

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

September 26, 2013

The Marlboro Township Council held its regularly scheduled Council Meeting on September 26, 2013 at 7:00 P.M. at Rosemont Clubhouse, 246 Everton Blvd., 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 location change of this 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 March 20, 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, Councilwoman Mazzola, Councilman Metzger and Council President LaRocca.

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

Council President La Rocca opened the Public Hearing on Ordinance #2013-19 (Confirming and Readopting Ord. 2013-17 - Authorizing Guaranty by Marlboro Township for Payment of Principal and Interest on Capital Equipment Lease Revenue Bonds of MCIA). As there was no one who wished to speak, the Public Hearing was closed. Resolution #2013-293/Ordinance #2013-19) was introduced by reference, offered by Councilman Cantor, seconded by Councilman Metzger, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2013-293

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

ORDINANCE #2013-19

ORDINANCE CONFIRMING AND READOPTING ORDINANCE NO. 2013-17 OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, AUTHORIZING THE GUARANTY BY THE TOWNSHIP OF MARLBORO, NEW JERSEY FOR PAYMENT OF PRINCIPAL AND INTEREST ON THE CAPITAL EQUIPMENT LEASE REVENUE BONDS, SERIES 2013 (MARLBORO PROJECT) OF THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY

which was introduced on September 12, 2013, public hearing held on September 26, 2013, be adopted on second and final reading this 26th day of September, 2013.

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

ORDINANCE #2013-19

ORDINANCE CONFIRMING AND READOPTING ORDINANCE NO. 2013-17 OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, AUTHORIZING THE GUARANTY BY THE TOWNSHIP OF MARLBORO, NEW JERSEY FOR PAYMENT OF PRINCIPAL AND INTEREST ON THE CAPITAL EQUIPMENT LEASE REVENUE BONDS, SERIES 2013 (MARLBORO PROJECT) OF THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY

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

Ordinance No. 2013-17 of the Township of Marlboro, in the County of Monmouth, New Jersey, finally adopted on August 1, 2013, is hereby readopted and confirmed without amendment, and said ordinance shall read as follows:

Section 1. Pursuant to Section 80 of the County Improvement Authorities Law, N.J.S.A. 40:37A-44 et. seq., the Township of Marlboro, New Jersey (the "Municipality") is hereby authorized to unconditionally and irrevocably guaranty the punctual payment of the principal of and the interest on the Capital Equipment Lease Revenue Bonds, Series 2013 (Marlboro Project) (the "Bonds") of The Monmouth County Improvement Authority (the "Authority") Outstanding (as that term is defined in the following described resolution) under the resolution of the Authority entitled "Capital Equipment Lease Revenue Bond Resolution (Marlboro Project)" (the "Bond Resolution") to be adopted in a form approved by counsel to the Municipality. The Authority plans to issue the Bonds to finance the acquisition and subsequent leasing of certain capital equipment to the Municipality pursuant to a lease and agreement to be entered into

by the Authority and the Municipality (the "Lease"). Such guaranty shall be given in accordance with the guaranty agreement (the "Guaranty Agreement") between the Municipality and the Authority in substantially the form submitted to this Municipality, a copy of which is on file in the office of the Clerk of the Municipality, with such changes as may be approved by counsel to the Municipality. The Mayor is hereby authorized to execute the Guaranty Agreement on behalf of the Municipality in substantially such form as submitted hereto and with such changes as may be approved by the Mayor, and the Clerk of the Municipality is hereby authorized to attest such signature affixing the seal of the Municipality. All representatives, officials and employees of the Municipality are hereby authorized to enforce and to implement the Guaranty Agreement.

Section 2. The following additional matters are hereby determined, declared, recited and state:

(1) The maximum principal amount of the Bonds of the Authority hereby and hereunder to be guaranteed as to payment of principal and interest shall not exceed the sum of the amount necessary to acquire the Municipality's equipment as set forth in Schedule A which will be subject to the Lease and to pay the Municipality's share of the costs of issuance, but in no event shall such principal amount exceed \$223,000.

(2) The Bonds shall mature within eleven years of the date of issue.

(3) The Bonds shall remain Outstanding to their respective stated maturity dates and the guaranty authorized herein shall remain effective until all Bonds shall have been paid in full in accordance with their terms notwithstanding the occurrence of any other event.

(4) The guaranty authorized herein may be made and this ordinance may be adopted notwithstanding any statutory debt or other limitations, including particularly any limitation or requirement under or pursuant to the Local Bond Law, N.J.S.A. 40A:2-1, et. seq., but the principal amount of any Outstanding Bonds shall be included after their issuance in the gross debt of the Municipality for the purpose of determining the indebtedness of the Municipality under or pursuant to the Local Bond law. The principal amount of the Bonds included in the gross debt of the Municipality shall be deducted from the gross debt of the Municipality under and all for all the purposes of the Local Bond Law (a) from and after the time of issuance of the Bonds until the end of the fiscal year beginning next after the acquisition of the equipment to be financed from the proceeds of the Bonds and (b) in any Annual Debt Statement filed pursuant

to the Local Bond law as of the end of such fiscal year or any subsequent fiscal year if the revenues or other receipts or moneys of the Authority in such year are sufficient to pay its expenses of operation and maintenance in such year and all amounts payable in such year on account of the principal of and the interest on all such Bonds, all bonds of the Municipality issued as provided under N.J.S.A. 40:37A-79 and all bonds of the Authority issued under the County Improvement Authorities Law.

Section 3. Upon payment of the principal of and the interest due on the Bonds by the Authority or by the defeasance of the Bonds pursuant to the Bond Resolution, the guaranty authorized herein will cease to exist and the gross debt of the Municipality shall be reduced to the extent that such Bonds cease to be Outstanding under the Bond Resolution.

Section 4. This ordinance shall take effect 20 days after the first publication thereof after final adoption in accordance with the County Improvement Authorities Law and the Local Bond Law.

The following Resolution #2013-294/Ordinance #2013-020 (Amending Drug Free School Zone) was introduced by reference, offered by Council Vice President Marder and seconded by Councilman Cantor. Discussion followed, after which the resolution/ordinance was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2013-294

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

ORDINANCE # 2013-20

AN ORDINANCE AMENDING SECTION 158-1 OF THE CODE OF THE TOWNSHIP OF MARLBORO AMENDING THE DRUG FREE ZONE MAP

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 October 10, 2013 at 7:00 p.m. at the Greenbriar at Marlboro Clubhouse, 21 Clubhouse Lane, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2013-20

AN ORDINANCE AMENDING SECTION 158-1 OF THE CODE OF THE TOWNSHIP OF MARLBORO AMENDING THE DRUG FREE ZONE MAP

WHEREAS, NJSA 2C:35-7.1 authorizes municipalities to adopt a Drug Free Zone Map which designates and depicts areas within the municipality that are drug free zones including, but not limited to, areas in and around properties used for school purposes, public housing facilities, public parks and public buildings; and

WHEREAS, the Township of Marlboro's Drug Free Zone Map has been revised and updated in a Map entitled "Drug Free Zones Township of Marlboro Monmouth County, New Jersey" dated 09-27-2011 by D. Schick, Township Engineering Dept., Revised 09-02-2013 by C. Brady, Township and signed by Dean Staknys, PE, Asst. Township Engineer.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Marlboro that Section 158-1 of the Code of the Township of Marlboro, entitled "Adoption of Map" is hereby amended as follows:

§ 158-1 Adoption of map.

In accordance with and pursuant to the authority of P.L. 1988, c. 44 (N.J.S.A. 2C:35-7) and P.L. 1997, c. 327 (N.J.S.A. 2C:35-7.1), the Map entitled "Drug Free Zones Township of Marlboro Monmouth County, New Jersey" dated 09-27-2011 by D. Schick, Township Engineering Dept., Revised 09-02-2013 by C. Brady, Township and signed by Dean Staknys, PE, Asst. Township Engineer, is hereby approved and adopted as an official finding and record depicting the location of the following areas within the municipality:

- A. Any property which is used for school purposes and which is owned by or leased to any elementary or secondary school or school board;
- B. All areas on or within 1,000 feet of any such school property referenced in Subsection A above;
- C. Any property which is the site of a public housing facility, a public park or a public building, as defined in N.J.S.A. 2C:35-7.1; and
- D. All areas on or within 500 feet of any public housing facility, any public park or any public building, as referenced in Subsection C above.

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 only apply to the section, paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

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.

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

The following Resolution #2013-295 (Acknowledgement of Submission of NJ Best Practices Survey) was introduced by reference, offered by Council Vice President Marder, seconded by Councilwoman Mazzola and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2013-295

WHEREAS, the Township of Marlboro has received and completed the "2013 Best Practices Inventory" sent out on August 27, 2013 by the Division of Local Government Services, and

WHEREAS, the Chief Financial Officer has certified a score of 45 out of a possible 50; and

WHEREAS, the high percentage of positive responses on the 2013 Best Practices Worksheet qualifies the Township of Marlboro to receive 100% of its State Aid; and

WHEREAS, the Best Practices exercise, now in effect for the last four years, has reflected completely positively on the municipal operations of the Township of Marlboro.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Marlboro hereby acknowledges review of the 2013 Best Practices Inventory and hereby authorizes the Township Municipal Clerk to complete the required certification and send such to the State of New Jersey.

The following Resolution #2013-296 (Authorizing Purchase of Plate Reader Systems for Police Vehicles under Safe Corridors Grant) was introduced by reference, offered by Councilman Cantor, seconded by Council Vice President Marder and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2013-296

RESOLUTION AUTHORIZING AWARD OF STATE CONTRACT # A81318
TO ELSAG NORTHAMERICA, INC. UTILIZING THE NEW JERSEY
DEPARTMENT OF TRANSPORTATION HIGHWAY SAFETY GRANT

FOR THE PURCHASE OF TWO (2) LICENSE PLATE READERS
FOR THE TO TOWNSHIP OF MARLBORO POLICE DEPARTMENT

WHEREAS, the Township of Marlboro Police Department is in need of additional/replacement License Plate Readers (LPR) for police vehicles; and

WHEREAS, the Marlboro Police Department has recommended that the Township purchase said light bars from ELSAG North America, 205-H Creek Road, Greensboro, NJ 27406 under State Contract # A81318 in an amount not to exceed \$49,975.00; and

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

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey for the Police Department to obtain said License Plate Readers from ELSAG NorthAmerica; and

WHEREAS, funds are available from the New Jersey Department of Transportation Highway Safety Grant Fund Project for an amount not to exceed \$49,975.00 and have been certified to by the Chief Financial Officer of the Township of Marlboro in accordance with the quotation dated August 23, 2013; and

WHEREAS, the Township Council desires to approve the purchase of said license plate readers (LPR);

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase said License Plate Readers (LPR) from ELSAG North America, 205-H Creek Road, Greensboro, NJ 27406 under State Contract # A81318 in an amount not to exceed \$49,975.00 in accordance with the quotation dated August 23, 2013; and

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

- a. ELSAG North America
- b. Township Administration
- c. Township Police Department
- d. Township Chief Financial Officer

As the consent agenda, the following resolutions were 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: Res. #2013-297 (Amendment to Contract - Legal Services in Defense of Tax Appeals), Res. #2013-299 (Authorizing Purchase of Police Ammunition under State Contract), and Res. #2013-300 (Authorizing Purchase of Reggedized Convertible Laptops for Police and Public Work Vehicles).

RESOLUTION # 2013-297

A RESOLUTION AUTHORIZING AMENDMENT TO PROFESSIONAL SERVICES CONTRACT WITH CLEARY, GIACOBBE, ALFIERI, JACOBS, LLC FOR SPECIAL TAX COUNSEL SERVICES

WHEREAS, on January 3, 2013, the Township Council adopted resolution 2013-013 authorizing a contract for special tax counsel services ("services"); and

WHEREAS, said contract was awarded pursuant to a fair and open process in accordance with the provisions of N.J.S.A 19:44A-20.5; and

WHEREAS, due to the nature of the appeals filed and assigned in 2013, the Tax Assessor has recommended an increase of \$20,000.00 in the contract with Special Tax Conflict Counsel; and

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

1. The Township Council of the Township of Marlboro hereby authorizes and approves an amendment to the Professional Services Contract of CLEARY, GIACOBBE, ALFIERI, JACOBS, LLC pursuant to a fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.4, increasing the contract not to exceed amount by \$20,000.00; and
2. The Chief Financial Officer has certified that sufficient funds in the amount of \$20,000.00 are available for the aforesaid contract in 2013 Budget Account 01-201-20-050-226; and
3. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Township Administrator
 - b. Chief Financial Officer
 - c. Tax Assessor
 - d. CLEARY, GIACOBBE, ALFIERI, JACOBS, LLC

RESOLUTION # 2013-299

RESOLUTION AUTHORIZING AWARD OF STATE CONTRACT #81296
TO EAGLE POINT GUN SHOP FOR THE PURCHASE OF AMMUNITION
FOR THE TOWNSHIP OF MARLBORO POLICE DEPARTMENT

WHEREAS, the Township of Marlboro Police Department is in need of ammunition for qualifications and range training; and

WHEREAS, the Marlboro Police Department has recommended that the Township purchase the ammunition from Eagle Point Gun Shop, 1707 Third Street, Thorofare, New Jersey 08086 under State Contract #81296 in an amount not to exceed \$31,500.00; and

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

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey for the Police Department to obtain the ammunition from Eagle Point Gun Shop; and

WHEREAS, funds are available in Account 01-201-25-106-262681 for an amount not to exceed \$31,500.00 and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Township Council desires to approve the purchase of said ammunition;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase the ammunition from Eagle Point Gun Shop, 1707 Third Street, Thorofare, New Jersey 08086 under State Contract #81296 in an amount not to exceed \$31,500.00; and

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

- a. Eagle Point Gun Shop
- b. Township Administration
- c. Township Police Department
- d. Township Chief Financial Officer

RESOLUTION # 2013-300

RESOLUTION AUTHORIZING AWARD OF STATE CONTRACT #70262
TO HEWLETT PACKARD COMPANY FOR THE PURCHASE OF GETAC
RUGGEDIZED CONVERTIBLE LAPTOPS FOR THE TOWNSHIP OF
MARLBORO IT DEPARTMENT

WHEREAS, the Township of Marlboro Division of Information Technology ("IT") and Police Department are in need of new laptops and related equipment, approved as part of the 2011 (106-4) and 2013 capital programs (033-5); and

WHEREAS, Marlboro IT and the Police Department have recommended that the Township purchase nine (9) GeTac Ruggedized Convertible Laptops from Hewlett Packard Company, State & Local Sales, 10810 Farnam Drive, Omaha, NE 68154 under State Contract #70262 in an amount not to exceed \$41,201.00; and

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

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey for the IT and Police Departments to obtain the computers from Hewlett Packard Company; and

WHEREAS, funds are available in Accounts 04-215-11-02M-106297 and 04-215-13-08A-033297 for an amount not to exceed \$41,201.00 and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Township Council desires to approve the purchase of said IT equipment;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase the IT equipment from Hewlett Packard Company, State & Local Sales, 10810 Farnam Drive, Omaha, NE 68154 under State Contract #70262 in an amount not to exceed \$41,201.00; and

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

