

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

March 14, 2013

The Marlboro Township Council held its regularly scheduled Council Meeting on March 14, 2013 at 7:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President LaRocca opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of the regularly scheduled meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on January 7, 2013; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building, filed in the office of the Municipal Clerk and placed on the township website and Channel 77.

The Clerk called the Roll.

PRESENT: Councilman Cantor, Council Vice President Marder (7:10pm), Councilwoman Mazzola, Councilman Metzger (7:15pm) and Council President LaRocca.

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.

Councilman Cantor moved that the minutes of February 21, 2013 be approved. This was seconded by Councilman Metzger and passed on a roll call vote of 5 - 0 in favor.

The following Resolution #2013-109/Ordinance #2013-5 (Amending Chapter 220 - Requiring Gas Stations to have alternate energy source) was introduced by reference, offered by Council Vice President Marder and seconded by Councilman Metzger. There was a brief discussion between Council members. Council President LaRocca opened the Public Hearing on the ordinance. As there was no one who wished to speak, the Public Hearing was closed. Res. #2013-81/Ord. #2013-3 was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2013-109

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

ORDINANCE # 2013-5

AN ORDINANCE AMENDING CHAPTER 220 OF THE CODE OF THE TOWNSHIP OF MARLBORO ENTITLED LAND USE AND DEVELOPMENT SECTIONS 220-108 & 220-176 AND CHAPTER 113 OF THE CODE ENTITLED "BUSINESS LICENSING" SECTION 113-9 "CONDITION OF ISSUANCE OF LICENSES" TO REQUIRE THAT MOTOR VEHICLE SERVICE STATIONS HAVE AN ALTERNATE ENERGY SOURCE

which was introduced on February 21, 2013, public hearing held on March 14, 2013, be adopted on second and final reading this 14th day of March, 2013.

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

The following Resolution #2013-110/Ordinance #2013-7 (Exceed Municipal Budget Appropriation Limits and Establish a CAP Bank) was introduced by reference, offered by Councilman Metzger, seconded by Council Vice President Marder and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2013-110

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

ORDINANCE # 2013-7

CALENDAR YEAR 2013

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION
LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)

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 April 4, 2013 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 # 2013-7

CALENDAR YEAR 2013

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION
LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.0%

unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township of Marlboro in the County of Monmouth finds it advisable and necessary to increase its CY 2013 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS the Township of Marlboro hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of Marlboro in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2013 budget year, the final appropriations of the Township of Marlboro shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by an amount up to 3.5%, and that the CY 2013 municipal budget for the Township of Marlboro be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

The following Resolution #2013-111/Ordinance #2013-8 (Bond Ordinance - General Capital Improvements) was introduced by reference, offered by Council President LaRocca, seconded by Council Vice President Marder and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2013-111

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

ORDINANCE # 2013-8

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 \$3,081,900 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$2,927,800 IN BONDS OR NOTES OF THE TOWNSHIP OF MARLBORO TO FINANCE THE SAME

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 April 4, 2013 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 # 2013-8

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 \$3,081,900 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$2,927,800 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 \$3,081,900, and including the aggregate sum of \$154,100 as the down payments for the improvements or purposes pursuant to the Local Bond Law. The down payments have been made available by virtue of the provision in 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 \$2,927,800 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: acquisition of information and telecommunication equipment with a unit cost of less than \$5,000 for Central Computer Office, including, but not limited to, MS Licensing Enterprise Agreement, rack mount servers, server rack and UPS unit, firewall and network improvements hardware, annual PC and laptop replacement program, fiber optic link improvements, replacement of laser printers and CAD/RMS bar code reader, and including all work and materials necessary therefore and incidental thereto.

Appropriation and Estimated Cost:	\$230,685
Amount of Down Payment:	\$ 11,536
Maximum Amount of Bonds or Notes:	\$219,149
Period of Usefulness	5 years

- (2) Purpose: the reconstruction of various roads to a Class B standard, as provided in the Local Bond Law, including, but not limited to, improvements to Vanderburg Road, and including all work and materials necessary therefore and incidental thereto.

Appropriation and Estimated Cost:	\$488,250
Amount of Down Payment:	\$ 24,413
Maximum Amount of Bonds or Notes:	\$463,837
Period of Usefulness	10 years

- (3) Purpose: inspection of and improvements to Rockwell Circle Dam, and including all work and materials necessary therefore and incidental thereto.

Appropriation and Estimated Cost:	\$26,250
Amount of Down Payment:	\$ 1,313
Maximum Amount of Bonds or Notes:	\$24,937
Period of Usefulness	15 years

- (4) Purpose: improvements to Wyncrest Road sidewalk and bicycle lanes and Route 79 sidewalk, and including all work and materials necessary therefore and incidental thereto.

Appropriation and Estimated Cost:	\$536,550
Amount of Down Payment:	\$ 26,828

Maximum Amount of Bonds or Notes: \$509,722
Period of Usefulness 10 years

- (5) Purpose: miscellaneous capital drainage projects, including, but not limited to, submission of stream cleaning permit and drainage improvements on Nolan Road and up to Freneau, and including all work and materials necessary therefore and incidental thereto.

Appropriation and Estimated Cost: \$105,000
Amount of Down Payment: \$ 5,250
Maximum Amount of Bonds or Notes: \$ 99,750
Period of Usefulness 15 years

- (6) Purpose: acquisition of ambulance for Emergency Medical Services and SUV and emergency equipment for Police Department, and including all work and materials necessary therefore and incidental thereto.

Appropriation and Estimated Cost: \$236,250
Amount of Down Payment: \$ 11,813
Maximum Amount of Bonds or Notes: \$224,437
Period of Usefulness 5 years

- (7) Purpose: acquisition of traffic control and enforcement equipment and removable up-fitting costs for police vehicles, including, but not limited to, siren, LED marker lights, prisoner partitions and consoles, computer mounts and computers and modems, and including all work and materials necessary therefore and incidental thereto.

Appropriation and Estimated Cost: \$106,634
Amount of Down Payment: \$ 5,332
Maximum Amount of Bonds or Notes: \$101,302
Period of Usefulness 15 years

- (8) Purpose: acquisition of equipment and upgrades to emergency shelter, including but not limited to, generator and equipment for emergency operations response, and including all work and materials necessary therefore and incidental thereto.

Appropriation and Estimated Cost: \$287,700
Amount of Down Payment: \$ 14,385
Maximum Amount of Bonds or Notes: \$273,315
Period of Usefulness 15 years

- (9) Purpose: acquisition of automotive vehicles for the Public Works Department, excluding passenger cars and station wagons, including, but not limited to, dump truck and plow and spreader and refurbished packer dump body, and including all work and materials necessary therefore and incidental thereto.

Appropriation and Estimated Cost:	\$199,500
Amount of Down Payment:	\$ 9,976
Maximum Amount of Bonds or Notes:	\$189,524
Period of Usefulness	5 years

- (10) Purpose: acquisition of equipment for the Public Works Department, including, but not limited to, front end loader, zero turn mower and infield grooming machine, and including all work and materials necessary therefore and incidental thereto.

Appropriation and Estimated Cost:	\$338,100
Amount of Down Payment:	\$ 16,905
Maximum Amount of Bonds or Notes:	\$321,195
Period of Usefulness	15 years

- (11) Purpose: various improvements to Class B (as provided in the Local Bond Law) municipal buildings, including, but not limited to, replacement of HVAC motors, boilers and package units, installation of new circulating motors, new boilers, new package units and air handlers, and including all work and materials necessary therefore and incidental thereto.

Appropriation and Estimated Cost:	\$217,017
Amount of Down Payment:	\$ 10,851
Maximum Amount of Bonds or Notes:	\$206,166
Period of Usefulness	15 years

- (12) Purpose: improvements to H and L Soccer Fields, including, but not limited to, acquisition, installation and construction of an irrigation system and well, and including all work and materials necessary therefore and incidental thereto.

Appropriation and Estimated Cost:	\$300,935
Amount of Down Payment:	\$ 15,047
Maximum Amount of Bonds or Notes:	\$285,888
Period of Usefulness	15 years

- (13) Purpose: acquisition of replacement pagers, and including all work and materials necessary therefore and incidental thereto.

Appropriation and Estimated Cost:	\$9,029
Amount of Down Payment:	\$ 451
Maximum Amount of Bonds or Notes:	\$8,578
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 11.14 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 \$2,927,800, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$522,415 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the several improvements or purposes.

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

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

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

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

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

The foregoing bond ordinance is approved.

The following Resolution #2013-112/Ordinance #2013-9 (Bond Ordinance - Recreation and Swim Capital Improvements) was introduced by reference, offered by Council Vice President Marder, seconded by Councilman Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2013-112

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

ORDINANCE # 2013-9

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, PROVIDING FOR IMPROVEMENTS TO THE RECREATION AND SWIM UTILITY IN THE TOWNSHIP OF MARLBORO AND APPROPRIATING \$71,085 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$71,085 IN BONDS OR NOTES OF THE TOWNSHIP OF MARLBORO TO FINANCE THE SAME

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 April 4, 2013 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 # 2013-9

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, PROVIDING FOR IMPROVEMENTS TO THE RECREATION AND SWIM UTILITY IN THE TOWNSHIP OF MARLBORO AND APPROPRIATING \$71,085 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$71,085 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 \$71,085. 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 Borough, 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 \$71,085 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 improvements to the Swim Club, including, but not limited to, replacement of 3-bay sink, replacement of cracked cement squares, installation of hot water in bathrooms, installation of swim lanes, acquisition of pool chemical analyzers, replacement of filter pumps, construction of storage shed for camp, replacement of awning, replacement of building siding, replacement of electric grill, improvements to pool lighting and installation of electric meter, 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 \$71,085, 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 \$3,385 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 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 following Resolution #2013-113/Ordinance #2013-10 (Bond Ordinance - Water Capital Improvements) was introduced by reference, offered by Council Vice President Marder, seconded by Council President LaRocca and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2013-113

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

ORDINANCE # 2013-10

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 \$682,550 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$682,550 IN WATER UTILITY BONDS OR NOTES OF THE TOWNSHIP OF MARLBORO TO FINANCE THE SAME

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 April 4, 2013 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 # 2013-10

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 \$682,550 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$682,550 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 \$682,550. 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 \$682,550 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 rehabilitation of water treatment plant lagoon, well redevelopment and rehabilitation, major capital emergency repairs (outside contractors), in-house materials for major capital repairs, including, but not limited to, hydrants, valves, and pipes, and upgrade electric service and install generator at

Harbor Road Treatment Plant, 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 \$682,550, 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 \$100,050 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 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 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 #2013-114/Ordinance #2013-11 (Amending Chapter 320 - Solid Waste Services - Hours of Operation) was introduced by reference, offered by Council Vice President Marder, seconded by Councilman Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2013-114

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

ORDINANCE # 2013-11

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 320 "SOLID WASTE SERVICES", ARTICLE II "SOLID WASTE HAULERS", SECTION 8(B) "REQUIREMENTS FOR VEHICLES USED FOR COLLECTION AND TRANSPORT OF SOLID WASTES" OF THE CODE OF THE TOWNSHIP OF MARLBORO, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY

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 April 4, 2013 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 # 2013-11

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 320 "SOLID WASTE SERVICES", ARTICLE II "SOLID WASTE HAULERS", SECTION 8(B) "REQUIREMENTS FOR VEHICLES USED FOR COLLECTION AND TRANSPORT OF SOLID WASTES" OF THE CODE OF THE TOWNSHIP OF MARLBORO, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY

BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that the following sections of the Marlboro Township Code be and are hereby amended and supplemented as follows:

CHAPTER 320 "SOLID WASTE SERVICES"

ARTICLE II SOLID WASTE HAULERS

SECTION 320-8 REQUIREMENTS FOR VEHICLES USED FOR COLLECTION AND TRANSPORT OF SOLID WASTES

(B) Requirements for vehicles used for collection and transport of solid wastes.

No such vehicles shall stand in the streets or other public places at any time except when being loaded. Vehicles shall also be in compliance with appropriate noise level and abatement requirements and standards. It is further provided herein that solid waste collection vehicles may operate from 6:00 a.m. to 6:00 p.m., Monday through Friday, and 7:00 a.m. to 6:00 p.m on Saturday.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

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

The following Resolution #2013-115 (Introduction of 2013 Municipal Budget) was introduced by reference, offered by Councilman Metzger and seconded by Council Vice President Marder. Business Administrator Jonathan Capp gave an overview of the budget consisting of a power point presentation. Council asked all pertinent questions, after which the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2013-115

BE IT RESOLVED that the following statements of revenues and appropriations attached hereto constitute the local Budget of the Township of Marlboro, County of Monmouth, New Jersey, for the year 2013, as introduced by the Township Council; and

BE IT FURTHER RESOLVED, that said Budget be published in summary format in the Asbury Park Press, and that a hearing on the Budget be held on Thursday, April 18, 2013 at 7 PM at the Township of Marlboro Municipal Complex.

The following Resolution #2013-116 (Changing Locations of Several Council Meetings) was introduced by reference, offered by Councilman Metzger, seconded by Councilwoman Mazzola and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2013-116

BE IT RESOLVED by the Township Council of the Township of Marlboro that the regularly scheduled Council meeting locations will be changed as follows:

- Sept. 26, 2013 - Rosemont Estates Clubhouse
246 Everton Blvd., Marlboro, NJ 07746
- Oct. 10, 2013 - Greenbriar at Marlboro Clubhouse
21 Clubhouse Lane, Marlboro, NJ 07746
- Oct. 24, 2013 - Marlboro Greens Clubhouse
1 Ivy Hill Drive, Englishtown, NJ 07726

BE IT FURTHER RESOLVED that all meetings will begin at 7:00PM.

The following Resolution #2013-117 (Confirming Agricultural Advisory Committee Appointment - Elmer Geran) was introduced by reference, offered by Council Vice President Marder, seconded by Councilman Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2013-117

A RESOLUTION APPOINTING ELMER S. GERAN TO SERVE ON THE TOWNSHIP OF MARLBORO AGRICULTURAL ADVISORY COMMITTEE

WHEREAS, pursuant to Chapter 30 "Farmland, Open Space and Historic Sites" of the Code of the Township of Marlboro, specifically Sections 30-12 through 30-17, the Township of Marlboro created an Agricultural Advisory Committee; and

WHEREAS, pursuant to Section 30-13, the Mayor shall appoint three (3) citizens to the Agricultural Advisory Committee with the consent of the Township Council and the Mayor shall designate a Chairperson; and

WHEREAS, the Mayor wishes to appoint ELMER S. GERAN to the Agriculture Advisory Committee for a term of two (2) years, expiring Dec. 31, 2014; and

WHEREAS, the Township Council now desires to consent to said appointment.

NOW, THEREFORE, BE AND IT HEREBY IS RESOLVED, that the Township Council of the Township of Marlboro consents to the appointment of ELMER S. GERAN to the Agricultural Advisory Committee for the above term.

The following Resolution #2013-118 (Confirming Library Appointment - Juli Mercado) was introduced by reference, offered by Councilman Metzger, seconded by Councilwoman Mazzola and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2013-118

A RESOLUTION CONFIRMING THE APPOINTMENT OF JULI MERCADO TO THE BOARD OF TRUSTEES OF THE MARLBORO FREE PUBLIC LIBRARY

WHEREAS, Section 4-93 of the Marlboro Township Code establishes the Marlboro Township Free Public Library and its Board of Trustees; and

WHEREAS, said Board of Trustees shall consist of the Mayor, the Superintendent of Schools and five (5) citizens to be appointed by the Mayor with the advice and consent of the Township Council; and

WHEREAS, the Mayor has appointed JULI MERCADO to the Board of Trustees for the Marlboro Township Free Public Library to fill the unexpired term of Bernard Jacks, ending August 11, 2015; and

WHEREAS, the Township Council desires to consent to the Mayor's appointment of JULI MERCADO to the Marlboro Township Free Public Library Board of Trustees for a term ending August 11, 2015.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED that the Township Council of the Township of Marlboro does hereby give its advice and consent to the appointment of JULI MERCADO as a member of the Marlboro Township Free Public Library Board of Trustees for term ending August 11, 2015 be and is hereby confirmed; and

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

- a. Juli Mercado
- b. Mayor Jonathan L. Hornik
- c. Township Business Administrator
- d. DeCotiis, FitzPatrick & Cole, LLP

Council Vice President Marder recused herself and left the room. The following Resolution #2013-119 (Confirming Ethics Board Reappointments) was introduced by reference, offered by Councilwoman Mazzola, seconded by Councilman Metzger and passed on a roll call vote of 4 - 0 in favor (Absent: Marder).

RESOLUTION # 2013-119

A RESOLUTION CONSENTING TO THE MAYOR'S APPOINTMENT OF HASSAN ELMANSOURY, STEVEN P. SUKEL and HOWARD S. WOLFSON TO THE MARLBORO TOWNSHIP ETHICS BOARD

WHEREAS, Section 4-102 of the Code of the Township of Marlboro establishes the Marlboro Township Ethics Board; and

WHEREAS, said Board shall consist of six (6) members who shall be appointed by the Mayor with the advice and consent of the Township Council; and

WHEREAS, the members of the Marlboro Township Ethics Board shall be chosen by virtue of their known and consistent reputation for integrity and their knowledge of local government affairs; and

WHEREAS, the terms of HASSAN ELMANSOURY, STEVEN P. SUKEL and HOWARD S. WOLFSON are due to expire on March 31, 2013; and

WHEREAS, Mayor Jonathan L. Hornik desires to re-appoint HASSAN ELMANSOURY, STEVEN P. SUKEL and HOWARD S. WOLFSON to the Marlboro Township Ethics Board for five (5) year terms; and

WHEREAS, the Township Council desires to consent to the Mayor's re-appointment of HASSAN ELMANSOURY, STEVEN P. SUKEL and HOWARD S. WOLFSON to the Marlboro Township Ethics Board for five (5) year terms, expiring March 31, 2018.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that it hereby consents to the Mayor's re-appointment of HASSAN ELMANSOURY, STEVEN P. SUKEL and HOWARD S. WOLFSON to the Marlboro Township Ethics Board for five (5) year terms, expiring March 31, 2018.

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

- a. Hassan Elmansoury
- b. Steven P. Sukel
- c. Howard S. Wolfson
- d. Ethics Board Chairman

Council President La Rocca moved that Resolution #2013-120 (Authorizing Agreement - Traffic Signal Route 79 and Lloyd Rd.) be tabled. This was seconded by Council Vice President Marder, and passed on a roll call vote of 5 - 0 in favor of tabling.

The following Resolution #2013-121 (Authorizing Contract Engineering Services/Recreation Facility Improvements) was introduced by reference, offered by Councilman Cantor, seconded by Councilwoman Mazzola and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2013-121

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES CONTRACT BETWEEN CME ASSOCIATES AND THE TOWNSHIP OF MARLBORO FOR DESIGN, BID AND CONSTRUCTION PHASE ENGINEERING SERVICES TO PROVIDE FOR RECREATION FACILITY IMPROVEMENTS FOR THE DEPARTMENT OF RECREATION

WHEREAS, the Township authorized the following projects ("Project") as part of its 2012 Capital Program:

Recreation Gym Floor Replacement
HMA Walkway Reconstruction at the Municipal Park Complex
Structural Evaluations of the Vanderburg Park Pedestrian Footbridge and Handball Courts at the Marlboro Elementary School and Marlboro Swim Club
Field Improvements at the Municipal Park Complex and Marlboro Swim Club Softball Fields
Engineering for Irrigation System at H&L Fields

WHEREAS, the Township is need of engineering design, bid and construction phase services in connection with this Project and has provided a proposal dated February 15, 2013 ("Proposal") for such Professional Services; 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 \$140,000.00 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 # 04-215-12-08I-040226; 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 DESIGN, BID AND CONSTRUCTION PHASE ENGINEERING SERVICES TO PROVIDE FOR RECREATION FACILITY IMPROVEMENTS FOR THE DEPARTMENT OF RECREATION by way of its Township Engineers ("Professional Services"), at a fee not to exceed \$140,000.00 for such Professional Services, as further described and set forth in CME's Proposal dated February 15, 2013 ("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 \$140,000.00 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 South, Howell, NJ 07731
- b. Township Recreation Director
- c. Township Public Works Director
- d. Township Chief Financial Officer

The following Resolution #2013-122 (Replacement of Performance Bond - Old Mill Estates) was introduced by reference, offered by Councilman Metzger, seconded by Council Vice President Marder and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2013-122

RESOLUTION AUTHORIZING THE REPLACEMENT OF PERFORMANCE SURETY BOND FOR THE SITE KNOWN AS OLD MILL ESTATES, BLOCK 413 LOTS 38-40, MARLBORO, NEW JERSEY

WHEREAS, the Developer, Old Mill Estates, LLC (the "Developer") delivered a surety bond issued by Safeguard Insurance Company, No. 5030066, in the amount of \$717,149.65, (collectively, the Original Bond) for site improvements on property known as Block 413, Lots 38-40, Township of Marlboro, New Jersey; and

WHEREAS, the Council approved a reduction in the performance guarantee based upon the report of the Township Engineer dated November 27, 2012; and

WHEREAS, Developer desires to replace the current surety bond with a replacement bond issued by First Indemnity of America Insurance Company, No. S0013962, in the amount of \$365,721.54, consistent with the recommended reduction amount; (collectively, the "Reduced Replacement Bond"); and

WHEREAS, Developer requests that the Township accept the Reduced Replacement Guarantee and release and return the Original Bond issued by Safeguard Insurance Company, to the attention of Malkie Meisels, of Old Mill Estates, LLC; and

WHEREAS, the Township Council is amenable to the release and return of the Original Bond issued by Safeguard Insurance Company and the posting of the Reduced Replacement Bond issued by First Indemnity of America Insurance Company as guarantee of Developer's performance for the site improvements.

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 it hereby authorizes the release and return of the Original Performance Bond issued by Safeguard Insurance Company, No. 5030066, in the amount of \$717,149.65, for site improvements on the property known as Block 413, Lots 38-40, Township of Marlboro, New Jersey, and the return of same to the Developer, attention Malkie Meisels; and

BE IT FURTHER RESOLVED, that the Township Council of the Township of Marlboro hereby authorizes the acceptance of the Reduced Replacement Bond issued by First Indemnity of America Insurance Company, No. S0013962, in the amount of \$365,721.54, for site improvements on the property known as Block 413, Lot 38-40, Township of Marlboro, New Jersey; 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. First Indemnity of America Insurance Company
- d. Township Business Administrator
- e. Township Engineer

As the consent agenda, the following resolutions were introduced by reference, offered by Councilwoman Mazzola, seconded by Councilman Metzger and passed on a roll call vote of 5 - 0 in favor: Res. #2013-123 (Authorizing 2012 Budget Transfers), Res. #2013-124 (Temporary Emergency Appropriations 2013), Res. #2013-125 (Authorizing Adjustment of Deferred School Tax), Res. #2013-126 (Authorizing 5 year Emergency - Hurricane Sandy), Res. #2013-127 (Authorizing Participation in 2013 MCIA Equipment Lease Program - Police Cars), Res. #2013-128 (Authorizing Purchase of Gas and Diesel Fuel under State/County Contract), Res. #2013-129 (Authorizing Group Dental Doverage Program - Employees), Res. #2013-130 (Award of Bid - Coach Bus - Recreation Senior Citizens Program), Res. #2013-131 (Award of Bid - Public Property Maintenance - Easements), Res. #2013-132 (One Year Renewal - HVAC Maintenance), Res. #2013-133 (Redemption Tax Sale Certs - Various), Res. #2013-134 (Refunds for Overpayments 2013 Taxes - Various), and Res. #2013-135 (Setting Fees - Tax Sale).

RESOLUTION # 2013-123

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

WHEREAS, N.J.S.A. 40A: 4-58 provides for appropriation reserve transfers during the first three (3) months of the

following fiscal year, when it has been determined that additional funds may be necessary to pay for services or goods that had been received in the operations of the preceding year.

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Marlboro does hereby authorize the transfers among the Appropriation Reserves (Calendar Year 2012 Municipal Budget) as follow:

From:

(2012) Employer's Portion FICA	\$130,000.00
(2012) Administration - Other Expenses	54,000.00
(2012) Central Computer Office - Other Expenses	10,000.00
(2012) Tax Collector - Other Expenses	10,000.00
(2012) Engineering - Salaries & Wages	8,000.00

To:

(2012) Recycling - Other Expenses	\$180,000.00
(2012) Clerk's Office - Salaries & Wages	3,000.00
(2012) Administration - Salaries & Wages	4,500.00
(2012) Central Computer Office - Salaries & Wages	1,900.00
(2012) Finance Administration - Salaries & Wages	4,500.00
(2012) Planning Board - Salaries & Wages	1,000.00
(2012) Board of Adjustment - Salaries & Wages	3,000.00
(2012) Fire Prevention Bureau - Salaries & Wages	2,500.00
(2012) Public Works - Salaries & Wages	3,400.00
(2012) Parks & Recreation - Salaries & Wages	8,200.00

Totals \$212,000.00 \$212,000.00

RESOLUTION # 2013-124

EMERGENCY TEMPORARY APPROPRIATION
PRIOR TO ADOPTION OF THE BUDGET

WHEREAS, N.J.S.A. 40A:4-20 provides authorization for an emergency temporary appropriation after the first thirty days of the fiscal year and before the adoption of the 2013 Municipal budget; and

WHEREAS, this resolution authorizes appropriations representing 50% of the full 2012 appropriations with the exception of debt service and obligations associated with seasonal considerations; and

WHEREAS, the total emergency temporary resolutions adopted in the year CY 2013 pursuant to the provisions of N.J.C.A. 40A 4-20 (Chapter 96, P.L.1951 as amended) including this resolution total: \$18,750,025.87 for the municipal budget, \$1,664,000.00 for the operations of the recreation and swim utility and \$5,834,463.79 for the operations of the water utility; and

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

1. An emergency temporary appropriation be and the same is hereby made for each of the accounts listed on the attached.
2. That each said emergency temporary appropriation will be provided for in the CY 2013 budget under the same title as appropriated above.
3. That one certified copy of this resolution be filed with the Director of Local Government Services.

	2012 Budget	2013 Temporary Emergency Appropriation
Current Fund		
Administration (30)		
Salary & Wages	223,990.00	111,995.00
Other Expenses	108,002.00	95,000.00
Office of the Mayor (10)		
Salary & Wages	57,780.00	28,890.00
Other Expenses	3,044.00	1,522.00
Ethics Commission		
Other Expenses	4,290.00	5,250.00
Township Council (21)		
Salary & Wages	18,000.00	9,000.00
Other Expenses	1,025.00	512.50
Municipal Clerk (20)		
Salary & Wages	206,978.00	103,489.00
Other Expenses	51,708.00	25,854.00
Finance		
Salary & Wages	199,988.00	99,994.00
Other Expenses	13,660.00	6,830.00
Annual Audit	38,848.00	0.00
Central Computer Services		
Salary & Wages	112,213.00	56,106.50
Other Expenses	65,200.00	32,600.00
Tax Collector		
Salary & Wages	125,941.00	62,970.50
Other Expenses	29,825.00	14,912.50
Tax Assessor		
Salary & Wages	144,412.00	72,206.00
Other Expenses	56,076.00	40,000.00

Legal Services		
Other Expenses	389,000.00	194,500.00
Engineering Services		
Salary & Wages	171,875.00	85,937.50
Other Expenses	112,237.00	107,000.00
Economic Development		
Other Expenses	21,225.00	10,612.50
Cable Studio		
Other Expenses	38,439.00	38,000.00
Inter- Governmental Relations		
Other Expenses	1,000.00	500.00
Historic Sites Commission		
Other Expenses	2,250.00	1,125.00
Planning Board		
Salary & Wages	63,356.00	31,678.00
Other Expenses	61,974.00	45,987.00
Planning Board Contractual		
Other Expenses	88,400.00	70,000.00
Zoning Board		
Salary & Wages	157,295.00	78,647.50
Other Expenses	49,353.00	24,676.50
Liability Insurance	425,276.00	265,000.00
Workers Comp	475,669.00	265,000.00
Group Insurance	2,408,458.00	1,204,229.00
Health Insurance Waivers	38,400.00	19,200.00
Unemployment Insurance	25,000.00	12,500.00
Police		
Salary & Wages	8,180,122.00	4,090,061.00
Other Expenses	304,542.00	293,406.50
Emergency Management		
Salary & Wages	23,000.00	11,500.00
Other Expenses	7,085.00	3,542.50
Aid to Volunteer Ambulance Companies		
Other Expenses	60,000.00	0.00
Uniform Fire Safety Act		
Salary & Wages	145,457.00	72,728.50
Other Expenses	16,431.00	8,215.50

Municipal Prosecutors Office		
Salary & Wages	30,000.00	15,000.00
Streets and Road Maint		
Salary & Wages	1,389,504.00	694,752.00
Other Expenses	75,520.00	67,760.00
Snow Removal		
Salary & Wages	103,000.00	51,500.00
Other Expenses	550,387.00	367,000.00
Public Works - Other		
Salary & Wages	268,159.00	134,079.50
Other Expenses	65,650.00	72,825.00
Shade Tree Commission		
Other Expenses	2,820.00	1,800.00
Solid Waste Collection		
Salary & Wages	15,822.00	7,911.00
Other Expenses	442,100.00	350,000.00
Buildings & Grounds		
Salary & Wages	253,196.00	126,598.00
Other Expenses	180,534.00	140,267.00
Vehicle Maintenance		
Salary & Wages	363,164.00	181,582.00
Other Expenses	147,160.00	115,000.00
Community Services Act		
Other Expenses	90,375.00	45,200.00
Open space Committee		
Other Expenses	1,000.00	500.00
Public Health Services - Registrar		
Salary & Wages	21,500.00	10,750.00
Other Expenses	1,551.00	775.50
Drug Abuse Control		
Salary & Wages	8,997.00	4,498.50
Other Expenses	15,151.00	7,575.50
Environmental Health Services		
Salary & Wages	2,000.00	1,000.00
Other Expenses	986.00	493.00
Animal Control Services		
Other Expenses	54,764.00	27,382.00
Recreation		
Salary & Wages	244,558.00	122,279.00
Other Expenses	86,867.00	43,433.50

Teen Program		
Other Expenses	4,000.00	2,000.00
Park Maintenance		
Salary & Wages	380,678.00	190,339.00
Other Expenses	68,260.00	64,130.00
Municipal Library		
Other Expenses	10,000.00	5,000.00
Prior Year Bills	7,500.00	0.00
Accumulated Leave Compensation	1,000.00	0.00
Postage		
Other Expenses	53,346.00	26,673.00
Electricity	310,082.00	155,041.00
Street Lighting	681,507.00	340,753.50
Telephone	105,364.00	100,000.00
Water	27,063.00	13,531.50
Natural Gas	74,333.00	37,166.50
Sewer	10,035.00	5,017.50
Gasoline	443,793.00	332,844.75
Landfill Disposal Costs	188,440.00	142,000.00
PERS	841,985.00	917,000.00
DCRP	500.00	500.00
FICA	1,126,172.00	563,086.00
Contingent	10,000.00	0.00
Municipal Court		
Salary & Wages	278,794.00	139,397.00
Other Expenses	40,505.00	20,252.50
Public Defender		
Salary & Wages	16,244.00	8,122.00
Other Expenses		
Group Insurance	513,482.00	256,741.00
Affordable Housing		
Salary & Wages	4,000.00	2,000.00

Police Dispatch 911		
Salary & Wages	721,864.00	360,932.00
Other Expenses	200,127.00	100,063.50
LOSAP		
Other Expenses	90,000.00	0.00
PFRS		
Other Expenses	1,795,528.00	1,904,000.00
SFSP Fire District Payments		
Other Expenses	10,583.00	0.00
Clean Communities Act	70,115.09	68,878.85
Monmouth Drug & Alcohol		
Grant Share	28,547.00	0.00
Local Share	7,137.00	0.00
Recycling tonnage Grant	47,902.11	44,210.70
Body Armor Grant	6,208.90	6,366.90
Click It or Ticket	4,000.00	0.00
Drunk Driving Enforcement Grant	0.00	5,800.17
COPS In SHOPS grant	2,000.00	2,000.00
Green Communities Grant	3,000.00	0.00
Drive Sober or get Pulled Over Grant	0.00	4,400.00
Alcohol Rehab Grant	647.22	0.00
Capital Improvement Fund		
Other Expenses	150,000.00	150,000.00
Note Principal		
Bond Principal	1,350,000.00	1,454,000.00
Bond Anticipation Notes		
Bond Interest	815,600.00	764,300.00
Note Interest	104,000.00	85,140.00
Green Acres Trust - P & I	28,865.00	28,885.00
Capital Lease program		
Principal	198,400.00	147,300.00
Interest	16,002.00	9,000.00

Emergency Authorizations	200,000.00	0.00
Deferred Charges	200,000.00	0.00
Totals	30,391,210.32	18,750,025.87

Water Utility Temp Emergency Appropriation

Salary & Wages	845,642.02	422,821.01
Other Expenses	4,947,993.95	2,473,996.98
Capital Improvement fund		
Capital Outlay	5,000.00	2,500.00
Payment of Bond Principal	2,150,000.00	2,210,000.00
Payment of Bond Anticipation Notes		
Payment of Bond Interest	726,600.00	687,800.00
Payment of Note Principal	12,285.00	
Public Employees Retirement System	94,204.52	
FICA	64,691.61	32,345.81
Unemployment Insurance	10,000.00	5,000.00
Emer Auth - Hurricane Sandy	0.00	
Surplus (General Budget)		
Total	8,856,417.10	5,834,463.79

Recreation and Swim Utility Temp Emergency Appropriation

Salaries & Wages		437,500.00
OE		1,200,000.00
Capital Outlay		1,500.00
Social Security		25,000.00
Total		1,664,000.00

RESOLUTION # 2013-125

WHEREAS, the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey wish to adjust the amount of deferred school tax to comply with the requirements promulgated by the Division of Local Government Services,

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey to adjust the Township's deferred school taxes as of December 31, 2012 as follows;

	<u>From</u>	<u>To</u>	<u>Adjustment</u>
Local District School	\$33,815,162.50	\$32,995,620.50	\$-819,542.00
Regional High School	\$13,548,122.50	\$13,914,179.00	\$ 366,056.50
Total	\$47,363,285.00	\$46,909,799.50	\$-453,485.50

RESOLUTION # 2013-126

WHEREAS, the Township had authorized an emergency appropriation on December 6, 2012 (R. 2012-395) pursuant to NJS 40A:4-48 to fund emergency expenditures arising as a result of Hurricane Sandy which occurred on October 29, 2012
Current Fund SALARIES AND WAGES AND/OR OTHER EXPENSES
\$1,060,000.00

; and

WHEREAS, the Division of Local Government Services (DLGS) published Local Finance Notice 2012-22 ("Hurricane Sandy - Financing and Procurement") presenting municipalities with options for financing Sandy recovery costs; and

WHEREAS, NJSA 40A:4-54 permits the adoption of resolutions to use the five-year "special emergency" funding provision of NJS 40A:4-55 to address the extraordinary expenses resulting from Hurricane Sandy; and

WHEREAS, due to the magnitude of the extraordinary expenses and time considerations surrounding the reimbursement anticipated from FEMA, and in order to mitigate the impact on property taxes, DLGS has provided guidance to the Township to approve a five-year special emergency which shall be offset by anticipated reimbursement revenue from FEMA in 2013 and each of the succeeding budget cycles; and

WHEREAS, the Township wishes to mitigate the single year impact on property taxes and follow the guidance issued by DLGS.

NOW, THEREFORE, BE IT RESOLVED, by not less than 2/3 of all governing body members affirmatively concurring that in accordance with NJS 40A:4-55:

1. That the emergency appropriation previously authorized (R. 2012-395) shall be modified to provide for a five year emergency to be provided for in the budgets of the next succeeding years by the inclusion of not less than \$212,000, one fifth of the total amount.
2. That two (2) certified copies of this resolution be filed with the Director of the Division of Local Government Services.

RESOLUTION # 2013-127

RESOLUTION AUTHORIZING TOWNSHIP OFFICIALS TO SECURE PROPOSALS FOR
FINANCING THE PURCHASE OF POLICE VEHICLES

WHEREAS, the Township Council approved R. 2012-158 authorizing Township Officials to secure proposals for financing the purchase of vehicles in 2012; and

WHEREAS, police vehicles were ultimately not purchased in 2012 due to the phase out of the Ford Crown Victoria police vehicle model and time required to research a suitable replacement model; and

WHEREAS, the Police Department has submitted its 2013 capital plan which includes a request for the replacement of police vehicles; and

WHEREAS, the Township has reviewed and finalized a request for five (5) vehicles; and

WHEREAS, the Township is desirous of obtaining these vehicles for the Police Department; and

WHEREAS, the estimated cost of the vehicles is \$160,000.00; and

WHEREAS, the Township wishes to continue its program of financing the purchase of police vehicles.

NOW, THEREFORE, BE IT RESOLVED THAT the Township Council of the Township of Marlboro hereby authorizes proposals to be secured for financing the purchase of five (5) police vehicles at an estimated cost of \$160,000.00.

RESOLUTION # 2013-128

A RESOLUTION AUTHORIZING CONTRACT WITH ALLIED OIL LLC FOR THE PURCHASE OF ULTRA LOW SULFUR DIESEL AND 87 OCTANE UNLEADED GAS FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS UNDER NJ STATE CONTRACT #82770 & #80914

WHEREAS, the Marlboro Township fuel dispensing and management system ("fuel system") is used to fuel Township, Board of Education, First Aid and Fire District vehicles throughout the Township; and

WHEREAS, the Township of Marlboro Department of Public Works is in need of Ultra Low Sulfur Diesel and 87 Octane Unleaded Gas to maintain the fuel dispensing and management system; 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, 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 said fuel from ALLIED OIL LLC; and

WHEREAS, the Public Works Department has recommended that the Township purchase said fuel from ALLIED OIL LLC under State Contract #82770 and #80914 in an amount not to exceed \$865,000.00; and

WHEREAS, the estimated total represents the annual cost of gasoline and fuel purchased for the municipality, school district, fire district, first aid departments and other entities; and

WHEREAS, funds will be certified by the Chief Financial Officer at the time of order; and

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 ALLIED OIL LLC whose address is 25 OLD CAMPLAIN ROAD, HILLSBOROUGH, NJ 08844 for the purchase of ULTRA LOW SULFUR DIESEL AND 87 OCTANE UNLEADED GAS FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS UNDER NJ STATE CONTRACT #82770 & #80914 in an amount not to exceed \$865,000.00; and

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

- a. ALLIED OIL LLC
- b. Township Administration
- c. Township Department of Public Works
- d. Township Chief Financial Officer

RESOLUTION # 2013-129

A RESOLUTION APPROVING GROUP DENTAL COVERAGE PROGRAM FOR
EMPLOYEES OF THE TOWNSHIP OF MARLBORO WITH
DELTA DENTAL FOR THE YEAR 2013

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

WHEREAS, in 2011, in an effort to provide the most cost effective coverage for the Township's eligible employees and

their dependents, the Township authorized its insurance consultant, North American Insurance Management Corporation ("NAIMC"), to obtain competitive quotes for dental coverage; and

WHEREAS, in 2011 NAIMC contacted thirteen (13) providers for Township group dental coverage as indicated on 'Exhibit A'; and

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

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

WHEREAS, the 2011 solicitation provided the Township with a comprehensive view of the marketplace and led the Township to renew with Delta Dental in 2011; and

WHEREAS, the Township renewed with Delta Dental in 2012 at \$42.62/month (single) and \$115.00/month (family) for an estimated total annual cost of \$212,000.00 and

WHEREAS, Delta Dental has agreed to maintain its rates with no increase for the 2013 plan year and NAIMC has recommended that the Township renew group dental coverage with Delta Dental at \$42.62/month (single) and \$115.00/month (family) for an estimated total annual cost of \$212,000.00 and

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

WHEREAS, the Chief Financial Officer has certified that funds in the amount of \$180,000.00 are available for this purpose from Account # 01-201-23-100-203, the balance to be certified at the time of adoption of the 2014 budget; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Marlboro that it hereby authorizes the Mayor to execute and the Clerk to witness, any documents necessary to enter into an agreement with Delta Dental for the provision of group dental coverage for the Township of Marlboro's eligible employees and their dependents for the period March 1, 2013 - February 28, 2014 at \$42.62/month (single) and \$115.00/month (family) for an estimated total annual cost of \$212,000.00.

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

- a. North American Insurance Management Corporation
- b. Delta Dental
- c. Mayor Jonathan Hornik
- d. Marlboro Township Chief Financial Officer

RESOLUTION #2013-130

A RESOLUTION AWARDED CONTRACT TO STARR TRANSIT CO., INC. FOR THE PROVISION OF COACH BUS TRANSPORTATION SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF RECREATION SENIOR PROGRAM

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the PROVISION OF COACH BUS TRANSPORTATION SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF RECREATION SENIOR PROGRAM, and on February 20, 2013, received five (5) bids therefor; and

WHEREAS, the five (5) bids received were as follows:

COMPANY	Per 48/p	Per 56/p
Starr Transit Co., Inc.	\$19,645.00	\$19,645.00
Academy Express LLC	\$21,730.00	\$21,730.00
Coach USA Suburban Transit	No Bid	\$20,092.00
Stout's Charter Service	\$23,005.00	\$26,691.00
Golden Arrow Transportation	\$16,800.00	\$16,800.00

WHEREAS, pursuant to N.J.S.A. 40A:11-21, the guarantee to be provided as part of the bid shall be in the amount of 10% of the amount bid; and

WHEREAS, the submission of the apparent lowest bidder, Golden Arrow Transportation did not contain the bid guarantee in the amount of 10% of the amount bid making it unresponsive; and

WHEREAS, it has been determined that the submission of the second lowest bidder, Starr Transit Co., Inc. is responsive as detailed in a March 8, 2013 memo drafted by the Director of Recreation; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation of the Director of Recreation 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 Starr Transit Co., Inc. whose address is 2531 East State Street for the PROVISION OF COACH BUS TRANSPORTATION SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF RECREATION SENIOR PROGRAM, for a contract amount at the unit prices

specified in the bid proposal not to exceed \$19,645.00 for a term of one (1) year with an option to renew for one two-year or two one-year periods on the same terms and conditions as specified in the bid; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, Contracts with Starr Transit Co., Inc., in accordance with this resolution, the bid specifications, and in a form to be approved by the Township Attorney; and

BE IT FURTHER RESOLVED funds will be certified from Account Number 09-201-55-400-288471 at the time user fees are collected and services are committed to; and

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

- a. Starr Transit Co., Inc.
- b. Township Business Administrator
- c. Township Director of Recreation

RESOLUTION # 2013-131

A RESOLUTION AWARDING CONTRACT TO CLINTAR NJ FOR TOWNSHIP PROPERTY MAINTENANCE FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for TOWNSHIP PROPERTY MAINTENANCE, and on February 20, 2013, received three (3) bids therefor; and

WHEREAS, the three (3) bids received were as follows:

COMPANY	Table 1 - Municipal Right of Ways and Open Space
Clintar NJ, Perrineville, NJ	64,888.00
Marlboro Lawn & Landscaping, Marlboro, NJ	98,825.00
Custom Care Services, Inc., Wall, NJ	107,950.00

WHEREAS, the Department of Public Works has reviewed the bids received and in a memo dated February 27, 2013, has recommended that the Contract for the Services be awarded to CLINTAR NJ as the apparent lowest bidder, PO Box 294, Perrineville, New Jersey 08535, for a contract amount not to exceed \$64,888.00; 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 contract be awarded to CLINTAR NJ whose address is PO Box 294, Perrineville, New Jersey 08535 for TOWNSHIP PROPERTY MAINTENANCE FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS in an amount not to exceed \$64,888.00 for a term of one year, with an option to renew the contract for one additional two-year period or two additional one-year periods based upon the same terms and conditions as specified in the bid proposal; and

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

BE IT FURTHER RESOLVED funds in the amount of \$64,888.00 will be certified by the Chief Financial Officer from Account No. 01-201-28-123-288 subject to approval of the 2013 municipal budget; and

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

- a. CLINTAR NJ
- b. Mayor Jonathan Hornik
- c. Township Director of Public Works

RESOLUTION # 2013-132

A RESOLUTION AUTHORIZING YEAR 2 OF CONTRACT TO AIRHANDLERS MECHANICAL SERVICE, INC. FOR HVAC MAINTENANCE FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Municipal Council of the Township of Marlboro awarded a contract to AIRHANDLERS MECHANICAL SERVICE, INC. for HVAC MAINTENANCE FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS on May 3, 2012; and

WHEREAS, the bid specifications included the option to renew said contract for one additional one-year period on the same terms and conditions as specified in the bid proposal; and

WHEREAS, the Department of Public Works has 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 AIRHANDLERS MECHANICAL SERVICE, INC. whose address is

PO Box 178, Haddon Heights, NJ 08035 for a period of one year, in an amount not to exceed \$32,880.00 for labor plus parts at the rate of twenty percent (20%) above contractor's price; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, contracts with AIRHANDLERS MECHANICAL SERVICE, INC. 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 funds for the 2013 portion of the labor contract in the amount of \$21,920.00 have been certified by the Chief Financial Officer from account numbers 01-201-26-122-288126 and 05-201-55-500-288020; and

BE IT FURTHER RESOLVED that funds for the 2014 portion of the labor contract in the amount of \$10,960.00 will be certified by the Chief Financial Officer at the time of the adoption of the 2014 municipal budget; and

WHEREAS, funds for the parts will be certified by the Chief Financial Officer at the time of order; and

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

- a. AIRHANDLERS MECHANICAL SERVICE, INC.
- b. Township Business Administrator
- c. Department of Public Works

RESOLUTION # 2013-133

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$ 53,126.18 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 \$ \$ 53,126.18 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>
2012-109	388/13	MTAG Services CUST	20,381.36
32 Regina Road		ACTF II NJ, LLC	
		P.O. Box 54292	
		New Orleans, LA 70154	
		Assessed Owner:	
		Lobue, Donna Dealmeida	

2012-020	120.02/14	Actlien Holding Inc.	1,344.34
416 Ironwood Lane		45 W 45 St Suite 1402	
		New York, NY 10036	
		Assessed Owner:	
		Brienza, Robert V. Carol	
2012-029	147/4.02	Nasdom, LLC	461.84
248 Spring Valley Road		1527 East 35 Street	
		Brooklyn, NJ 11234	
		Assessed Owners:	
		Alber, Thomas & Mary Lou	
2012-080	266/11	Ace Plus, LLC	1,720.56
2 Halifax Drive		1416 Ave L	
		Brooklyn, NY 11230	
		Assessed Owners:	
		Broglia, Thomas R.	
2012-085	286/20	KCTS Investments, LLC	2,039.84
11 Longfellow Terrace		4C Colfax Manor	
		Roselle Park, NJ 07204	
		Assessed Owner:	
		Cigna, Vincent Jr. Victoria M.	
2012-103	360/25.16	Nasdom, LLC	684.47
14 Livingston Court		1527 East 35 Street	
		Brooklyn, NJ 11234	
		Assessed Owners:	
		Ega Kyan, LLC	
2012-107	373/15	Bulwark Systems, LLC	1,447.57
2 Harvest Court		22 Emily Road	
		Manalapan, NJ 07726	
		Assessed Owners:	
		Gabizon, Bonnie A.	
2012-036	155/1.07	Bulwark Systems, LLC	1472.04
19 Shallow Brook Road		22 Emily Road	
		Manalapan, NJ 07726	
		Assessed Owners:	
		Lyubarsky, Yuri & Olga	
2009-3	108/3	Lienlogic Fund I	21,185.12
184 Texas Road		50 South 16 th Street Ste. 1950	
		Philadelphia, PA 19102	
		Assessed Owners:	
		Jones, David W. & Barbara Gattola	

2009-04 108/7
Texas Road

Stephen B. Gale
121 Warren Street
Keyport, NJ 07735
Assessed Owners:
Jones, David

2,389.04

TOTAL: 53,126.18

RESOLUTION # 2013-134

WHEREAS, the attached list in the amount of \$ 3,484.65 own 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>
413.03/6		Lebensfeld, Audie & Cathy 5 Miro Circle Marlboro, NJ 07746	3,484.65
Total:			<u>3,484.65</u>

RESOLUTION # 2013-135

WHEREAS, the Township of Marlboro will hold a Tax Sale on April 17th, 2013; and,

WHEREAS, in accordance with N.J.S.A. 54:5 et seq, the Township of Marlboro is entitled to recover costs in connection with the tax sale including, but not limited to, advertising costs which may be estimated; and,

WHEREAS, the Township wishes to assess the cost of processing and administering all phases of the Tax Sale process against only the taxpayers who are delinquent and are thereby causing the incurrence of said expenses.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that, Kelly A. Hahn, Tax Collector, be and hereby is authorized and directed to charge and collect a fee of 2% per line item of the amounts to be sold at Tax Sale, minimum \$15.00, maximum \$100.00.

At 8:15PM, Councilwoman Marder moved that the meeting go into executive session for reason of potential litigation. This was seconded by Councilman Cantor, and the following resolution #2013-136 (Closed Session) was passed on a roll call vote of 5 - 0 in favor. Recess was called and the closed session resumed at 8:25 PM.

RESOLUTION # 2013-136

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 14th day of March, 2013 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, namely potential litigation.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned items and that such executive session should take approximately 10 minutes. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required. Action will be taken following the executive session.

At 8:35PM, Council President LaRocca moved that the meeting be opened. This was seconded by Councilman Metzger and as there was no objection, the Clerk was asked to cast one ballot.

The following Resolution #2013-137 (Authorizing Tax Assessor to File a Tax Appeal) was introduced by reference, offered by Councilwoman Mazzola, seconded by Council Vice President Marder and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2013-137

RESOLUTION AUTHORIZING THE TAX ASSESSOR TO FILE A TAX APPEAL TO CONTEST VERIZON NEW JERSEY, INC.'S DETERMINATION THAT THEY ARE NOT REQUIRED TO PAY PROPERTY TAXES

WHEREAS, the Township of Marlboro along with various other municipalities have been informed that Verizon New Jersey Inc. is no longer required to file a Return of Tangible Personal Property Used in Business by Local Business Exchange companies Form PT-10 to the affected municipalities and therefore will not be required to pay property taxes on their Tangible Personal Property for the tax year 2013; and

WHEREAS, the Borough of Hopewell in Mercer County with the support of the New Jersey League of Municipalities lost its appeal of the tax court decision in the matter of Hopewell v. Verizon; and

WHEREAS, Verizon New Jersey Inc. has unilaterally determined that they are not providing 51% or more of dial tone service to the Township of Marlboro along with the affected municipalities and will not file the required form and not pay the property taxes pursuant to NJSA 54:4-1; and

WHEREAS, following the Hopewell decision and pursuant to the guidance given by the County Tax Administrator, the Marlboro Tax Assessor has removed \$9,592,509 from the 2013 tax roll, a loss of an estimated \$193,000 in tax revenue to Marlboro taxpayers; and

WHEREAS, the Township believes it is in the best interest of the taxpayers of Marlboro to file a tax appeal to contest Verizon's determination that they are not required to pay property taxes pursuant to NJSA 54:4-1.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, that

(1) the Tax Assessor is hereby authorized to file a tax appeal to contest Verizon's determination that they are not required to pay property taxes pursuant to NJSA 54:4-1.

(2) the Township Clerk is hereby directed to send a certified copy of this resolution to State Senator Joseph Kyrillos and Assembly members Declan O'Scanlan and Amy Handlin.

At 8:37PM, Councilwoman Mazzola moved that the meeting be adjourned. This was seconded by Council Vice President Marder, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: April 4, 2013

OFFERED BY: Metzger AYES: 5

SECONDED BY: Mazzola NAYS: 0

ALIDA MANCO,
MUNICIPAL CLERK

FRANK LaROCCA,
COUNCIL PRESIDENT