief Financial Officer
- e. Guastella Associates, LLC
- f. DeCotiis, FitzPatrick & Cole, LLP

Councilwoman Mazzola asked that Resolution #2012-184 (Authorizing Engineering Services Geoghegan Ballfield (Fair & Open - CME) be considered separately. The following Resolution #2012-184 was introduced by reference, offered by Council Vice President Metzger, seconded by Councilwoman Marder, and passed on a roll call vote of 4 - 1 in favor, with Councilwoman Mazzola voting no.

RESOLUTION # 2012-184

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE
PROFESSIONAL SERVICES CONTRACT BETWEEN CME ASSOCIATES
AND THE TOWNSHIP OF MARLBORO FOR PROFESSIONAL ENGINEERING
SERVICES IN CONNECTION WITH THE CONSTRUCTION OF A
BALLFIELD AT THE FORMER GEOGHEGAN PROPERTY 82 TENNENT ROAD
(BL 120 LOT 36) IN THE TOWNSHIP OF MARLBORO

WHEREAS, the Township of Marlboro is looking to improve and expand recreational opportunities for its residents; and

WHEREAS, the Township's capital program as well as the 2009 Report of the Master Recreation Plan Committee call for the upgrade and expansion of ballfield facilities; and

WHEREAS, the Township acquired the former Geoghegan property at 82 Tennent Road also known as Block 120 Lot 36 in 2007 for purposes of upgrading and expanding ballfield facilities; and

WHEREAS, the Township is finalizing a payment request to Green Acres for a reimbursement of 50% of all eligible acquisition costs; and

WHEREAS, the Township has been awarded a \$250,000.00 grant from the County Open Space Program for this project; and

WHEREAS, in order to take advantage of the available funding and embark on this project, the Township requires survey, design, bid phase and construction management services; and

WHEREAS, the Township of Marlboro wishes to pursue the construction of ballfield facilities at the former Geoghegan site; and

WHEREAS, CME Associates has provided a proposal dated April 4, 2012 (the "Proposal") for such Professional Services in connection with the Project; and

WHEREAS, the Township of Marlboro and CME Associates have entered into a Professional Services Contract, awarded under a fair and open process, and seeks to amend such Contract to expand the scope of services to include the Professional Services (as defined hereinabove) for the Project at a fee not to exceed \$109,000.00 for such Professional Services, as further described and set forth in CME's Proposal, attached hereto and made a part hereof; and

WHEREAS, the value of the Professional Services Contract will exceed \$17,500.00 in the aggregate; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose from Account # C-04-11-004-801; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the Township of Marlboro to amend its contract with CME Associates to provide the required additional Professional Services for the Project in accordance with the Proposal; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; 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; and

WHEREAS, CME has previously completed and submitted a Business Entity Disclosure Certificate certifying that CME Associates has not made any reportable contributions that would bar the award of a contract pursuant to Marlboro Township Code Chapter 18 or N.J.S.A. 19:44A-20.5, and that no reportable

contributions that would violate the law will be made during the term of the contract.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a Professional Services Contract between CME Associates and the Township of Marlboro, to expand the scope of services to include professional engineering services by way of its Township Engineers IN CONNECTION WITH THE CONSTRUCTION OF A BALLFIELD AT THE FORMER GEOGHEGAN PROPERTY 82 TENNENT ROAD (BL 120 LOT 36) ("Professional Services"), at a fee not to exceed \$109,000.00 for such Professional Services, as further described and set forth in CME's Proposal dated April 4, 2012 ("Proposal"), be and is hereby authorized; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Clerk to witness, in a form legally acceptable to the Township Attorney, the Professional Services Contract described herein; and

BE IT FURTHER RESOLVED, that this Professional Services Contract is awarded without competitive bidding pursuant to N.J.S.A. 40A:11-5(1)(a)(i) and shall provide for compensation in an amount not to exceed \$109,000.00 for such additional Professional Services for the Project as described in the Proposal; and

BE IT FURTHER RESOLVED, that the Business Entity Disclosure Certification shall be placed on file with this Resolution; and

BE IT FURTHER RESOLVED, that a copy of the Professional Services Contract and this Resolution shall be available for public inspection in the office of the Municipal Clerk; and

BE IT FURTHER RESOLVED, notice of award of the Professional Services Contract shall be published pursuant to law, and a certified copy of this Resolution shall be provided to each of the following:

- a. CME Associates, 1460 Route 9 S., Howell, NJ 07731
- b. Mayor Jonathan L. Hornik
- c. Township Administrator
- d. Township Chief Financial Officer
- e. DeCotiis, FitzPatrick & Cole, LLP

As the consent agenda, the following Resolutions were introduced by reference, offered by Council Vice President Metzger, seconded by Councilwoman Marder and passed on a roll call vote of 5 - 0 in favor: Res. #2012-183 (Authorizing Mon. County Mosquito Extermination Commission - Mosquito Spraying Program), Res.

#2012-185 (Authorizing Application for CDBG Funding for ADA Building Improvements), Res. #2012-186 (Authorizing Fireworks - July 8th (raindate July 22)), Res. #2012-187 (Authorizing Shared Services Agreement with County of Monmouth for MOD IV Property Assessment Computer Services), Res. #2012-188 (Authorizing Shared Services Agreement with BOE for Summer Busing), Res. #2012-191 (Award of Bid - Road Materials), Res. #2012-192 (Award of Bid - HVAC Maintenance Contract), Res. #2012-193 (Award of Bid Contract year 2 for T-Shirts for Rec and Swim), Res. #2012-194 (Authorizing Annual Recycling Tonnage Grant), Res. #2012-195 (Award of Maint. Contract Zetron/Eventide Police Comm. Systems State Contract), Res. #2012-196 (Authorizing Award of State Contract Truck Lief - 2012 Capital 121-0), Res. #2012-197 (Authorizing Vegetatio Removal and Recording of Lien - 4 Evan Drive - B 180, L 45), Res. #2012-198 (Redemption Tax Sale Certs - Various), Res. #2012-199 (Refunds for Overpayments - Various), Res. #2012-200 (Raffle License Western Monmouth Jewish Services Council - On Premise 50/50), Res. #2012-201 (Raffle License Dad's Gridiron Club, Inc. - Off premise - wresting), Res. #2012-202 (Raffle License Marlboro Educational Foundation - Carnival Wheels and Games).

RESOLUTION # 2012-183

BE IT RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that it does hereby authorize the Monmouth County Mosquito Extermination Commission to apply pesticides from aircraft to control mosquitoes over portions of the Township of Marlboro.

We understand that all pesticides used are approved for aerial application by the State and Federal governments.

It is further understood that the areas being treated are only those found to have a significantly high mosquito population and may present either a public health nuisance or disease factor.

This approval is subject to the Monmouth County Mosquito Extermination Commission notifying the local police department prior to each and every application.

RESOLUTION # 2012-185

WHEREAS, the US Department of Housing and Urban Development is sponsoring the FY2013 Community Development Block Grant (CDBG) program which will provide funding through a consortium of Monmouth County municipalities of which Marlboro is a member; and

WHEREAS, the Township has been advised that it is eligible to apply for funding for Americans With Disabilities Act (ADA) improvements to municipal buildings; and

WHEREAS, the Department of Public Works has identified several ADA improvement projects including a stair lift and upgraded doors at the Recreation Center which may be eligible for funding; and

WHEREAS, the Township of Marlboro is interested in seeking out alternative sources of funding for public improvements; and

WHEREAS, the Mayor and Municipal Council of the Township of Marlboro wish to apply for funding under the FY2013 CDBG Program.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that Marlboro Township hereby endorses the submission of a grant application for FY2013 CDBG funding for ADA building improvements at the Recreation Center.

RESOLUTION # 2012-186

RESOLUTION AUTHORIZING THE ISSUANCE OF A
FIREWORKS DISPLAY PERMIT TO PYRO
ENGINEERING, INC., D/B/A BAY FIREWORKS

WHEREAS, N.J.S.A. 21:3-1, *et seq.* regulates the sale, exposure for sale, use, distribution or possession of fireworks or pyrotechnics in the State of New Jersey so as to advance the interests of public health, safety and welfare of the people of the State of New Jersey; and

WHEREAS, upon satisfaction of the conditions set forth in N.J.S.A. 21:3-1, *et seq.*, and more particularly those set forth in N.J.S.A. 21:3-3, the governing body of any municipality may, by resolution, approve the granting of a permit for said purposes to a qualified organization, when such display is to be handled by a competent operator in the manner approved by the Chief of the Police and the Fire Department of the municipality so as not to be hazardous to property or endanger any person or persons; and

WHEREAS, Pyro Engineering, Inc., doing business as Bay Fireworks ("Pyro"), has applied for a permit to conduct a fireworks display within the Township of Marlboro on July 8, 2012 (with a rain date of July 22, 2012) upon satisfaction of the conditions set forth in N.J.S.A. 21:3-1, *et seq.* and in accordance with all applicable New Jersey Administrative Code regulations promulgated in accordance therewith, as amended from time to time.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED that the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey does hereby grant approval to Pyro to conduct a fireworks display on July 8, 2012 (with a rain date of July 22, 2012) within the Township of Marlboro pursuant to N.J.S.A. 21:3-1, *et. seq.*, and more particularly N.J.S.A. 21:3-3, subject to:

1. Receipt of approval by the Chief of the Police and Fire Department in accordance with the above;

2. The posting of adequate surety which may be cash, government bonds, personal bond, or other form of insurance in a sum of not less than Two Thousand Five Hundred Dollars (\$2,500.00), N.J.S.A. 21:3-5; and

3. The furnishing of the necessary Certificates of Insurance to the Township in a form acceptable to the Township Attorney.

BE IT FURTHER RESOLVED that the Township Clerk is hereby authorized and directed to send copies of this resolution to the following:

- a. Pyro Engineering, Inc.
- b. Mayor Jonathan L. Hornik
- c. The Chief of the Police and Fire Department
- d. The Fire Prevention Bureau
- e. Township Business Administrator
- f. DeCotiis, FitzPatrick, & Cole, LLP

RESOLUTION # 2012-187

A RESOLUTION OF THE TOWNSHIP OF MARLBORO IN MONMOUTH COUNTY, NEW JERSEY AUTHORIZING A SHARED SERVICES AGREEMENT WITH MONMOUTH COUNTY TO PROVIDE MOD IV TAX SYSTEM SERVICES FOR THE MARLBORO DEPARTMENT OF FINANCE ASSESSMENT DIVISION

WHEREAS, the New Jersey Division of Taxation prescribes a uniform system of maintaining and reporting real estate tax information for municipalities and counties throughout the State, commonly known as the MOD IV Tax System, 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 ("Marlboro") and County of Monmouth ("the County") 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 County has the facilities to provide MOD IV Tax System Services to the municipalities within Monmouth County, in compliance with the requirements established by the New Jersey Division of Taxation; and

WHEREAS, Monmouth County and the Township of Marlboro 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 Tax Assessor has recommended the proposed agreement in a communication dated April 24, 2012 as representing the best value for Marlboro taxpayers; and

WHEREAS, the Mayor and Municipal Council have indicated their desire to accept the recommendation of the Tax Assessor.

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 # 2012-188

AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE
MARLBORO TOWNSHIP BOARD OF EDUCATION FOR BUS
TRANSPORTATION SERVICES OF CHILDREN TO AND FROM THE
TOWNSHIP OF MARLBORO'S 2012 SUMMER RECREATION CAMP PROGRAM

WHEREAS, the Marlboro Township Board of Education (the "Board") owns/leases a fleet of school buses used to transport children to and from schools that comprise the Marlboro Township School District (the "District"); and

WHEREAS, the Township of Marlboro (the "Township") intends to operate a Summer Camp Recreation Camp Program ("Summer Camp") for the Township's resident children, who shall require transportation to and from the Township Recreation Center, as well as transportation to and from the Township Recreation Center to other locations within the Township for Summer Camp activities (the "Transportation Services"); and

WHEREAS, pursuant to N.J.S.A. 18A:39-22, the Board is authorized to permit the use of school buses it owns or leases for the purpose of transporting children and adults participating in a recreation or other program operated by the municipality in which the Board's School District is located; and

WHEREAS, the Township and the Board desire to enter into a Shared Services Agreement to provide Transportation Services for the Summer Camp for the period commencing on or about June 25, 2012 and terminating on August 3, 2012; and

WHEREAS, the costs of the Transportation Services shall be paid by the Township to the Board as follows:

(1) Transportation to and from the Township Recreation Center at the rates specified below for an amount not to exceed \$53,000.00:

- (a) \$260.00 for each six week Summer Camp participant
- (b) \$220.00 for each five week Summer Camp participant
- (c) \$130.00 for each three week Summer Camp participant

(2) For shuttle services comprising transportation of Summer Camp participants to and from the Township Recreation Center to other locations within the Township, including the Board's District schools and/or the Township Aquatic Center, on a daily basis: for an amount not to exceed \$72,000.00.

(3) Transportation to and from trip destinations as determined by the Township Recreation Department, \$275.00 per day, per bus plus the cost of tolls and parking fees: for an amount not to exceed \$85,000.00.

WHEREAS, N.J.S.A. 40A:65-1 et seq. authorizes local units to enter into shared services agreements for the provision of services, including the transportation services contemplated herein; and

WHEREAS, the proposed Shared Services Agreement for the Transportation Services is on file in the Township Clerk's office in accordance with the provisions of N.J.S.A. 40A:65-5(b); and

WHEREAS, funds for the transportation services will be available in the Recreation Trust Account #T-17-55-867-288; and

WHEREAS, the Mayor and Marlboro Township Council desire to enter into the proposed Shared Services Agreement with the Board pursuant to the above-described terms and conditions for a total contract amount not to exceed \$210,000.00.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Mayor and Township Clerk are hereby authorized and directed to execute and witness, respectively, the proposed Shared Services Agreement in a form substantially similar as that attached hereto for the provision of transportation services for the Marlboro Township Summer Camp Program for the term and conditions described hereinabove; and

BE IT FURTHER RESOLVED, that, pursuant to N.J.S.A. 40A:65-4(b), a copy of the shared services agreement authorized herein shall be filed with the Division of Local Government Services in the Department of Community Affairs for informational purposes; and

BE IT FURTHER RESOLVED, that a copy of the shared services agreement authorized herein shall be open to the public for inspection in the Township Clerk's Office; and

BE IT FURTHER RESOLVED that a duly certified copy of this resolution be forwarded to:

- a. Marlboro Township Board of Education
- b. Recreation Department
- c. Mayor Jonathan L. Hornik
- d. Township Business Administrator
- e. DeCotiis, FitzPatrick & Cole, LLP

RESOLUTION # 2012-191

A RESOLUTION AWARDED CONTRACT TO TRAP ROCK INDUSTRIES, INC. AND STAVOLA CONSTRUCTION MATERIALS, Inc. FOR ROAD MATERIALS FOR THE MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for ROAD MATERIALS FOR THE DEPARTMENT OF PUBLIC WORKS, and on April 17, 2012, received two (2) bids therefor; and

WHEREAS, the two (2) bids received were as follows:

				Trap Rock Industries, Inc. PO BOX 419 Kingston, NJ 08528		Stavola Construction Materials, Inc. 175 Drift Rd., Tinton Falls, NJ 07724	
		Estimated Quantity		Unit Price	Estimated Total	Unit Price	Estimated Total
1	Surface Course (I-5)	1,500	tons	63.10	94,650.00	67.00	100,500.00
2	Base Course (I-2)	1,000	tons	60.60	60,600.00	66.00	66,000.00
3	Tack Coat	300	gals	No bid	0.00	No bid	0.00
4	#4 Clean Stone	500	tons	19.00	9,500.00	22.00	11,000.00
5	3/4" Broken Stone	250	tons	19.00	4,750.00	17.00	4,250.00
6	Dense Graded Aggregate	500	tons	14.00	7,000.00	17.00	8,500.00
7	Recycled Concrete	750	tons	No bid	0.00	15.00	11,250.00
8	Gabion Basket Stone	200	tons	23.75	4,750.00	No bid	0.00
	Total				181,250.00		201,500.00
	Apparent Low Bid				176,500.00		15,500.00

WHEREAS, it has been determined that the submission of Trap Rock Industries, Inc. and Stavola Construction Materials, Inc. are responsive as detailed in a April 17, 2012 memo from the Director of Public Works; and

WHEREAS, it has been determined that Trap Rock Industries, Inc. is the apparent low bidder on items 1, 2, 4, 6 and 8 as detailed in a April 17, 2012 memo from the Director of Public Works; and

WHEREAS, it has been determined that Stavola Construction Materials, Inc. is the apparent low bidder on items 5 and 7 as detailed in a April 17, 2012 memo from the Director of Public Works; and

WHEREAS, the Director of Public Works has recommended award of contract to Trap Rock Industries, Inc., PO BOX 419 Kingston, NJ 08528, the apparent low bidder on items 1, 2, 4, 6 and 8 in an amount not to exceed \$176,500.00 and Stavola Construction Materials, Inc., 175 Drift Rd., Tinton Falls, NJ 07724, the

apparent low bidder on items 5 and 7 in an amount not to exceed \$15,500.00; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a Trap Rock Industries, Inc., PO BOX 419 Kingston, NJ 08528, the apparent low bidder on items 1, 2, 4, 6 and 8 in an amount not to exceed \$176,500.00 and Stavola Construction Materials, Inc., 175 Drift Rd., Tinton Falls, NJ 07724, the apparent low bidder on items 5 and 7 in an amount not to exceed \$15,500.00, with an option to renew the contract based upon on the same terms and conditions as specified in the bid proposal for an additional one (1) year period at the exclusive option of the Township; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, contracts with Trap Rock Industries, Inc. and Stavola Construction Materials, Inc. in accordance with this resolution, the bid specifications, and in a form to be approved by the Township Attorney.

BE IT FURTHER RESOLVED funds in the amount of \$192,000.00 have been certified by the Chief Financial Officer in Capital Accounts C-04-04-021-913, C-04-07-012-933 and C-04-11-002-942.

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

- a. Trap Rock Industries, Inc.
- b. Stavola Construction Materials, Inc.
- c. Mayor Jonathan Hornik
- d. Township Business Administrator
- e. Township Director of Public Works
- f. DeCotiis, FitzPatrick & Cole, LLP

RESOLUTION # 2012-192

A RESOLUTION AWARDING CONTRACT TO AIRHANDLERS
MECHANICAL SERVICE FOR HVAC MAINTENANCE FOR THE
TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for HVAC MAINTENANCE FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS, and on February 28, 2012, received four (4) bids therefor; and

WHEREAS, the four (4) bids received were as follows:

Company	Township	Water Utility	TOTAL
Marlee Contractors, LLC 364 S. Egg Harbor Rd. Hammonton, NJ 08037	27,228	1,481	28,709
Airhandlers Mechanical Service PO Box 178 Haddon Heights, NJ 08035	31,680	1,200	32,880
Air Systems Maintenance, Inc. 718 Jefferson Ave Kenilworth, NJ 07033	41,120	3,880	45,000
Automated Building Controls, Inc. 3320 Route 66 Neptune, NJ 07753	30,940	2,000	32,940

WHEREAS, following a review of the bids and meeting with the apparent low bidder, Marlee Contractors, LLC, it came to light that the low bidder misunderstood the bid specifications; and

WHEREAS, Marlee Contractors, LLC has requested that its bid be withdrawn as a result of their misunderstanding of the bid specifications; and

WHEREAS, the submission of the next lowest bidder, Airhandlers Mechanical Service is responsive as detailed in the April 5, 2012 memo from the Director of Public Works; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract be awarded to AIRHANDLERS MECHANICAL SERVICE whose address is PO Box 178, Haddon Heights, NJ 08035 for HVAC MAINTENANCE FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS, for a contract amount at prices specified in the bid proposal not to exceed \$32,880.00 for a term of one year, with an option to renew the contract based upon on the same terms and conditions as specified in the bid proposal for an additional one (1) year period at the exclusive option of the Township; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, a contract with AIRHANDLERS MECHANICAL SERVICE, in accordance with this resolution, the bid specifications, and in a form to be approved by the Township Attorney.

BE IT FURTHER RESOLVED funds in the amount of \$32,880.00 have been certified by the Chief Financial Officer in Account # 2-01-122-288 and 2-05-500-288.

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

- a. Airhandlers Mechanical Service
- b. Mayor Jonathan Hornik
- c. Township Business Administrator
- d. Township Director of Public Works
- e. DeCotiis, FitzPatrick & Cole, LLP

RESOLUTION # 2012-193

A RESOLUTION AUTHORIZING YEAR 2 OF CONTRACT TO CAMPUS
COORDINATES FOR THE PROVISION OF T-SHIRTS IN VARIOUS
COLORS AND SIZES FOR THE TOWNSHIP OF MARLBORO

WHEREAS, the Municipal Council of the Township of Marlboro awarded a contract to CAMPUS COORDINATES for THE PROVISION OF T-SHIRTS IN VARIOUS COLORS AND SIZES FOR THE TOWNSHIP OF MARLBORO on May 5, 2011; and

WHEREAS, Section 8f of the bid specifications states that the Township reserves the exclusive option of renewing the contract for an additional one (1) year period on the same terms and conditions as specified in the bid proposal; and

WHEREAS, the Department of Recreation and Swim Division have recommended that the Township approve a one (1) year renewal of the contract; 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 to CAMPUS COORDINATES whose address is 1711 Ginesi Drive, Freehold, NJ 07728 for a period of one year, in a total amount not to exceed \$43,895.00; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, contracts with CAMPUS COORDINATES in accordance with this resolution, the bid specifications, and in a form to be approved by the Township Attorney; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that sufficient funds in the amount of \$34,725.00 are available for the aforesaid 2012 contract in T-17-56-867-266,

\$5,000.00 in 2-07-700-266, \$300.00 in 2-01-083-266, \$2,100.00 in 2-01- -146-266, and \$1,770.00 in G-07-41-408-266; and

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

- a. Campus Coordinates
- b. Mayor Jonathan Hornik
- c. Township Business Administrator
- d. Department of Recreation
- e. Swim Division
- f. DeCotiis, FitzPatrick & Cole, LLP

RESOLUTION # 2012-194

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and indicate the assent of the Marlboro Township Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure that the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that Marlboro Township hereby endorses the submission of a Municipal Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection and Energy

and designates the Recycling Coordinator to ensure that the said Application is properly filed.

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

RESOLUTION # 2012-195

A RESOLUTION AUTHORIZING CONTRACT WITH WPCS INTERNATIONAL INC. FOR THE MAINTENANCE OF PUBLIC SAFETY COMMUNICIATION SYSTEMS IN THE TOWNSHIP OF MARLBORO POLICE DEPARTMENT UNDER STATE CONTRACTS A69908 and A53824

WHEREAS, the Township of Marlboro Department Police Department is in need of a contract for 24x7 service and maintenance of the Zetron public safety communication system ("services"); and

WHEREAS, the Police Department has advised that WPCS International Inc. has performed satisfactorily in previous years; and

WHEREAS, the Police Department recommends that the Township obtain the required services through WPCS INTERNATIONAL INC. under State Contracts A69908 and A53824 for an amount not to exceed \$20,400.00; and

WHEREAS, pursuant to N.J.S.A. 40A:11-12, a municipality may, without advertising for bids, purchase goods under any contract for such goods entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, the Police Department has reviewed the information received and has recommended that WPCS INTERNATIONAL INC. be awarded the contract based upon the quotation received; and

WHEREAS, funds are available the in Account Number 2-01-312-276 and have been certified to by the Chief Financial Officer of the Township of Marlboro.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to contract with WPCS INTERNATIONAL INC. whose address is Lakewood Operations, 1985 Swarthmore Ave., Ste 4, Lakewood, NJ 08701 for the provision of 24x7 service and maintenance of the Zetron public safety communication system under State Contracts A69908 and A53824 in an amount not to exceed \$20,400.00; and

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

- a. WPCS INTERNATIONAL INC.
- b. Township Administrator
- c. Township Division of Police
- d. Township Chief Financial Officer
- e. DeCotiis, FitzPatrick & Cole, LLP

RESOLUTION # 2012-196

A RESOLUTION AUTHORIZING THE PURCHASE OF
FOUR (4) PORTABLE TRUCK LIFTS AND ANCILLARY
EQUIPMENT FOR THE MARLBORO TOWNSHIP DEPARTMENT OF
PUBLIC WORKS PURSUANT TO STATE CONTRACT #80126

WHEREAS, the Department of Public Works Fleet Maintenance Division is in need of portable truck lifts for the Mechanics' Garage.

WHEREAS, the Fleet Maintenance Division has requested that the Township purchase four (4) portable truck lifts and ancillary equipment from Stertil-Koni USA, Inc., 200 Log Canoe Circle, Stevensville, MD 21666, under State Contract #80126 for a total amount not to exceed \$53,130.00; and

WHEREAS, pursuant to N.J.S.A. 40A:11-12, a municipality may, without advertising for bids, purchase goods under any contract for such goods entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, funds are available in Capital Account Number C-04-11-002-943 and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Township Council desires to approve the purchase of said equipment for the aforesaid purposes.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase four (4) portable truck lifts and ancillary equipment from Stertil-Koni USA, Inc., 200 Log Canoe Circle, Stevensville, MD 21666, under State Contract #80126 for a total amount not to exceed \$53,130.00; and

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

- a. Stertil-Koni USA, Inc.
200 Log Canoe Circle
Stevensville, MD 21666
- b. Township Administrator
- c. Township Department of Public Works
- d. Township Chief Financial Officer
- e. DeCotiis, FitzPatrick, & Cole, LLP

RESOLUTION # 2012-197

A RESOLUTION AUTHORIZING THE REMOVAL OF HAZARDOUS
OVERGROWN VEGETATION AND THE RECORDING OF A LIEN BY
THE TAX COLLECTOR ON THE PROPERTY LOCATED AT 4 EVAN DRIVE,
(BLOCK 180, LOT 45), MORGANVILLE, NEW JERSEY

WHEREAS, the Administration has been advised by the Zoning Officer that a nuisance and hazardous condition documented by the Zoning Officer and memorialized in an incident report filed by the Marlboro Police Department exists on the property known as 4 Evan Drive, (Block 180, Lot 45); and

WHEREAS, attempts to abate and remediate such nuisance and hazardous condition have been unsuccessful; and

WHEREAS, pursuant to Chapter 278 Section 188 of the Code of the Township of Marlboro entitled "Abatement of hazard or nuisance by Township; lien.", the Municipality has the authority to abate a nuisance as authorized under N.J.S.A. 40:48-2.14 and "shall cause the cost as shown thereon to be charged against said lands"; and

WHEREAS, the Township has taken the necessary enforcement action and has abated the nuisance located at 4 Evan Drive (Block 180, Lot 45) at a total cost of \$ 290.87; and

WHEREAS, it is recommended that the amount of \$ 290.87 incurred by the Municipality to abate the nuisance be recorded as a lien against the property.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Marlboro, being the governing body thereof, that the Tax Collector is hereby authorized to record a lien against the property known as 4 Evan Drive Block 180, Lot 45) in the amount of \$ 290.87 to reflect the costs incurred by the Municipality to abate the nuisance to be added to the taxes next to be assessed and levied, the same to bear interest at the same rate as taxes which shall be collected and enforced by the same officers and in the same manner as taxes.

RESOLUTION # 2012-198

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$35,055.40 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 \$35,055.40 be refunded to the certificate holders as per Schedule "A",

SCHEDULE "A"

<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>LIENHOLDER</u>	<u>AMOUNT</u>
10-61 3 Serenity Pl.	364/41.04	US Bank CUST for Lien Logic Fund I, LLC 50 th S. 16 th St Suite 1950 Philadelphia, PA 19102-2513 Assessed Owners: MRD Seventh Holding Co. LLC	\$23,506.97
11-11 3 Tennent Rd.	123/2	Rosehill Fund I, Inc. 409 Milton Road Rye, NY 10580 Assessed Owner: John Walsh	11,548.43
TOTAL:			\$35,055.40

RESOLUTION # 2012-199

WHEREAS, the attached list in the amount of \$7,024.17 known as Schedule "A", is comprised of amounts representing overpayments for 2012 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>2012 REFUND</u>
153	127	Saltzman, Allen & Janice 8 Doree Road Morganville, NJ 07751	\$7,024.17

RESOLUTION # 2012-200

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License RL#: 12-2012 be and it is hereby granted to Western Monmouth Jewish Services Council, Inc. 100 Route 9 North, Manalapan, NJ 07726.

BE IT FURTHER RESOLVED that said Raffle (On premise 50/50) will be held on June 10, 2012 from 12PM to 4PM at Marlboro High School, 95 North Main Street, Marlboro, New Jersey 07746.

RESOLUTION # 2012-201

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 13-2012 (Off Premise Merchandise - wresting) be and it is hereby granted to Dads Gridiron Club, Inc., 59 Points Road, Colts Neck, NJ 07722.

BE IT FURTHER RESOLVED that said Raffle will be held on June 8, 2012 at 5:00 PM at 56 Ottawa Road South, Marlboro, NJ 07746.

RESOLUTION # 2012-202

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 14-2012 (Carnival Wheels and Games) be and it is hereby granted to Marlboro Educational Foundation, 1980 Township Drive, Marlboro, NJ 07746.

BE IT FURTHER RESOLVED that said Raffle will be held On June 9, 2012 (raindate June 10, 2012) from 1 - 5 PM at the Marlboro Middle School, 355 County Road 520, Marlboro, NJ 07746.

There was no New Business.

At 8:45 PM, Council Vice President Metzger moved that the meeting be adjourned. This was seconded by Councilwoman Marder, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: June 7, 2012

OFFERED BY: LA ROCCA

AYES: 4

SECONDED BY: MARDER

NAYS: 0

ABSENT: CANTOR

ALIDA MANCO,
MUNICIPAL CLERK

SCOTT METZGER,
COUNCIL VICE PRESIDENT