

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

December 6, 2012

The Marlboro Township Council held its regularly scheduled Council Meeting on December 6, 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 Jonathan L. Hornik, Louis N. Rainone, Esq., Business Administrator Jonathan Capp, Municipal Clerk Alida Manco and Deputy Municipal Clerk Deborah Usalowicz.

Council President Cantor opened the Public Hearing on Ord. #2012-26 (Providing for Construction of New Water Treatment Plant and Well and Providing for Issuance of \$7,600.000 in Water Utility Bonds or Notes through NJ Environmental Infrastructure Trust Program). As there was no one who wished to speak, the Public Hearing was closed. The following Res. #2012-392/Ord. #2012-26 was introduced by reference, offered by Councilwoman Marder, seconded by Council Vice President Metzger, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-392

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

ORDINANCE # 2012-26

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, PROVIDING FOR THE CONSTRUCTION OF A NEW WATER TREATMENT PLANT AND WELL IN AND FOR THE TOWNSHIP OF MARLBORO AND APPROPRIATING \$7,600,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$7,600,000 IN WATER UTILITY BONDS OR NOTES OF THE TOWNSHIP OF MARLBORO TO FINANCE THE SAME

which was introduced on October 12, 2012, public hearing held on December 6, 2012, be adopted on second and final reading this 6th day of December, 2012.

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

ORDINANCE # 2012-26

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, PROVIDING FOR THE CONSTRUCTION OF A NEW WATER TREATMENT PLANT AND WELL IN AND FOR THE TOWNSHIP OF MARLBORO AND APPROPRIATING \$7,600,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$7,600,000 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 \$7,600,000. No down payment is required in connection with the improvement or purpose for which obligations are authorized as provided in Section 3 hereof as said purpose is 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 \$7,600,000 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 for the construction of a new water treatment plant and well to be located at 337 Tennent Road in the Township, 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 40 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$7,600,000, 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 \$1,700,000 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 a purpose described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for a purpose that is 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 purpose 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 #2012-371 (Authorizing Bond Release - Triangle Business Park Phase I) was introduced by reference, offered by Council Vice President Metzger, seconded by Councilman LaRocca and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-371

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES  
FOR THE SITE KNOWN AS TRIANGLE BUSINESS PARK -  
PHASE I, BLOCK 178, LOTS 293 & 294, 165 AMBOY ROAD,  
TOWNSHIP OF MARLBORO, NEW JERSEY

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro has received a request from Triangle Business Park, LLC for release of the Township held Performance Guarantees in the form of a Bond and cash deposit for site improvements ("Public Improvements") on the Site known as "Triangle Business Park - Phase I" (the "Site"), property known as Block 178, Lots 293 & 294, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by Triangle Business Park, LLC (the "Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed the Township Engineer's report dated October 4, 2012, regarding the completion of the Public Improvements at the Site, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the aforesaid report recommends that the current Performance Guarantee in the form of a Bond, Bond No. S11203 issued by First Indemnity of America Insurance Company in the original amount of \$645,657.49 with a current value of \$201,896.22, and an original cash deposit in the amount of \$71,743.97, current amount of \$24,338.09, posted by the Developer

and being held by the Township, be released in their entirety, conditioned upon the payment of any and all outstanding review and/or inspection fee charges to the time of the performance guarantee release; and

WHEREAS, the Township Council now wishes to take the following action regarding the aforesaid Performance Guarantee.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the above-described Performance Guarantee in the form of a Bond, Bond No. S11203, issued by First Indemnity of America Insurance Company in the original amount of \$645,657.49 with a current value of \$201,896.22, and an original cash deposit in the amount of \$71,743.97, current amount of \$24,338.09, posted by the Developer and being held by the Township, be released in their entirety, conditioned upon the payment of any and all outstanding review and/or inspection fee charges to the time of the performance guarantee; and

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

- a. Triangle Business Park, LLC
- b. First Indemnity of America Insurance Company
- c. Township Business Administrator
- d. Township Chief Financial Officer
- e. Township Engineer

The following Resolution #2012-372 (Authorizing Bond Release - Triangle Business Park Phase II) 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 # 2012-372

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES  
FOR THE SITE KNOWN AS TRIANGLE BUSINESS PARK -  
PHASE II, BLOCK 178, LOTS 293 & 294, 165 AMBOY ROAD,  
TOWNSHIP OF MARLBORO, NEW JERSEY

WHEREAS, in accordance with *N.J.S.A. 40:55D-53*, the Township of Marlboro has received a request from Triangle Business Park, LLC for release of the Township held Performance Guarantees in the form of a Bond and cash deposit for site improvements ("Public Improvements") on the Site known as "Triangle Business Park - Phase II" (the "Site"), property known as Block 178, Lots 293 & 294, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by Triangle Business Park, LLC (the "Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed the Township Engineer's report dated October 4, 2012, regarding the completion of the Public Improvements at the Site, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the aforesaid report recommends that the current Performance Guarantee in the form of a Bond, Bond No. S11204 issued by First Indemnity of America Insurance Company in the original amount of \$351,404.35, and current value of \$126,382.95 and original cash deposit in the amount of \$39,044.93, and current value of \$15,087.71, posted by the Developer and being held by the Township, be released in their entirety, conditioned upon the payment of any and all outstanding review and/or inspection fee charges to the time of the performance guarantee; and

WHEREAS, the Township Council now wishes to take the following action regarding the aforesaid Performance Guarantee.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the above-described Performance Guarantee in the form of a Bond, Bond No. S11204, issued by First Indemnity of America Insurance Company in the original amount of \$351,404.35, and current value of \$126,382.95 and original cash deposit in the amount of \$39,044.93, and current value of \$15,087.71 posted by the Developer and being held by the Township, be released in their entirety, conditioned upon the payment of any and all outstanding review and/or inspection fee charges to the time of the performance guarantee; and

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

- a. Triangle Business Park, LLC
- b. First Indemnity of America Insurance Company
- c. Township Business Administrator
- d. Township Chief Financial Officer
- e. Township Engineer

The following Resolution #2012-373 (Authorizing Bond Release - Triangle Business Park Phase III) was introduced by reference, offered by Councilwoman Marder, seconded by Council Vice President Metzger and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-373

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES  
FOR THE SITE KNOWN AS TRIANGLE BUSINESS PARK -  
PHASE III, BLOCK 178, LOTS 293 & 294, 165 AMBOY ROAD  
TOWNSHIP OF MARLBORO, NEW JERSEY

WHEREAS, in accordance with *N.J.S.A. 40:55D-53*, the Township of Marlboro has received a request from Triangle Business Park, LLC for release of the Township held Performance Guarantees in the form of a Bond and cash deposit for site improvements ("Public Improvements") on the Site known as "Triangle Business Park - Phase III" (the "Site"), property known as Block 178, Lots 293 & 294, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by Triangle Business Park, LLC (the "Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed the Township Engineer's report dated October 24, 2012, regarding the completion of the Public Improvements at the Site, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the aforesaid report recommends that the current Performance Guarantee in the form of a Bond, Bond No. S11205 issued by First Indemnity of America Insurance Company in the original amount of \$347,352.41 and current value \$115,650.56 and original cash deposit in the amount of \$38,594.71, and current value of \$13,878.99, posted by the Developer and being held by the Township, be released in their entirety, conditioned upon the payment of any and all outstanding review and/or inspection fee charges to the time of the performance guarantee; and

WHEREAS, the Township Council now wishes to take the following action regarding the aforesaid Performance Guarantee.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the above-described Performance Guarantee in the form of a Bond, Bond No. S11205, issued by First Indemnity of America Insurance Company in the original amount of \$347,352.41 and current value \$115,650.56 and original cash deposit in the amount of \$38,594.71 and current value \$13,878.99 posted by the Developer and being held by the Township, be released in their entirety, conditioned upon the payment of any and all outstanding review and/or inspection fee charges to the time of the performance guarantee; and

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

- a. Triangle Business Park, LLC
- b. First Indemnity of America Insurance Company

- c. Township Business Administrator
- d. Township Chief Financial Officer
- e. Township Engineer

The following Resolution #2012-374 (Authorizing Bond Release - Triangle Business Park Phase IV was introduced by reference, offered by Council Vice President Metzger, seconded by Councilman LaRocca and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-374

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES  
FOR THE SITE KNOWN AS TRIANGLE BUSINESS PARK -  
PHASE IV, BLOCK 178, LOTS 293 & 294, 165 AMBOY ROAD,  
TOWNSHIP OF MARLBORO, NEW JERSEY

WHEREAS, in accordance with *N.J.S.A. 40:55D-53*, the Township of Marlboro has received a request from Triangle Business Park, LLC for release of the Township held Performance Guarantees in the form of a Bond and cash deposit for site improvements ("Public Improvements") on the Site known as "Triangle Business Park - Phase IV" (the "Site"), property known as Block 178, Lots 293 & 294, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by Triangle Business Park, LLC (the "Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed the Township Engineer's report dated October 24, 2012, regarding the completion of the Public Improvements at the Site, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the aforesaid report recommends that the current Performance Guarantee in the form of a Bond, Bond No. S11206 issued by First Indemnity of America Insurance Company in the original amount of \$274,759.29, and current value of \$126,871.97 and original cash deposit in the amount of \$30,528.81, and current value of \$11,468.32, posted by the Developer and being held by the Township, be released in their entirety, conditioned upon the payment of any and all outstanding review and/or inspection fee charges to the time of the performance guarantee; and

WHEREAS, the Township Council now wishes to take the following action regarding the aforesaid Performance Guarantee.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the above-described Performance Guarantee in the form of a Bond, Bond No. S11206, issued by First

Indemnity of America Insurance Company in the original amount of \$374,759.29, and current value of \$126,871.97 and original cash deposit in the amount of \$30,528.81, and current value of \$11,468.32 posted by the Developer and being held by the Township, be released in their entirety, conditioned upon the payment of any and all outstanding review and/or inspection fee charges to the time of the performance guarantee; and

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

- a. Triangle Business Park, LLC
- b. First Indemnity of America Insurance Company
- c. Township Business Administrator
- d. Township Chief Financial Officer
- e. Township Engineer

The following Resolution #2012-393 (Authorizing Bond Reduction - Old Mill Estates - B 413, Lots 38-40) was introduced by reference, offered by Councilwoman Mazzola, seconded by Council Vice President Metzger and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-393

RESOLUTION AUTHORIZING REDUCTION OF PERFORMANCE  
GUARANTEES FOR THE SITE KNOWN AS OLD MILL ESTATES,  
BLOCK 413, LOT(S) 38-40, #24 AND # 28 OLD MILL ROAD,  
TOWNSHIP OF MARLBORO, NEW JERSEY

WHEREAS, in accordance with *N.J.S.A. 40:55D-53*, the Township of Marlboro has received a request from Malkie Meisels for a reduction in the Township held Performance Guarantees in the form of a Bond and cash deposit for site improvements ("Public Improvements") on the Site known as "Old Mill Estates" (the "Site"), property known as Block 413, Lot(S) 38-40, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by Old Mill Estates, LLC (the "Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed the Township Engineer's report dated November 27, 2012, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the aforesaid report recommends that a partial reduction be made in the current bond and cash deposit amounts being held by the Township; and

WHEREAS, the Township Council desires to reduce the performance guarantee bond and cash deposit amounts in accordance with the recommendation of the Township Engineer's report dated November 27, 2012.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the performance guarantees in the form of a Bond and cash deposit posted by the Developer, Old Mill Estates, LLC, for the site known as Old Mill Estates located on property known as Block 413, Lot(S) 38-40, Township of Marlboro, New Jersey, shall be reduced as follows:

1. The Bond (Safeguard Insurance Company, Bond No. 5030066), in the original and present amount of \$717,149.65, shall be reduced by \$351,428.11, so that the remaining amount shall be \$365,721.54.
2. The Cash Deposit, in the original and present amount of \$79,638.29 shall be reduced by \$39,047.57, so that the amount to remain shall be \$40,635.72; and

BE IT FURTHER RESOLVED, that the above reductions shall be subject to the posting of any and all outstanding review and/or inspection fees required by the Planning Board and/or Township and the resolution of any valid homeowners' complaints; and

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

- a. Old Mill Estates, LLC
- b. Safeguard Insurance Company
- c. Township Business Administrator
- d. Township Chief Financial Officer
- e. Township Engineer

As the consent agenda, the following resolutions were introduced by reference, offered by Council Vice President Metzger, seconded by Councilwoman Marder and as there was no objection, the Clerk was asked to cast one ballot: Res. #2012-394 (Award of Contract - Municipal Court Debt Collection Services), Res. #2012-395 (Authorize Emergency Budget Authorization (Hurricane Sandy)), Res. #2012-396 (Confirming of Emergency Contracts - Various - Hurricane Sandy), Res. #2012-397 (Discharge of Mortgage - 14 York Road), Res. #2012-398 (Consenting to appointment of Tax Assessor to fill unexpired term of Michael Imbriaco), Res. #2012-399 (Confirming Library Board Appointment - Ellen Saines - to fill unexpired term of Jayesh Dalal),

Res. #2012-400 (Authorizing Amendment to 2012 Capital Plan), Res. #2012-401 (Award of Bid - E-Ticketing Solution - 2012 Hwy Safety), Res. #2012-402 (Amending County Co-op Contract - Auto/Truck Parts & Supplies), Res. #2012-403 (Authorizing Lien Actions - Property Maintenance - B. 180, L. 45 - 4 Evan Drive), Res. #2012-404 (Authorizing Lien Actions - Property Maintenance - B. 304, L. 9 - 72 Church Road), Res. #2012-405 (Authorizing Lien Actions - Property Maintenance - B. 301, L. 36 - 30 Duncan Drive), Res. #2012-406 (Authorizing Lien Actions - Property Maintenance - B. 320, L. 4 - 16 Jennifer Court), Res. #2012-407 (Authorizing Lien Actions - Property Maintenance - B. 119.02, L. 7 - 14 Bernadette Road), Res. #2012-408 (Authorizing Lien Actions - Property Maintenance - B. 223, L. 12 - 13 North Main Street), Res. #2012-409 (Authorizing Lien Actions - Property Maintenance - B. 420, L. 28 - 12 Colony Drive), Res. #2012-410 (Authorizing Lien Actions - Property Maintenance - B. 213, L. 17 - 11 Quincy Street), Res. #2012-411 (Authorizing Lien Actions - Property Maintenance - B. 399, L. 27 - 9 Stone Lane), Res. #2012-412 (Redemption Tax Sale Certs), Res. #2012-413 (Mon. County Judgment Refund - B. 360, L. 47), Res. #2012-414 (Refunds for Overpayments - Various), Res. #2012-415 (Cancellation of Inactive Escrow Accounts - Zoning), Res. #2012-416 Refunds from Inactive Escrow Accounts, Res. #2012-417 (Authorizing Adjustments and Cancellation to Grant Receivable and Appropriation Reserve Balances), Res. #2012-418 (Authorizing Reimbursement of Expenditures for Project Costs from the Proceeds of Debt Obligations in connection with 2013 NJEIT financing program - Tennent Road Treatment Plant), Res. #2012-419 (Authorizing Cops in Shops Grant Application) and Res. #2012-420 (authorizing Change Order Pool Maintenance Services).

RESOLUTION # 2012-394

A RESOLUTION AUTHORIZING THE EXECUTION OF A  
PROFESSIONAL SERVICES CONTRACT BETWEEN Gila LLC d/b/a  
MSB Government Services FOR THE PRIVATE COLLECTION OF  
MUNICIPAL COURT DEBT

WHEREAS, PL 2009, C. 233 authorizes the governing body of a municipality having a central municipal court to enter into a contract with a private collection agency of firm for purpose of collecting outstanding municipal court debt; and

WHEREAS, on March 31, 2011, the New Jersey Administrative Offices of the Courts (AOC) issued specific guidance governing the procedures to be followed by participating municipalities and municipal courts as well as private collection agencies in authorizing and administering municipal court debt collection services; and

WHEREAS, the AOC authorizes the assessment of an administrative fee by the private collection agency to be paid by the defendant in an amount not to exceed 22% of the sum collected; and

WHEREAS, the Township issued a request for qualifications reviewed by the Municipal Court Judge and Court Administrator on January 23, 2012 from qualified institutions for private collection of municipal court debt services, and in doing so set an administrative fee percentage to be assessed by the private collection agency at 20%; and

WHEREAS, the Township received four (4) RFQ responses, and following a review by the Administration and Municipal Court has recommended Gila LLC d/b/a MSB Government Services to serve as the Marlboro Municipal Court's private debt collection agency; and

WHEREAS, pursuant to the NJ AOC's guidelines, on May 7, 2012, the Township transmitted a draft form of agreement with Gila LLC d/b/a MSB Government Services to the AOC for review and approval; and

WHEREAS, the Township received comments from the AOC on October 17, 2012 which it has incorporated into its form of agreement and subsequently received approval on November 14, 2012 from the AOC to proceed with the award of contract; and

WHEREAS, pursuant to AOC guidelines, based upon the outstanding municipal court debt eligible for private collection, it has been determined that the value of the contract will not exceed \$17,500.00; and

WHEREAS, pursuant to AOC guidelines, funds for these services shall be an amount assessed by the private collection agency to be paid by the defendant in addition to the amount owed to the Municipal Court and shall be available for payment to the agency upon collection and certification by the AOC; 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.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that the Township Council of the Township of Marlboro hereby authorizes and approves the award of a contract to Gila LLC d/b/a MSB Government Services for the private collection of municipal court debt for a term of one year plus two one year options at the discretion of the Township, and that the Mayor and Township Clerk are hereby authorized and directed to execute, seal and deliver said Contract for Services on behalf of and in the name of the Township of Marlboro.

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

- a. Township Administrator
- b. Municipal Court
- c. Chief Financial Officer
- d. Gila LLC d/b/a MSB Government Services

RESOLUTION # 2012-395

RESOLUTION AUTHORIZING EMERGENCY APPROPRIATION  
PURSUANT TO NJS 40A:4-48

WHEREAS, an emergency has arisen with respect to the arrival of Hurricane Sandy on October 29, 2012; and

WHEREAS, Governor Christie declared a state of emergency for the response and recovery efforts required by Hurricane Sandy; and

WHEREAS, the Township incurred labor costs for emergency response and clean-up, and other expenses including repairs to public buildings and infrastructure and disposal of debris for which no adequate provision was made in the 2012 Municipal budget; and

WHEREAS, the occurrence of said storm could not have been foreseen at the time the 2012 Municipal Budget for the Township of Marlboro was prepared, and

WHEREAS, NJS 40A:4-46 provides for the creation on an emergency appropriation for the purpose mentioned above; and

WHEREAS, the total amount of the emergency appropriations created, including the appropriation to be created by this resolution is \$1,330,000.00 as follows:

GENERAL FUND SALARIES AND WAGES AND/OR OTHER EXPENSES  
\$1,060,000.00

WATER UTILITY FUND SALARIES AND WAGES AND/OR OTHER EXPENSES  
\$270,000.00

WHEREAS, three (3) percent of the total operating appropriations in the budget for 2012 is \$1,030,227.26; and

WHEREAS, the foregoing appropriation together with prior appropriations exceeds three (3) percent of the total operating appropriations (including utility operation appropriations) in the budget for 2012; and

WHEREAS, for this emergency, pursuant to Local Finance Notice 2012-22, the Director of Local Government Services has granted blanket approval for emergency resolutions that exceed the 3 percent expenditure limit (NJS 40A:4-49).

NOW, THEREFORE, BE IT RESOLVED, by not less than 2/3 of all governing body members affirmatively concurring that in accordance with NJS 40A:4-48:

1. An emergency appropriation is here by made for 2012 Hurricane Sandy Costs AS TO GENERAL FUND SALARIES AND WAGES AND/OR OTHER EXPENSES in the amount of \$1,060,000.00.

2. An emergency appropriation is here by made for 2012 Hurricane Sandy Costs AS TO WATER UTILITY FUND SALARIES AND WAGES AND/OR OTHER EXPENSES in the amount of \$270,000.00.

3. That said emergency appropriation shall be provided for in full in the 2012 budget, and is requested to be excluded from both the spending and tax levy CAP, pursuant to NJS 40A:4-53.3c(1).

4. That two (2) certified copies of this resolution be filed with the Director of the Division of Local Government Services.

RESOLUTION # 2012-396

A RESOLUTION CONFIRMING EMERGENCY CONTRACTS WITH  
VARIOUS VENDORS FOR HURRICANE SANDY STORM PREPARATION,  
RESPONSE AND DEBRIS REMOVAL PURUSANT TO N.J.S.A.  
40A:11-6 FOR THE TOWNSHIP OF MARLBORO

WHEREAS, an emergency has arisen with respect to the arrival of Hurricane Sandy on October 29, 2012; and

WHEREAS, Governor Christie declared a state of emergency in advance of the storm for the response and recovery efforts required by Hurricane Sandy; 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, Hurricane Sandy brought damaging winds which resulted in substantial tree damage and widespread and extended power outages in the Township posing a threat to the health, safety and welfare of the public; and

WHEREAS, the Mayor and Office of Emergency Management determined that certain services and supplies were critical in order to address matters concerning the health, safety and welfare of the public; and

WHEREAS, pursuant to N.J.S.A. 40A:11-6, the Township authorized the following emergency contracts:

Vendor	Address	Service	Not to Exceed
Antonio Casola Nursery & Landscape	178 Hwy 34 & Schank Rd, Holmdel, NJ 07733 PO Box 5010, Freehold, NJ 07728	Debris Removal	216,360.00
Freehold Cartage Lucas Construction Group	173 Amboy Road, Morganville, NJ 07751 PO Box 306, Holmdel, NJ 07733	Debris Removal	96,480.00
Triple C Nurseries Waste Management of NJ	107 Silvia St, Ewing, NJ 08628 227 Bakers Basin Rd, Lawrenceville, NJ 08648	Debris Removal	214,000.00
Britton Industries	2 Hudson St, Marlboro, NJ 07746	Debris Removal/Chipping	245,264.00
Caro Electric	PO Box 150, Melville, NJ 08332	Electrical Service	168,750.00
Riggins Oil Co Inc Lucas Construction Group	173 Amboy Road, Morganville, NJ 07751	Fuel Drop Fuel Drop & Truck Rental	13,145.00
Aurora Environmental Inc	1102 Union Ave, Union Beach, NJ 07735	Fuel Tank Rental	21,210.00
			10,720.60
			5,000.00

Cummins Power Systems	41-85 Doremus Ave, Newark, NJ 07105	Generator Rental (Harbor)	11,993.00
Cummins Power Systems	41-85 Doremus Ave, Newark, NJ 07105	Generator Rental (Tennent)	194,900.00
Lucas Construction Group	173 Amboy Road, Morganville, NJ 07751	Generator Transport	1,000.00
Foley Inc	855 Centennial Ave, PO Box 1555, Piscataway, NJ 08855	Generator Troubleshoot	2,000.00
Harter Equipment Inc	615 Route 33, Millstone Twp, NJ 08535	Parts for Brush Claw	3,500.00
WH Potter & Son Inc	470 Red Hill Road, Middletown, NJ 07748	Parts for Chain Saws	7,000.00
Lucas Construction Group	173 Amboy Road, Morganville, NJ 07751	Repair Robertsville (Greenbriar) Culvert	10,000.00
Borough of Avalon (Philips & Jordon)	191 Philips & Jordon Rd, Robbinsville, NC 28771	Tree Removal	10,000.00
General Tree Experts	104 Hawkins Road, Englishtown 07726	Tree Removal	91,700.00

WHEREAS, pursuant to N.J.S.A. 40A:11-6, the Township authorized emergency change orders pertaining to the following existing Township contracts:

Vendor	Address	Service	Not to Exceed
Anchor Staffing	Temporary Contract Labor (wk end 12/31/12)	Debris Removal	40,111.41
Lucas Construction Group	173 Amboy Road, Morganville, NJ 07751	Water Main Repairs	14,939.16

WHEREAS, the Township is attempting to recover all expenses incurred as a result of Hurricane Sandy from the Federal Emergency Management Agency (FEMA); and

WHEREAS, the Chief Financial Officer will certify the availability of funds upon adoption of a 2012 emergency budget appropriation.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that emergency contract awards and emergency change orders pursuant to N.J.S.A. 40A:11-6 be confirmed for the emergency preparation, response and debris removal activities associated with Hurricane Sandy.

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

- a. Business Administrator
- b. Emergency Management Coordinator
- c. Chief Financial Officer
- d. Director of Public Works

RESOLUTION # 2012-397

A RESOLUTION OF THE TOWNSHIP OF MARLBORO TOWN COUNCIL  
AUTHORIZING A DISCHARGE OF A MORTGAGE AND MORTGAGE  
MODIFICATION AGREEMENT DATED AUGUST 20, 2004, AND  
NOVEMBER 15, 2004, RESPECTIVELY, WHICH WERE FILED  
AGAINST A PROPERTY LOCATED AT 14 YORK ROAD,  
MARLBORO, NEW JERSEY, WHICH IS OWNED BY  
YVETTE BOCCHINO A/K/A YVETTE NEST

WHEREAS, the Township of Marlboro has implemented a housing rehabilitation program in the Township, which was administered in accordance with the New Jersey's Fair Housing Act (N.J.S.A. 52:27D-301 et. seq.) and the administrative rules of the Council on Affordable Housing; and

WHEREAS, as part of the foregoing rehabilitation program Marlboro has in fact provided rehabilitation assistance to various residents of The Township of Marlboro; and

WHEREAS, as a condition of the rehabilitation program residents who were offered financial assistance must have retained ownership of their units for a period of six (6) years from the date of such assistance and if they do so, the financial assistance (which is in the form of a forgivable loan), shall be discharged and forgiven; and

WHEREAS, Yvette Bocchino a/k/a Yvette Nest and Robert Bocchino took title to a certain residential premises by means of a deed dated November 30, 1993, and recorded in the Monmouth County Clerk's Office on December 14, 1993, in Deed Book 5271; Page 0648; and

WHEREAS, the address of the aforesaid property is commonly known as 14 York Road, Marlboro, New Jersey (hereinafter "the Property"); and

WHEREAS, Robert Bocchino, my way of marital quitclaim deed, deeded his in the Property to Yvette Bocchino a/k/a Yvette Nest by way of a deed which was recorded on July 1, 2004, in deed book 8376, at page 7769; and

WHEREAS, Yvette Bocchino a/k/a Yvette Nest made application for rehabilitation assistance for the Property and she was granted such assistance and repairs and/or improvements were made

to their home as a consequence of the foregoing rehabilitation program; and

WHEREAS, Yvette Bocchino a/k/a Yvette Nest currently owns the Property in fee simple; and

WHEREAS, the purpose of the foregoing rehabilitation services and funding was to correct defects in the premises at 14 York Road, Marlboro, New Jersey and to bring said home up to applicable code standards; and

WHEREAS, the Township of Marlboro agreed to deferred payments in the amount of \$9,675.00 in furtherance of this rehabilitation; and

WHEREAS, the Township of Marlboro loaned the aforesaid sum to Yvette Bocchino a/k/a Yvette Nest in furtherance of the foregoing rehabilitation project; and

WHEREAS, receipt of the forgivable loan is evidenced by a Mortgage dated August 20, 2004, and by a Mortgage Modification Agreement which is dated November 15, 2004, to The Township of Marlboro which secured the cost of the rehabilitation; and

WHEREAS, the August 20, 2004, mortgage was recorded in the Monmouth County Clerk's Office on August 27, 2004, in deed book 8397, at page 4089, and the November 15, 2004, mortgage was recorded in the Monmouth County Clerk's Office on January 27, 2005, in deed book 8432, at page 7656; and

WHEREAS, the terms of the foregoing Mortgage and Mortgage Modification Agreements were due and payable six (6) years from the date of the signing of each which meant it matured and became due on November 15, 2010, which is the date of the Mortgage Modification Agreement; and

WHEREAS, the expiration of both of the foregoing mortgages has been reached which was more than six (6) years; and

WHEREAS, the foregoing loan totaling \$9,675.00 was forgivable if certain conditions of the foregoing mortgages were met; and

WHEREAS, Yvette Bocchino a/k/a Yvette Nest has demonstrated by Affidavit that

1. She continues to own and occupy the Property as her primary residence and that she has done so for at least the past six (6) years since August 20, 2004, the date of the first mortgage;

2. She has complied with all terms and conditions of the foregoing mortgages and the Marlboro Township Housing Rehabilitation Program guidelines and procedures;
3. She has promptly paid all taxes, levies and assessments on the Property;
4. That she has not utilized the Property as a rental property;
5. That she has kept the Property in good repair and has not permitted deterioration of the Property;
6. That she has maintained extended coverage insurance in an amount at least equal to the amount of the mortgage(s);
7. That she has utilized the Property in compliance with all the laws, ordinances and other requirements of any governmental authority; and

WHEREAS, Yvette Bocchino a/k/a Yvette Nest continues to own and reside in the Property; and

WHEREAS, Yvette Bocchino a/k/a Yvette Nest now desires a discharge of the foregoing mortgages against the Property and she also wishes to refinance the Property and as a condition of the refinance her lender requires that the foregoing mortgages be discharged as of record; and

WHEREAS, the Marlboro Township Town Council finds that there is good cause for the release of the foregoing mortgages;

NOW, THEREFORE, BE IT RESOLVED that the Hon. Mayor Jonathan L. Hornik is hereby authorized to sign the attached discharge of mortgages against the Property;

BE IT FURTHER RESOLVED that subsequent to Mayor Hornik's signature of said Discharge of Mortgages against the Property that the discharge 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
- b. Thomas P. Howley, Municipal Housing Liaison;
- c. Ms. Yvette Bocchino a/k/a Yvette Nest;
- d. Kenneth W. Biedzynski, Affordable Housing Special Counsel.

A RESOLUTION CONFIRMING THE MAYOR'S  
APPOINTMENT OF RENEE FROTTON AS TAX ASSESSOR  
FOR THE TOWNSHIP OF MARLBORO

WHEREAS, the Township of Marlboro is in need of a Tax Assessor to fill the unexpired term of the former Assessor ending June 30, 2014; and

WHEREAS, Mayor Jonathan L. Hornik has appointed Renee Frotton as the Tax Assessor for the Township of Marlboro; and

WHEREAS, Renee Frotton is licensed and qualified to perform the services as Tax Assessor in accordance with the Township Code and State law; and

WHEREAS, pursuant to law, the appointment of Renee Frotton as Tax Assessor of the Township of Marlboro is subject to the advice and consent of the Township Council; and

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

1. The aforesaid recitals are incorporated herein by reference as if set forth at length.

2. The Township Council of the Township of Marlboro hereby confirms and gives its advice and consent to the appointment of Renee Frotton as the Tax Assessor for the Township of Marlboro; and

3. A certified copy of this resolution shall be provided to each of the following:

- a. Mayor Jonathan Hornik
- b. Chief Financial Officer

RESOLUTION # 2012-399

RESOLUTION APPOINTING MEMBER OF THE BOARD OF TRUSTEES  
OF THE MARLBORO FREE PUBLIC LIBRARY

WHEREAS, pursuant to NJSA 40:54-9 et. seq. and Section 4-34D(4) of the Marlboro Code, the Mayor, subject to the advice and consent of the Township Council desires to appoint ELLEN SAINES to fill the unexpired term of JAYESH DALAL, such term to expire August 11, 2015.

WHEREAS, the Township Council of the Township of Marlboro does hereby give its advice and consent to the appointment of ELLEN SAINES.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that the appointment of ELLEN SAINES as a member of the Board of Trustees of the Marlboro Free Public Library without compensation is hereby confirmed.

BE AND IT IS FURTHER RESOLVED, that this appointment is made pursuant to NJSA 40:54-9 et. seq. and Section 4-34D(4) of the Marlboro Code.

RESOLUTION # 2012-400

WHEREAS, the local budget for the Calendar Year 2012 has been adopted; and

WHEREAS, it is desired to amend the adopted capital budget section for CY 2012.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth, that the following amendment to the adopted capital budget be made:

	<u>FROM</u>	<u>TO</u>
Capital Budget (Current Year Action)		
Tennent Road Treatment Plant	0	\$7,600,000.00
Anticipated Project Schedule and Funding Requirements		
Tennent Road Treatment Plant	0	\$7,600,000.00
Summary of Anticipated Funding Sourced and Amounts		
Tennent Road Treatment Plant (Self-Liquidating)	0	\$7,600,000.00
Total All Projects (Self-Liquidating)	0	\$7,600,000.00

BE IT FURTHER RESOLVED that three copies of this resolution be filed forthwith in the office of the Director of Local Government Services.

RESOLUTION # 2012-401

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT TO GOLD TYPE BUSINESS MACHINES, INC. ("GTBM, INC.") FOR ELECTRONIC TICKETING SOLUTION FOR THE MARLBORO TOWNSHIP DIVISION OF POLICE

WHEREAS, an Electronic Ticketing or E-Ticketing system captures data from a Division of Motor Vehicles lookup and auto-

populates an electronic ticket inside a police vehicle and automatically uploads the information to the State of New Jersey's Automated Traffic System; and

WHEREAS, the E-Ticketing system is utilized in many jurisdictions reducing the amount of time per stop and eliminating the need for manual data entry by court personnel; and

WHEREAS, the Township of Marlboro was awarded a 2012 Highway Safety Grant Fund in the amount of \$41,219.65 which has been approved for use to implement E-Ticketing in Marlboro; and

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the PROVISION OF ELECTRONIC TICKETING, and on November 8, 2012, received one (1) bid, as follows:

Bidder	One Time Start Up Fee	Up to 6,500 tickets/year	Excess of 6,500 tickets/year
Gold Type Business Machines, Inc. "GTBM, Inc."	\$41,000.00	0.26 per ticket	0.23 per ticket

; and

WHEREAS, following a review of the bids, it has been determined that the submission of the lowest bidder is responsive relative to the specifications and bid documents as detailed in an November 30, 2012 memo drafted by the Chief of Police; and

WHEREAS, the Chief of Police has recommended the award of contract to the apparent lowest responsible bidder, GOLD TYPE BUSINESS MACHINES, INC. ("GTBM, INC."), 351 Paterson Avenue, East Rutherford, NJ 07073 for the PROVISION OF ELECTRONIC TICKETING; and

WHEREAS, pursuant to NJSA 40A:11-15(5) the contract period is for a five (5) year term, beginning 1/1/13 and ending 12/31/17; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation of the Chief of Police 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 GOLD TYPE BUSINESS MACHINES, INC. ("GTBM, INC."), 351 Paterson Avenue, East Rutherford, NJ 07073 for the PROVISION OF ELECTRONIC TICKETING in an amount not to exceed \$42,737.61; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, a contract with GOLD TYPE BUSINESS MACHINES, INC. ("GTBM, INC."), 351 Paterson Avenue, East Rutherford, NJ 07073 in an amount not to exceed \$42,737.61 for the PROVISION OF ELECTRONIC TICKETING; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that sufficient funds in the amount of \$41,000.00 are available for the aforesaid contract in Grant Account G-07-41-613-301; and

BE IT FURTHER RESOLVED that funds for the 2013 portion of the contract will be certified at the time of adoption of the 2013 budget from account number 3-01-106-281-0645.

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

- a. Gold Type Business Machines, Inc. ("GTBM, INC.")
- b. Township Administrator
- c. Chief of Police
- d. Township Chief Financial Officer

RESOLUTION # 2012-402

RESOLUTION AUTHORIZING AWARD OF CONTRACTS TO FREEHOLD  
FORD FOR PURCHASE OF AUTO & TRUCK PARTS AND SUPPLIES  
FOR THE DEPARTMENT OF PUBLIC WORKS DIVISION OF VEHICLE  
THROUGH BIDS OBTAINED BY THE MONMOUTH COUNTY  
COOPERATIVE PURCHASING PROGRAM

WHEREAS, the Township is authorized to purchase auto and truck parts and supplies from bids obtained from a cooperative pricing system such as the Monmouth County Cooperative Purchasing Program pursuant to the authority provided by N.J.S.A. 40A:11-11(6); and

WHEREAS, the Monmouth County Cooperative Purchasing Program conducted a public bidding process and awarded a contract to Freehold Ford for the provision of auto and truck parts and supplies; and

WHEREAS, the Public Works Department has indicated that Freehold Ford has agreed to extend the pricing provided to Monmouth County to Marlboro Township through the Monmouth County Cooperative Purchasing Program; and

WHEREAS, the Township Council previously granted authorization to utilize vendors approved under the Monmouth County Cooperative Purchasing Program pursuant to R.2012-69 and R.2012-316; and

WHEREAS, the Township of Department of Public Works Division of Vehicle Maintenance is in need of additional auto and truck parts and supplies in order to maintain the Township vehicle fleet for the remainder of 2012; and

WHEREAS, at this time, the Public Works Department has recommended the award of contracts as follows:

Vendor ID	County Contract ID	Original	First Amend	Proposed Amend
Freehold Ford	F-23- 2012	8,000.00	3,000.00	10,000.00

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey for the Department of Public Works to obtain auto & truck parts and supplies under the Monmouth County Cooperative Purchasing Program in order to maintain the Township vehicle fleet; and

WHEREAS, funds are available and have been certified by the Chief Financial Officer in Account 2-01-106-252-0641 in the amount of \$10,000.00 for this purpose; and

WHEREAS, the Township Council desires to approve the purchase of said auto and truck parts and supplies;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase auto and truck parts and supplies from Freehold Ford pursuant to the bid obtained by the Monmouth County Cooperative Purchasing Program, for a total amount not to exceed \$10,000.00; and

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

- a. Township Administration
- b. Township Director of Public Works
- c. Township Chief Financial Officer

RESOLUTION # 2012-403

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 in the form of extremely over-grown grass, weeds and brush 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 \$ 403.58; and

WHEREAS, it is recommended that the amount of \$ 403.58 incurred by the Municipality to abate the nuisance be recorded as a lien against the property.

NOW, THEREFORE, BE IT RESOLVED by the Township 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 \$ 403.58 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 # 2012-404

A RESOLUTION AUTHORIZING THE REMOVAL OF HAZARDOUS OVERGROWN VEGETATION AND THE RECORDING OF A LIEN BY THE TAX COLLECTOR ON THE PROPERTY LOCATED AT 72 CHURCH ROAD, (BLOCK 304, LOT 9), MORGANVILLE, NEW JERSEY

WHEREAS, the Administration has been advised by the Zoning Officer that a nuisance and hazardous condition in the form of extremely over-grown grass, weeds and brush exists on the property known as 72 Church Road (Block 304, Lot 9) 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 72 Church Road, (Blok 304, Lot 9) at a total cost of \$ 391.21; and

WHEREAS, it is recommended that the amount of \$ 391.21 incurred by the Municipality to abate the nuisance be recorded as a lien against the property.

NOW, THEREFORE, BE IT RESOLVED by the Township 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 72 Church Road (Block 304, Lot 9) in the amount of \$ 391.21 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 # 2012-405

A RESOLUTION AUTHORIZING THE REMOVAL OF HAZARDOUS OVERGROWN VEGETATION AND THE RECORDING OF A LIEN BY THE TAX COLLECTOR ON THE PROPERTY LOCATED AT 30 DUNCAN DRIVE (BLOCK 301, LOT 36), MORGANVILLE, NEW JERSEY

WHEREAS, the Administration has been advised by the Zoning Officer that a nuisance and hazardous condition in the form of extremely over-grown grass, weeds and brush exists on the property known as 30 Duncan Drive, Block 301, Lot 36); 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 30 Duncan Drive (Bock 301, Lot 36) at a total cost of \$ 362.23; and

WHEREAS, it is recommended that the amount of \$ 362.23 incurred by the Municipality to abate the nuisance be recorded as a lien against the property.

NOW, THEREFORE, BE IT RESOLVED by the Township 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 30 Duncan Drive (Block 301, Lot 36) in the amount of \$ 362.23 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 # 2012-406

A RESOLUTION AUTHORIZING THE REMOVAL OF HAZARDOUS OVERGROWN VEGETATION AND THE RECORDING OF A LIEN BY THE TAX COLLECTOR ON THE PROPERTY LOCATED AT 16 JENNIFER COURT (BLOCK 320, LOT 4), MARLBORO, NEW JERSEY

WHEREAS, the Administration has been advised by the Zoning Officer that a nuisance and hazardous condition in the form of extremely over-grown grass, weeds and brush exists on the property known as 16 Jennifer Court (Block 320, Lot 4); 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 16 Jennifer Court (Block 320, Lot 4) at a total cost of \$ 428.64; and

WHEREAS, it is recommended that the amount of \$ 428.64 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 16 Jennifer Court (Block 320, Lot 4) in the amount of \$ 428.64 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 # 2012-407

A RESOLUTION AUTHORIZING THE REMOVAL OF HAZARDOUS  
OVERGROWN VEGETATION AND THE RECORDING OF A LIEN BY THE  
TAX COLLECTOR ON THE PROPERTY LOCATED AT 14 BERNADETTE ROAD  
(BLOCK 119.02, LOT 7) MORGANVILLE, NEW JERSEY

WHEREAS, the Administration has been advised by the Zoning  
Officer that a nuisance and hazardous condition in the form of  
extremely over-grown grass, weeds and brush exists on the  
property known as 14 Bernadette Road (Block 119.02, Lot 70; 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 14 Bernadette Road  
(Block 119.02, Lot 7) at a total cost of \$ 374.66; and

WHEREAS, it is recommended that the amount of \$ 374.66  
incurred by the Municipality to abate the nuisance be recorded as  
a lien against the property.

NOW, THEREFORE, BE IT RESOLVED by the Township 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 14 Bernadette Road (Block 119.02, Lot 7) in  
the amount of \$ 374.66 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 # 2012-408

A RESOLUTION AUTHORIZING THE REMOVAL OF HAZARDOUS  
OVERGROWN VEGETATION AND THE RECORDING OF A LIEN BY THE  
TAX COLLECTOR ON THE PROPERTY LOCATED AT 13 NORTH MAIN STREET  
(BLOCK 223, LOT 12), MARLBORO, NEW JERSEY

WHEREAS, the Administration has been advised by the Zoning Officer that a nuisance and hazardous condition in the form of extremely over-grown grass, weeds and brush exists on the property known as 13 North Main Street (Block 223, Lot 12); 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 13 North Main Street (Block 223, Lot 12) at a total cost of \$ 329.01; and

WHEREAS, it is recommended that the amount of \$ 329.01 incurred by the Municipality to abate the nuisance be recorded as a lien against the property.

NOW, THEREFORE, BE IT RESOLVED by the Township 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 13 North Main Street (Block 223, Lot 12) in the amount of \$ 329.01 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 # 2012-409

A RESOLUTION AUTHORIZING THE REMOVAL OF HAZARDOUS  
OVERGROWN VEGETATION AND THE RECORDING OF A LIEN BY THE  
TAX COLLECTOR ON THE PROPERTY LOCATED AT 12 COLONY DRIVE  
(BLOCK 420, LOT 28), MARLBORO, NEW JERSEY

WHEREAS, the Administration has been advised by the Zoning Officer that a nuisance and hazardous condition in the form of extremely over-grown grass, weeds and brush exists on the property known as 12 Colony Drive (Block 420, Lot 28); 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 12 Colony Drive (Block 420, Lot 28) at a total cost of \$ 420.36; and

WHEREAS, it is recommended that the amount of \$ 420.36 incurred by the Municipality to abate the nuisance be recorded as a lien against the property.

NOW, THEREFORE, BE IT RESOLVED by the Township 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 12 Colony Drive (Block 420, Lot 28) in the amount of \$ 420.36 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 # 2012-410

A RESOLUTION AUTHORIZING THE REMOVAL OF HAZARDOUS  
OVERGROWN VEGETATION AND THE RECORDING OF A LIEN BY THE  
TAX COLLECTOR ON THE PROPERTY LOCATED AT 11 QUINCY STREET,  
(BLOCK 213, LOT 17), MARLBORO, NEW JERSEY

WHEREAS, the Administration has been advised by the Zoning Officer that a nuisance and hazardous condition in the form of extremely over-grown grass, weeds and brush exists on the property known as 11 Quincy Street (Block 213, Lot 17) 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 11 Quincy Street, (Blok 213, Lot 17) at a total cost of \$ 405.80; and

WHEREAS, it is recommended that the amount of \$ 405.80 incurred by the Municipality to abate the nuisance be recorded as a lien against the property.

NOW, THEREFORE, BE IT RESOLVED by the Township 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 11 Quincy Street (Block 213, Lot 17) in the amount of \$ 405.80 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 # 2012-411

A RESOLUTION AUTHORIZING THE REMOVAL OF HAZARDOUS OVERGROWN VEGETATION AND THE RECORDING OF A LIEN BY THE TAX COLLECTOR ON THE PROPERTY LOCATED AT 9 STONE LANE (BLOCK 339, LOT 27), MARLBORO, NEW JERSEY

WHEREAS, the Administration has been advised by the Zoning Officer that a nuisance and hazardous condition in the form of extremely over-grown grass, weeds and brush exists on the property known as 9 Stone Lane (Block 339, Lot 27); 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 9 Stone Lane (Block 339, Lot 27) at a total cost of \$ 374.66; and

WHEREAS, it is recommended that the amount of \$ 374.66 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 9 Stone Lane (Block 339, Lot 27) in the amount of \$ 374.66 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 # 2012-412

WHEREAS, current sewer charges totaling \$367.19 been paid by the lienholder of the Tax Sale certificates as per Schedule "A",

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the above-mentioned sewer charges in the amount of \$367.19 be refunded to Western Monmouth Utilities Authority.

Schedule "A"

<u>TSC#</u>	<u>Block</u>	<u>Lot</u>	<u>Qual.</u>	<u>Sewer Acct.</u>	<u>Lienholder</u>	<u>Amount</u>
2012-045	176/7/C0716			17204	Josef Hoffmann	367.19
	713 Snowdrop Court					

RESOLUTION # 2012-413

WHEREAS, the Monmouth County Board of Taxation has been granted a judgment in the amount of \$1,076.77 for the year 2012 for Block 360 Lot 47, located on 5 Country Club Lane, assessed to Landesman, Mark & Jo-Ellen,

WHEREAS, the application of this judgment results in a credit balance of \$1,076.77 for 2012 taxes, the Tax Collector is directed to refund this amount of \$1,076.77,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$1,076.77 to Landesman, Mark & Jo-Ellen.

RESOLUTION # 2012-414

WHEREAS, the attached list in the amount of \$ 2,724.52 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>
305	137	Shenn, Joseph & Dyan 25 Duncan Drive Morganville, NJ 07751	2,474.52
376	8	Sheinwald, Morris & Aliza 14 Benchley Drive Marlboro, NJ 07746	250.00
Total:			2,724.52

RESOLUTION # 2012-415

WHEREAS, the Township of Marlboro has inactive escrow accounts on deposit, and

WHEREAS, the finance office is requesting the approval of the Township Council, Marlboro, New Jersey, for the transfer of these balances to be held in trust as efforts made to determine the entity to which a refund should be made have been unsuccessful.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro, Monmouth County State of New Jersey that the escrow accounts listed below be cancelled and the balances transferred to the Township Trust Fund awaiting a request for their return.

Zoning Accounts - To Be Transferred to Trust:

Applicant:	Project ID	
Amount		
Cellular One	ZB91-5589	601.50
Nynex Mobile Communications	ZB92-5626	287.50

RESOLUTION # 2012-416

WHEREAS, the Township of Marlboro has inactive escrow accounts on deposit, and

WHEREAS, the finance office is requesting the approval of the Township Council, Marlboro, New Jersey, for the return of these deposits to the person or entity of record.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro, Monmouth County State of New Jersey that the escrow accounts listed below be cancelled and the balances returned to the person of record as indicated.

Inspection Accounts - To Be Refunded:

Applicant :	Project ID	Amount
Jooyoun Rhee	360	372.03
Lakhvir Singh	439	230.49
Vintage Design	451	47.67
Lucas Development	453	506.87
Landkor Realty	491	91.68
Creative Modular Homes	492	165.27
The Marlboro Partnership	499	865.37
American Water Works	514	75.50
Shamrock Lawn & Landscape	525	1,447.50
Paragon Homes	528	13.55
Onyx Ventures	532	17.50
Landkor Realty	535	263.72
Onyx Ventures	536	172.75
Central Jersey Office Industrial Park	537	11.70
Calton Homes Inc - Highland Point	568	97.14
Cambridge Square @ Union Hill	579	85.62

Cash Bonds – To Be Refunded:

Applicant:	Project ID	Amount
Central Jersey Office & Industrial Park	JOCAMA	10,678.58
Central Jersey Office & Industrial Park	JOCAMA2	16,137.33
Stony Brook Estates / Centex	BE99-704	5,462.03
Nextel Tower – Rt. 520	BE01-723	5,462.03
Central Jersey O & I	BE02-738	1,100.00
Desai	BE02-746	3,000.00
Spalliero / Old Mill Road	BE06-791	1,000.00
Vintage Des. – Road Opening	BE06-792	2,000.00
Omnipointe / T Mobile	BE08-814	360.00

RESOLUTION # 2012-417

WHEREAS, the Township of Marlboro Financial Statements contain certain grant balances, and

WHEREAS, the following grants have balances but are no longer active; and

WHEREAS, the cancellation of the grants listed is necessary to accurately represent the grant records maintained by the Township of Marlboro.

NOW, THEREFORE, BE IT RESOLVED that the following adjustments and cancellations are hereby approved, and the Chief Financial Officer is authorized to make the appropriate entries to reflect this action.

Cancellation Amount

Receivables

NJ Forestry Grant	\$	.72
<u>Justice Assistance Grant</u>	<u>\$</u>	<u>26.27</u>
Total	\$	26.99

Appropriated Reserves

NJDOT Robertsville Road – Drainage	\$	45,000.00
NJDOT Robertsville Road		93,802.50
2008 Green Communities Grant		3,000.00
Justice Assistance Grant		851.66
<u>NJ Forestry Grant</u>	<u></u>	<u>.72</u>
Total	\$	142,654.88

RESOLUTION # 2012-418

RESOLUTION OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY DECLARING ITS OFFICIAL INTENT TO REIMBURSE EXPENDITURES FOR PROJECT COSTS FROM THE PROCEEDS OF DEBT OBLIGATIONS IN CONNECTION WITH ITS PARTICIPATION IN THE 2013 NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM

WHEREAS, the Township of Marlboro, in the County of Monmouth, New Jersey (the "Borrower") intends to acquire, construct, renovate and/or install the environmental infrastructure project more fully described in Exhibit A attached hereto (the "Project");

WHEREAS, the Borrower intends to finance the Project with debt obligations of the Borrower (the "Project Debt Obligations") but may pay for certain costs of the Project (the "Project Costs") prior to the issuance of the Project Debt Obligations with funds of the Borrower that are not borrowed funds;

WHEREAS, the Borrower reasonably anticipates that obligations, the interest on which is excluded from gross income under Section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), will be issued by the New Jersey Environmental Infrastructure Trust (the "Issuer") to finance the Project on a long-term basis by making a loan to the Borrower with the proceeds of the Issuer's obligations (the "Project Bonds"); and

WHEREAS, the Borrower desires to preserve its right to treat an allocation of proceeds of the Project Debt Obligations to the reimbursement of Project Costs paid prior to the issuance of the Project Debt Obligations as an expenditure for such Project Costs to be reimbursed for purposes of Sections 103 and 141 through 150, inclusive, of the Code.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borrower as follows:

Section 1. The Borrower reasonably expects to reimburse its expenditure of Project Costs paid prior to the issuance of the Project Debt Obligations with proceeds of its Project Debt Obligations.

Section 2. This resolution is intended to be and hereby is a declaration of the Borrower's official intent to reimburse the expenditure of Project Costs paid prior to the issuance of the Project Debt Obligations with the proceeds of a borrowing to be incurred by the Borrower, in accordance with Treasury Regulations §150-2.

Section 3. The maximum principal amount of the Project Debt Obligations expected to be issued to finance the Project is \$7,600,000.

Section 4. The Project Costs to be reimbursed with the proceeds of the Project Debt Obligations will be "capital expenditures" in accordance with the meaning of Section 150 of the Code.

Section 5. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Code. The proceeds of the Project Bonds used to reimburse the Borrower for Project Costs, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of the Project Debt Obligations or another issue of debt obligations of the Borrower, other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1).

Section 6. All reimbursement allocations will occur not later than 18 months after the later of (i) the date the expenditure from a source other than the Project Debt Obligations is paid, or (ii) the date the Project is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than 3 years after the expenditure is paid.

Section 7. This resolution shall take effect immediately.

RESOLUTION AUTHORIZING THE MARLBORO TOWNSHIP POLICE DEPARTMENT TO APPLY TO THE STATE OF NEW JERSEY OFFICE OF THE ATTORNEY GENERAL DEPARTMENT OF LAW AND PUBLIC SAFETY DIVISION OF ALCOHOLIC BEVERAGE CONTROL FOR THE COPS IN SHOPS - COLLEGE/FALL INITIATIVE 2012-2013.

WHEREAS, the State of New Jersey Department of Law and Public Safety, Division of Alcoholic Beverage Control has received grant funds from the Division of Highway Traffic Safety to administer the Cops-In-Shops- College/Fall Initiative for 2012-2013; and

WHEREAS, this program is a cooperative effort between the Division of Highway Traffic Safety (HTS) and the Division of Alcoholic Beverage Control (ABC); and

WHEREAS, it is the intent and spirit of the State of New Jersey Department of Law and Public Safety, Division of Alcoholic Beverage Control to use the grant to assist local undercover law enforcement officers to join forces with local retail establishments to deter the sales of alcohol to underage individuals and to stop adults from attempting to purchase alcohol for people under the legal age; and

WHEREAS, the Marlboro Township Police Department wishes to apply to the State of New Jersey Department of Law and Public Safety, Division of Alcoholic Beverage Control for the Cops-In-Shops-College/Fall Initiative 2012-2013 grant.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that the Township is hereby authorized to submit a grant application to the State of New Jersey Office of the Attorney General Department of Law and Public Safety Division of Alcoholic Beverage Control for the COPS IN SHOPS program.

BE IT FURTHER RESOLVED THAT that Mayor and Township Clerk are hereby authorized to execute the "COPS IN SHOPS - COLLEGE/FALL INITIATIVE 2012-2013" grant agreement and that their signatures constitute acceptance of the terms and conditions of the grant agreement.

RESOLUTION # 2012-420

A RESOLUTION AUTHORIZING A CHANGE ORDER TO THE CONTRACT WITH AQUATIC SERVICE INC. FOR THE PROVISION OF POOL MAINTENANCE SERVICES FOR THE TOWNSHIP OF MARLBORO SWIM CLUB AND THE MARLBORO RECREATION AQUATIC CENTER

WHEREAS, on March 18, 2010, the Township of Marlboro authorized a contract with AQUATIC SERVICE, INC., the lowest responsible bidder, for the provision of pool maintenance services for the Township of Marlboro swim club and the Marlboro Recreation Aquatic Center; and

WHEREAS, on February 2, 2012, the Township of Marlboro authorized a one-year contract renewal with AQUATIC SERVICE, INC. for the PROVISION OF POOL MAINTENANCE SERVICES; and

WHEREAS, the Recreation Director has advised that additional POOL MAINTENANCE SERVICES will be needed prior to the expiration of the renewed contract in an amount which will exceed the existing authorization by approximately \$6,154.17; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a change order to the contract with AQUATIC SERVICE, INC. whose address is 170 Burlington Avenue, Spotswood, NJ 08884 be authorized in a total amount not to exceed \$6,154.17; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that sufficient funds in the amount of \$6,154.17 are available for the aforesaid change order in T-17-56-867-288-0111; and

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

- a. Aquatic Service
- b. Township Administration
- c. Department of Recreation

At 7:55PM, Councilwoman Mazzola moved that the meeting be adjourned. This was seconded by Council Vice President Metzger, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: DECEMBER 20, 2012

OFFERED BY: MARDER AYES: 5

SECONDED BY: LaROCCA NAYS: 0

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ALIDA MANCO,  
MUNICIPAL CLERK

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JEFF CANTOR,  
COUNCIL PRESIDENT