

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

February 2, 2017

The Marlboro Township Council held its regularly scheduled Meeting on February 2, 2017 at 7:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Cantor opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of this meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on January 9, 2017; 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: Council Vice President Marder, Councilwoman Mazzola, and Council President Cantor. Absent: Metzger, Scalea.

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

Council Vice President Marder moved that the minutes of January 19, 2017 be approved. This was seconded by Councilwoman Mazzola, and passed on a roll call vote of 3 - 0 (Absent: Metzger, Scalea).

The following Resolution #2017-80/Ord #2017-1 (Salary Ordinance - Various Officers and Employees) was introduced by reference, offered by Councilwoman Mazzola and seconded by Council Vice President Marder. Council President Cantor opened the Public Hearing on Ord. #2017-1. As there was no one who wished to speak, the public hearing was closed and the resolution /ordinance was passed on a roll call vote of 3 - 0 in favor (Absent: Metzger, Scalea).

RESOLUTION # 2017-80

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

ORDINANCE # 2017-1

ORDINANCE AMENDING CHAPTER 4, ARTICLE XX
(ADMINISTRATION OF GOVERNMENT, OFFICERS AND EMPLOYEES)
AND FIXING THE SALARIES OF VARIOUS OFFICERS AND EMPLOYEES
OF THE TOWNSHIP OF MARLBORO 2017

which was introduced on January 19, 2017, public hearing held on February 2, 2017, be adopted on second and final reading this 2nd day of February, 2017.

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

The following Res. #2017-81/Ord. #2017-2 (Bond Ordinance - General Capital Improvements) was introduced by reference, offered by Councilwoman Mazzola, seconded by Council Vice President Marder, and passed on a roll call vote of 3 - 0 in favor (Absent: Metzger, Scalea).

RESOLUTION # 2017-81

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

ORDINANCE # 2017-2

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$3,394,162 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$3,224,451 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

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 March 2, 2017 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 # 2017-2

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$3,394,162 THEREFOR

AND AUTHORIZING THE ISSUANCE OF \$3,224,451
 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE
 PART OF THE COST THEREOF.

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

Section 1. The several improvements described in
 Section 3 of this bond ordinance are hereby respectively
 authorized to be undertaken by the Township of Marlboro, in the
 County of Monmouth, New Jersey (the "Township") as general
 improvements. For the several improvements or purposes
 described in Section 3, there are hereby appropriated the
 respective sums of money therein stated as the appropriation
 made for each improvement or purpose, such sums amounting in the
 aggregate to \$3,394,162, and further including the aggregate sum
 of \$169,711 as the several down payments for the improvements or
 purposes required by the Local Bond Law. The down payments have
 been made available by virtue of provision for down payment or
 for capital improvement purposes in one or more previously
 adopted budgets.

Section 2. In order to finance the cost of the several
 improvements or purposes not covered by application of the
 several down payments, negotiable bonds are hereby authorized to
 be issued in the principal amount of \$3,224,451 pursuant to the
 Local Bond Law. In anticipation of the issuance of the bonds,
 negotiable bond anticipation notes are hereby authorized to be
 issued pursuant to and within the limitations prescribed by the
 Local Bond Law.

Section 3. The several improvements hereby authorized
 and the several purposes for which the bonds are to be issued,
 the estimated cost of each improvement and the appropriation
 therefor, the estimated maximum amount of bonds or notes to be
 issued for each improvement and the period of usefulness of each
 improvement are as follows:

<u>Purpose</u>	<u>Appropriation & Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds & Notes</u>	<u>Period of Usefulness</u>
a) <u>Municipal Clerk</u> The acquisition of bookshelves and file cabinets, including	\$2,565	\$2,437	5 years

<p>(Phase I & II) and other roads throughout the Township, as more specifically set forth on a list on file in the Office of the Clerk, and further including all work and materials necessary therefor and incidental thereto.</p>			
<p>2) Storm drainage improvements to 115 Classic Way and miscellaneous drainage projects, including all work and materials necessary therefor and incidental thereto.</p>	<p>\$161,656</p>	<p>\$153,573</p>	<p>15 years</p>
<p>3) Above-ground storage tank improvements at the Department of Public Works Garage, including all work and materials necessary therefor and incidental thereto.</p>	<p>\$276,941</p>	<p>\$263,094</p>	<p>15 years</p>
<p>e) <u>Historic Sites Committee</u> The acquisition of historical markers, including all related costs and expenditures incidental thereto.</p>	<p>\$6,180</p>	<p>\$5,871</p>	<p>15 years</p>
<p>f) <u>Homeland Security</u> The acquisition of an ambulance,</p>	<p>\$242,050</p>	<p>\$229,947</p>	<p>5 years</p>

including all related costs and expenditures incidental thereto.			
g) <u>Police Department</u> 1) The acquisition of a truck/van and furniture, including all related costs and expenditures incidental thereto.	\$42,645	\$40,514	5 years
2) The acquisition of equipment, including, but not limited to, police vehicle and truck equipment, defibrillators, equipment for emergency response team, patrol and detective bureau, and improvements to the computer aided dispatch, including all related costs and expenditures incidental thereto and further including all work and materials necessary therefor and incidental thereto.	\$195,996	\$186,196	10 years
h) <u>Road Maintenance</u> 1) The acquisition of trucks, including, but not limited to, pick-up trucks, plows and roll-off trucks, and further including all related costs and expenditures incidental thereto.	\$350,200	\$332,690	5 years
2) The acquisition			

of equipment, including, but not limited to, a loader with planer and bucket, a leaf vacuum, a loader attachment and a hot patch machine, and further including all related costs and expenditures incidental thereto.	\$309,515	\$294,038	15 years
<p>i) <u>Vehicle Maintenance</u></p> <p>1) The refurbishment of trucks to extend the useful life by at least 5 years, including all work and materials necessary therefor and incidental thereto.</p> <p>2) The acquisition of mechanic's equipment, including all related costs and expenditures incidental thereto.</p>	\$30,900	\$29,355	5 years
	\$18,025	\$17,124	15 years
<p>j) <u>Recreation</u></p> <p>1) The acquisition of a minivan and a copier, including all related costs and expenditures incidental thereto.</p> <p>2) Concrete repairs to the Aquatic Center Swim Club, including all work and materials necessary therefor and incidental thereto.</p>	\$28,840	\$27,397	5 years
	\$12,257	\$11,644	10 years

k) <u>Free Public Library</u> The acquisition of a circulation desk, including all related costs and expenditures incidental thereto.	\$15,450	\$14,677	5 years
l) <u>911 Expenses</u> Improvements to computer aided dispatch, including all work and materials necessary therefor and incidental thereto.	<u>\$2,575</u>	<u>\$2,446</u>	10 years
TOTAL:	<u>\$3,394,162</u>	<u>\$3,224,451</u>	

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

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the

bond anticipation notes sold, the price obtained and the name of the purchaser.

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

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

- (a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements or purposes that the Township may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.
- (b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 9.82 years.
- (c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$3,224,451, and the obligations authorized herein will be within all debt limitations prescribed by that Law.
- (d) An aggregate amount not exceeding \$98,859 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements.

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

ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

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

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

Section 10. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

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

The following Res. #2017-82/Ord. #2017-3 (Bond Ordinance - Water Capital Improvements) was introduced by reference, offered by Council Vice President Marder, seconded by Councilwoman Mazzola, and passed on a roll call vote of 3 - 0 in favor (Absent: Metzger, Scalea).

RESOLUTION # 2017-82

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

ORDINANCE # 2017-3

BOND ORDINANCE PROVIDING FOR VARIOUS WATER UTILITY IMPROVEMENTS IN AND BY THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$1,643,365 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,643,365 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE THE COST THEREOF.

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 March 2, 2017 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 # 2017-3

BOND ORDINANCE PROVIDING FOR VARIOUS WATER UTILITY IMPROVEMENTS IN AND BY THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$1,643,365 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,643,365 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE THE COST THEREOF.

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

Section 1. The improvements described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Township of Marlboro, in the County of Monmouth, New Jersey (the "Township"). For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$1,643,365. No down payment is required as the purposes authorized herein are deemed self-liquidating and the bonds and bond anticipation notes authorized herein are deductible from the gross debt of the Township, as more fully explained in Section 6(e) of this bond ordinance.

Section 2. In order to finance the cost of the improvements or purposes, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,643,365 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Appropriation & Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds & Notes</u>	<u>Period of Usefulness</u>
a) The acquisition of a pickup truck with plow, including all related costs and expenditures incidental thereto.	\$41,200	\$41,200	5 years
b) Repairs to hydrants, valves, pipes, replacement of valves, replacement of meters, and the acquisition of an emergency bypass pump, including all work and materials necessary therefor and incidental thereto and further including all related costs and expenditures incidental thereto.	\$809,580	\$809,580	15 years
c) Well redevelopment and rehabilitation, water line replacement and	<u>\$792,585</u>	<u>\$792,585</u>	40 years

water main improvements, including all work and materials necessary therefor and incidental thereto.				
TOTAL:	<u>\$1,643,365</u>	<u>\$1,643,365</u>		

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

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

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

budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

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

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are improvements or purposes that the Township may lawfully undertake as self-liquidating purposes of a municipal public utility. No part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 26.80 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 \$1,643,365, but that the net debt of the Township determined as provided in the Local Bond Law is not increased by this bond ordinance. The obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$47,865 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements.

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

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

This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

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

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

Section 10. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

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

The following Res. #2017-83/Ord. #2017-4 (Lease Purchase Financing and Acquisition of Police Cars) was introduced by reference, offered by Council Vice President Marder, seconded by Councilwoman Mazzola, and passed on a roll call vote of 3 - 0 in favor (Absent: Metzger, Scalea).

RESOLUTION # 2017-83

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

ORDINANCE # 2017-4

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

be 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 March 2, 2017 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 # 2017-4

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

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of the full membership thereof affirmatively concurring) AS FOLLOWS:

Section 1. The Township Council of the Township of Marlboro, in the County of Monmouth, New Jersey (the "Township") hereby authorizes the lease purchase financing and acquisition of police cars for the Township pursuant to N.J.S.A. 40A:11-15(7) for a total principal cost of not to exceed \$170,000. The procurement of the police cars is available through a State Contract. The rental payments will be paid over three years at an interest rate per annum to be approved by the Chief Financial Officer of the Township through a procurement process authorized herein and in accordance with law. The Chief Financial Officer of the Township is authorized to take financing bids or proposals or procure financing by other lawful means, including through a national purchasing cooperative, as she deems most cost effective for the Township.

Section 2. The Mayor and/or the Chief Financial Officer are hereby authorized to negotiate, execute and deliver, subject

to the review of Bond Counsel, a lease purchase agreement (the "Lease") in accordance with the terms set forth in this ordinance, an agent or an escrow agreement, an assignment agreement, if necessary, and such other documents as may be necessary to consummate the transaction. The Township Council authorizes the Chief Financial Officer to establish an escrow account for the deposit of the lease proceeds and to direct the deposit and investment of the lease proceeds in the escrow for the term of the Lease in accordance with the requirements of law. The Township Council hereby authorizes and directs the Mayor or the Chief Financial Officer to execute the Lease and such other documents as may be required to consummate the transaction in forms approved by Bond Counsel, such approval to be evidenced by the execution of the Lease or such other documents by the Mayor or the Chief Financial Officer. The Clerk is authorized to attest to such documents under the seal of the Township. The Mayor and/or the Chief Financial Officer are also authorized and directed to take on behalf of the Township such other actions as shall be necessary and appropriate to accomplish the lease purchase financing of the police cars in accordance with the terms of the Lease and this ordinance and pursuant to the terms of the agreements and instruments authorized to be prepared hereby and to accomplish the performance of the obligations of the Township in respect thereto.

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

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

to rebate all net investment earnings on the gross proceeds above the yield on the Lease, if applicable.

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

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

The following Res. #2017-84/Ord. #2017-5 (Amending Various Fees) was introduced by reference, offered by Council Vice President Marder, seconded by Councilwoman Mazzola, and passed on a roll call vote of 3-0 in favor. Absent: Metzger, Scalea.

ORDINANCE # 2017-5

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 220-102 "WIRELESS TELECOMMUNICATIONS TOWERS AND FACILITIES", CHAPTER 171-9 "FEES", CHAPTER 120 "CHARITABLE CLOTHING BINS", CHAPTER 4-71(E) "SPECIAL DUTY ASSIGNMENTS FOR POLICE OFFICERS" and CHAPTER 125-7 "CONSTRUCTION CODES, UNIFORM "PARTIAL EXEMPTION FROM FEES" OF THE CODE OF THE TOWNSHIP OF MARLBORO

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:

§ 220-102 entitled "Wireless telecommunications towers and facilities", Section K. "Abandonment or discontinuation of use", as follows:

(2) Upon abandonment or discontinuation of use, at the option of the Township, the carrier shall physically remove the personal wireless service facility within 90 days from the date of abandonment or discontinuation of use. Physically remove shall include, but not limited to:

(a) Removal of antennas, mount, equipment shelters and security barriers for the subject property.

i. Upon removal of mount, confirm no impacts to structural integrity of tower and perform painting as necessary.

ii. Confirm whether any ground equipment will be removed. If so, plans for removal and restoration of the area should be provided. If not, confirm ownership of same.

§ 171-9 entitled "Fees", as follows:

A. Residents opting to pay taxes, water charges and other authorized payments due to the Township through the Township's third-party payment processor shall pay, in addition to the taxes, water charges or other authorized payments due, the following processing charges:

- (1) Electronic check for taxes: Service fee of \$1.50.
- (2) Electronic check for water: \$1.50.

§ 120 entitled "Charitable Clothing Bins" as follows:

§ 120-11 Reporting to the Township Recycling Coordinator.

A. The Permittee, within 30 days of the end of each year, shall file an annual report with the Recycling Coordinator, which shall be signed by an officer of the company, indicating the total quantity of recyclable material collected over the preceding year for each bin location.

§ 4-71 "Division of Police", Section E. entitled "Special duty assignments for police officers", as follows:

(6) Fees. The total hourly rate/charge payable for extra duty services shall be as follows:

Job Description	Hourly Rate
Construction Work	87.50
Security Work	87.50
Extracurricular School Work	60.00
Non-Profit Sporting Work	60.00
Other Non-Profit	30.00
Other	87.50
Long Term Ongoing	35.00

A four-hour minimum is applicable to all jobs unless waived by the Chief of Police or his designee.

Fifteen percent (15%) of the total hourly charge shall be retained by the Township.

(7) Payment. The Chief of Police or his designee shall have the authority to determine the appropriate balance for a particular party utilizing services to ensure adequate funds are on deposit to pay the officers and administrative fees for services provided on a timely basis. No extra duty Officers shall be assigned until such deposit is made to the Township. After the

services have been rendered, the Chief of Police or his designee shall forward an invoice to the private persons or entities who requested the extra duty assignment in accordance with the contractual services performed. Payment for extra duty assignments shall be made through a special trust fund established by the Chief Financial Officer. All moneys received by the municipality for police services as aforesaid shall be placed in this trust account from which payment shall thereafter be made to the individual police officers who perform such services. Payments due from the outside contractors under such agreements shall be paid 30 days from the date of billing. Interest shall be charged at the rate of 18% per annum or the rate applicable to all other municipal charges on any amount billed for which payment has not been made within 30 days. Delinquent parties shall be liable for all costs, fees and attorneys' fees associated with the collection of any amounts due. The Township reserves the right to refuse special-duty services for any contractor who has an unpaid balance that has gone beyond 60 consecutive days from the date of billing. All payments from the trust fund shall be made to the police officers on regular pay dates and on the submission of a voucher approved by the Chief of Police or his designee, subject to required deductions and an administrative fee to be retained by the municipality. Any dispute between the contractor and the police officer on assignment as to services required or compensation due shall be determined by the Chief or his designee. This decision shall be final and binding.

(8) Cancellation. Any assignment which is canceled on less than one hour's notice shall be charged against the party.

(9) Termination. The Chief of Police or his designee has the authority to order any police officer to vacate or terminate any extra duty assignment in response to emergency situations or whenever the assignment creates an unacceptable risk to health, safety and welfare of the police officer and/or public in the sole determination and discretion of the Chief or his designee. The contractor shall not be responsible for any compensation for the time that the police officer is away from the extra duty assignments and shall have no claim for any costs or damages against the municipality, the Chief or his designee or the police officer arising from the termination of extra duty assignments other than the prorated return of any costs prepaid to the Township.

(10) Insurance coverage. The Township shall be responsible to provide all necessary insurance coverage as required by law, including but not limited to workers' compensation, public liability and claims for damage, and personal injury, including death or damage to property, which may arise as a result of the

Township's performance under the contract. Contractor shall provide proof of insurance coverage to the Township prior to the assignment of any officer for extra duty services at the property, with insurance coverage and limits are at a minimum of the following:

- a) Commercial General Liability (CGL): Coverage for all operations including, but not limited to, contractual, products and completed operations, and personal injury with limits no less than \$1,000,000 per occurrence/\$2,000,000 aggregate. The Township of Marlboro, its officers, officials, employees, agents and volunteers shall be included as an additional insured.
 - b) Automobile Liability: Coverage for all owned, non-owned and hired vehicles with limits not less than \$1,000,000 per occurrence, combined single limits (CSL) or its equivalent.
 - c) Workers Compensation: As required by the State of New Jersey and Employers Liability with limits not less than \$500,000 per accident for bodily injury or disease.
- Proof of insurance must provide for a thirty (30) day notice of material change or cancellation as well as list the Township of Marlboro as an "additional insured" on the general liability policies.

§ 125-7 Construction Codes, Uniform entitled "Partial exemptions from fees", as follows:

Charitable, philanthropic, fraternal, athletic, recreational and religious nonprofit organizations holding a tax-exempt status under the Federal Internal Revenue Code of 1954 [26 U.S.C. 501(c) or (d)] shall be eligible for a refund of 50% of the Uniform Construction Code ("UCC") fees set forth in § 125-3A(1), Alterations, repairs, and remodeling, paid since April 1, 2016, excluding the surcharge fee to the New Jersey Department of Community Affairs provided for in § 125-5 upon receipt of satisfactory proof of qualifications. This section providing for partial exemption from the U.C.C. fees for qualified religious, charitable and nonprofit organizations shall expire on December 31, 2017, unless further extended by formal action of the Township Council.

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 Res. #2017-85/Ord. #2017-6 (Regulating Vacant and Abandoned Properties) was introduced by reference, offered by Council Vice President Marder, seconded by Councilwoman Mazzola, and passed on a roll call vote of 3-0 in favor. Absent: Metzger, Scalea).

RESOLUTION # 2017-85

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

ORDINANCE # 2017-6

ORDINANCE REGULATING VACANT AND ABANDONED
PROPERTIES IN THE TOWNSHIP OF MARLBORO

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

BE IT FURTHER RESOLVED that the same be considered for final passage on March 2, 2017 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 # 2017-6

ORDINANCE REGULATING VACANT AND ABANDONED
PROPERTIES IN THE TOWNSHIP OF MARLBORO

WHEREAS, the Mayor and Township Council of the Township of Marlboro ("Township") finds that vacant and abandoned properties can lead to neighborhood decline and become attractive nuisances causing the Township to incur significant costs in the form of staff time for code enforcement and public safety actions seeking to maintain and ensure the acceptable conditions of these properties; and

WHEREAS, vacant and abandoned structures cause harm to the health, safety and general welfare of the community; and

WHEREAS, P.L.2014, Chapter 35, approved August 15, 2014 established that the governing body of any municipality may adopt ordinances to regulate the care, maintenance, security and upkeep of the exterior of vacant and abandoned residential

properties on which a summons and complaint in an action to foreclose has been filed; and

WHEREAS, in accordance with P.L.2014, Chapter 35, such an ordinance shall contain the provision that the creditor filing the summons and complaint in an action to foreclose be responsible for the care, maintenance, security and upkeep of the exterior of the vacant and abandoned residential property, and if located out-of-State, shall be responsible for appointing an in-State representative or agent to act for the foreclosing creditor; and

WHEREAS, it is in the public interest for the Township to establish minimum standards of accountability on the creditor responsible for vacant and abandoned structures in order to protect the health, safety and general welfare of the residents of the Township; and

WHEREAS, it is in the public interest for the Township to impose a fee in conjunction with the registration of vacant and abandoned structures in light of the disproportionate costs imposed on the Township by the presence of these structures; and

WHEREAS, it is necessary for the Township to take adequate steps to monitor such properties and protect Township residents.

NOW THEREFORE BE IT ORDAINED by the Township Council of the Township of Marlboro that it hereby supplements Chapter 278 of the Code of the Township of Marlboro entitled, "Property Maintenance", with a new section 13 entitled "Registration of Vacant and Abandoned Properties", to read as follows:

A. DEFINITIONS.

CREDITOR - A state-chartered bank, savings bank, savings and loan association or credit union, any person or entity required to be licensed under the provisions of the New Jersey Residential Mortgage Act, P.L. 2009, c.53 (N.J.S.A. 17:11C-51 et seq.), any foreclosing entity subject to the provisions of N.J.S.A. 46:10B-51 (P.L. 2008, c. 127, Sec. 17, as amended from time to time) and any entity acting on behalf of the creditor named in the debt obligation, including, but not limited to, servicers.

PROPERTY - any portion of improved or unimproved real estate located within the Township of Marlboro which includes the buildings or structures or portions thereof located on it regardless of condition.

VACANT AND ABANDONED PROPERTY - Consistent with section 1 of P.L. 2010, c.70 (N.J.S.A. 2A:50-73), residential real estate, where a notice of violation has been issued pursuant to Section E(2) and Subsection b. of Section 1 of P.L.2014, c.35 (N.J.S.A. 40:48-2.12s), residential property shall be deemed vacant and abandoned where a mortgaged property is not occupied by a mortgagor or tenant and at least two of the following conditions exist:

1. overgrown or neglected vegetation;
2. the accumulation of newspapers, circulars, flyers or mail on the property;
3. disconnected gas, electric, or water utility services to the property;
4. the accumulation of hazardous, noxious, or unhealthy substances or materials on the property;
5. the accumulation of junk, litter, trash or debris on the property;
6. the absence of window treatments such as blinds, curtains or shutters;
7. the absence of furnishings and personal items;
8. statements of neighbors, delivery persons, or government employees indicating that the residence is vacant and abandoned;
9. windows or entrances to the property that are boarded up or closed off or multiple window panes that are damaged, broken and unrepaired;
10. doors to the property that are smashed through, broken off, unhinged, or continuously unlocked;
11. a risk to the health, safety or welfare of the public, or any adjoining or adjacent property owners, exists due to acts of vandalism, loitering, criminal conduct, or the physical destruction or deterioration of the property;
12. an uncorrected violation of a municipal building, housing, or similar code during the preceding year, or an order by municipal authorities declaring the property to be unfit for occupancy and to remain vacant and unoccupied;
13. the mortgagee or other authorized party has secured or winterized the property due to the property being deemed vacant and unprotected or in danger of freezing;
14. a written statement issued by any mortgagor expressing the clear intent of all mortgagors to abandon the property;
15. any other reasonable indicia of abandonment.

B. REGISTRATION REQUIREMENTS.

A creditor filing a summons and complaint in an action to foreclose on a vacant and abandoned property, or a creditor who has previously filed a summons and complaint to foreclose on a residential property which subsequently becomes vacant and

abandoned, shall within 30 calendar days after the building becomes vacant and abandoned or within 30 calendar days after assuming ownership of the vacant and abandoned property, whichever is later; or within 10 calendar days of receipt of notice from the Township, and annually thereafter, file a registration statement for such vacant and abandoned property with the Municipal Clerk and Code Enforcement Officer on forms provided by the Township for such purposes. Any failure to receive notice from the Township shall not constitute grounds for failing to register the vacant and abandoned property.

1. Each property having a separate block and lot number as designated in official records of the municipality shall be registered separately.
2. The registration statement shall include:
 - a. the name, street address, telephone number, and email address (if applicable) of a person 21 years or older, designated by the creditor as the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding on behalf of such creditor in connection with the enforcement of any applicable code;
 - b. the name, street address, telephone number, and email address (if applicable) of the firm and the actual name(s) of the firm's individual principal(s) responsible for maintaining the property. The individual or representative of the firm responsible for maintaining the property shall be available by telephone or in person on a 24 hour per day, seven-day per week basis. The two entities may be the same or different persons. Both entities shown on the statement must maintain offices in the State of New Jersey or reside within the State of New Jersey.
3. The registration shall remain valid for one year from the date of registration except for the initial registration time which shall be pro-rated through December 31st . The creditor shall be required to renew the registration annually as long as the building remains a vacant property or a portion thereof remains vacant and shall pay a registration or renewal fee in the amount prescribed in Section D of this ordinance, for each vacant property registered. The creditor shall be required to renew the registration annually as long as the building remains a vacant property and shall pay a registration or renewal fee in the amount prescribed in Section D of this ordinance, for each vacant property registered.
4. The annual renewal shall be completed by January 1st each year. The initial registration fee shall be pro-rated for

registration statements received less than 10 months prior to that date.

5. The creditor shall notify the Municipal Clerk and Code Enforcement Officer within 30 calendar days of any change in the registration information by filing an amended registration statement on a form provided by the Code Enforcement Officer for such purpose.

6. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the Township against the creditor.

C. CREDITOR RESPONSIBILITY.

1. A creditor filing a summons and complaint in an action to foreclose on a residential property within the Township shall be immediately responsible for the care, maintenance, security and upkeep of the exterior of the property, after the property becomes vacant and abandoned as defined in this article.

2. Where a creditor is located out-of-state, the creditor shall be responsible for appointing an in-state representative or agent to act on the creditor's behalf for the purpose of satisfying the requirements of Section C(1). Notice of said representative or agent shall be provided to the Municipal Clerk and Code Enforcement Officer pursuant to Section B(2) and pursuant to Paragraph (1) of Subsection a of Section 17 of P.L.2008, c.127 (N.J.S.A. 46:10B-51).

D. FEE SCHEDULE.

The initial registration fee for each building or portion thereof shall be five-hundred dollars (\$500.00). The fee for the first renewal is one-thousand five hundred dollars (\$1,500.00), and the fee for the second renewal is three-thousand dollars (\$3,000.00). The fee for any subsequent renewal beyond the second renewal is five-thousand dollars (\$5,000.00).

E. MAINTENANCE OF PROPERTY; NOTICE OF VIOLATION.

1. The enforcement officer designated in this article shall be authorized to issue a notice to a creditor that has filed a summons and complaint in an action to foreclose on a residential property within the Township, if the enforcement officer determines that the creditor has violated this article by failing to provide for the care, maintenance, security, and upkeep of the exterior of a vacant and abandoned property. Where a creditor is an out-of-state creditor, the notice shall be issued to the representative or agent that has been identified

by the creditor pursuant to Section C(2) and Paragraph (1) of Subsection a of Section 17 of P.L.2008, c. 127 (N.J.S.A. 46:10B-51).

2. The notice referenced in Section E(1) shall require the creditor to correct the violation(s) within 30 days of receipt of the notice, or within 10 days of receipt of the notice if the violation presents an imminent threat to public health and safety.

3. The issuance of a notice pursuant to Section E(1) shall constitute proof that a residential property is vacant and abandoned for the purposes of this article.

F. VIOLATIONS.

1. A creditor subject to this article that is found by the Municipal Court of the Township, or by any other court of competent jurisdiction, to be in violation of the requirement to correct a care, maintenance, security, or upkeep violation cited in a notice issued pursuant to this article shall be subject to a fine of \$1,500 for each day of the violation. Any fines imposed pursuant to this subsection shall commence 31 days following the receipt of the notice, except if the violation presents an imminent risk to public health and safety, in which case any fines shall commence 11 days following receipt of the notice.

2. An out-of-state creditor subject to this article that is found by the Municipal Court of the Township, or by any other court of competent jurisdiction, to be in violation of the requirement to appoint an in-state representative or agent pursuant to this article shall be subject to a fine of \$2,500 for each day of the violation. Any fines imposed on a creditor for the failure to appoint an in-state representative or agent shall commence on the day after the ten-day period set forth in Paragraph (1) of Subsection a of Section 17 of P.L.2008, c. 127 (N.J.S.A. 46:10B-51) for providing notice to the Municipal Clerk that a summons and complaint in an action to foreclose on a mortgage has been served.

3. A creditor subject to this article that is found by the Municipal Court of the Township, or by any other court of competent jurisdiction, to be in violation of the requirement to register a vacant and abandoned property pursuant to Section B shall be subject to a fine not exceeding \$2,000. Any fines imposed on a creditor under this subsection shall commence 11 days following receipt of notice from the Township pursuant to Section B.

4. No less than 20% of any money collected by the Township pursuant to this article shall be utilized by the Township for municipal code enforcement purposes.

G. SEVERABILITY.

Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this ordinance are hereby declared to be severable.

BE IT FURTHER ORDAINED by the Township Council of the Township of Marlboro that all ordinances or parts of ordinances inconsistent with this amending ordinance are hereby repealed to the extent of their inconsistencies only.

BE IT FURTHER ORDAINED by the Township Council of the Township of Marlboro that this ordinance and requirement thereof shall take effect after passage and publication as required by law.

The following Resolution #2017-86 (Setting Council Budget Meeting - Feb. 6 - 6 PM) was introduced by reference, offered by Council Vice President Marder, seconded by Councilwoman Mazzola, and passed on a roll call vote of 3-0 in favor. Absent: Metzger, Scalea).

RESOLUTION # 2017-86

SETTING SPECIAL COUNCIL BUDGET MEETING

BE IT RESOLVED by the Marlboro Township Council that a "Special" Council Meeting will be held on February 6, 2017 at 6:00 PM at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, N. J. 07746. The purpose of this special meeting is to discuss the 2017 Municipal Budget and any other finance related business.

Action will not be taken and Citizen's Voice will be limited to 15 minutes.

As the Consent Agenda, the following resolutions were introduced by reference, offered by Councilwoman Mazzola, seconded by Council Vice President Marder and passed on a roll call vote of 3 - 0 in favor (Absent: Metzger, Scalea): Res. #2017-87 (Adopting Temporary Capital Budget 2017), Res. #2017-88 (Authorizing Engineering Services Design & Bid - Road Improvements 2017), Res. #2017-89 (Award of Bid - Texas Road Improvements - Phase III), Res. #2017-90 (Authorizing Transfer

and Acceptance of Surplus Military Equipment from US Dept of Defense (DOD) 1033 Program), Res. #2017-91 (Confirming Sale of Solar Renewable Energy Credits - SRECs) and Res. #2017-92 (Redemption Tax Sale Certs - Various).

RESOLUTION # 2017-87

RESOLUTION ADOPTING A TEMPORARY CAPITAL
BUDGET CALENDAR YEAR 2017

WHEREAS, the Township of Marlboro, County of Monmouth, desires to establish a 2017 Temporary Capital Budget to permit various capital improvements,

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

SECTION 1.

The 2017 Temporary Capital Budget for Township of Marlboro is hereby constituted as follows:

Project Title	Estimated 2017 Cost	Capital Improvement Fund	Grants in Aid and Other Funds	Debt Authorized
<u>General Capital</u>				
Bldg Improvements	1,426,502.00	50,364.05	419,221.00	956,916.95
Cable Television Equipment	3,000.00	150.00	0.00	2,850.00
Equipment-DPW	232,501.00	21,625.05	0.00	210,875.95
Equipment-Other	45,000.00	2,250.00	0.00	42,750.00
Equipment-Police Dept	238,291.00	11,914.55	0.00	226,376.45
Furniture	24,790.00	1,239.50	0.00	23,550.50
Furniture-Police Dept	7,402.00	370.10	0.00	7,031.90
MIS Equipment	240,299.99	12,015.00	0.00	228,284.99
Office Equipment	28,003.00	850.15	11,000.00	16,152.85
Open Space	100,008.00	0.00	100,008.00	0.00
Park Improvements	1,517,478.00	26,733.90	982,800.00	507,944.10
Storm drainage improvements	178,501.00	7,063.45	37,232.00	134,205.55
Street Improvements and Resurfacing	1,915,000.00	72,029.65	474,407.00	1,368,563.35
Aquatic Center Improvements	11,900.00	595.00	0.00	11,305.00
Traffic Intersection Reconstruct/Rep	2.00	0.00	2.00	0.00
Vehicles-Ambulance	235,000.00	11,750.00	0.00	223,250.00
Vehicles-DPW	545,000.00	27,250.00	0.00	517,750.00
Vehicles-Other	48,000.00	1,050.00	27,000.00	19,950.00
Vehicles-Police Dept	164,600.00	8,230.00	0.00	156,370.00
	6,961,277.99	255,480.40	2,051,670.00	4,654,127.59
<u>Water Capital</u>				
Equipment-Water	72,000.00	0.00	0.00	72,000.00
Office Equipment	1.00	0.00	0.00	1.00
Vehicles-Water	40,000.00	0.00	0.00	40,000.00
Water Plant Upgrades or Rehab	500,001.00	0.00	0.00	500,001.00
Water System Improvements	1,867,000.00	0.00	80,002.00	1,786,998.00
Water Tank Upgrade or Rehab	1,200,000.00	0.00	0.00	1,200,000.00
Water Well Upgrade or Rehab	944,500.00	0.00	0.00	944,500.00
	4,623,502.00	0.00	80,002.00	4,543,500.00
<u>Recreation Capital</u>				
Office Equipment	7,000.00	0.00	0.00	7,000.00
Swim Club Improvements	66,570.00	0.00	66,570.00	0.00
	73,570.00	0.00	66,570.00	7,000.00

SECTION 2.

The Municipal Clerk be and is authorized and directed to file a certified copy of this resolution with the Division of Local Government Services, Department of Community Affairs, State of New Jersey.

SECTION 3.

The aforementioned capital projects shall be included in the 2017 Permanent Capital Budget as adopted.

RESOLUTION # 2017-88

A RESOLUTION AUTHORIZING AN AMENDMENT TO A PROFESSIONAL SERVICES CONTRACT BETWEEN CME ASSOCIATES AND THE TOWNSHIP OF MARLBORO FOR PROFESSIONAL

ENGINEERING SERVICES FOR ROAD AND DRAINAGE
IMPROVEMENTS

WHEREAS, the Township of Marlboro authorizes certain road and drainage improvements ("Projects") as part of its annual capital program; and

WHEREAS, the Township is in need of professional engineering services for design, bid and construction management activities associated with the Projects; and

WHEREAS, CME Associates has provided a proposal dated January 27, 2017 (the "Proposal") for the survey, design, permitting and bid phase professional services required in connection with the Projects; 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 Projects at a fee not to exceed \$80,500.00 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 in the amount of \$80,500.00 are available for this purpose from Capital Account #04-215-14-03B-060288; 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 Projects 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 Political Contribution Disclosure Form in accordance with P.L. 2005, c.271.

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 for PROFESSIONAL ENGINEERING SERVICES FOR ROAD AND SIDEWALK IMPROVEMENTS by way of its Township Engineers ("Professional Services"), at a fee not to exceed \$80,500.00 for such Professional Services, as further described and set forth in CME's Proposal dated January 30, 2017 ("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 \$80,500.00 for such additional Professional Services for the Projects as described in the Proposal; 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 Business Administrator
- c. Township Chief Financial Officer

RESOLUTION # 2017-89

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT TO
S. BROTHERS INC. FOR TEXAS ROAD IMPROVEMENTS - PHASE III

WHEREAS, the Township of Marlboro as part of its 2016 capital program (060-4) authorized road improvements to Texas Road; and

WHEREAS, Marlboro Township has received a grant in the amount of \$240,000.00 from the New Jersey Department of Transportation for funding for improvements to Texas Road; and

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for TEXAS ROAD IMPROVEMENTS - PHASE III, and on January 18, 2017, received fifteen (15) bids, as follows:

#	Bidder	Bidder Address	Bid Price
1	S. Brothers Inc.	PO Box 317, South River, NJ 08882	\$269,664.36
2	MECO, Inc.	PO Box 536, Clarksburg, NJ 08510	\$283,784.20
3	Lucas Brothers, Inc.	80 Amboy Road, Morganville, NJ 07751	\$283,826.96
4	Earle Asphalt Co.	PO Drawer 556, Farmingdale, NJ 07727	\$284,013.13
5	S&G Paving Construction Inc.	224C Forsgate Drive, Monroe, NJ 08831	\$285,526.22
6	Lucas Construction Group, Inc.	173 Amboy Road, Morganville, NJ 07751	\$289,289.00
7	JTG Construction Inc.	188 Jefferson Street, Ste 387, Newark, NJ 07105	\$305,010.00
8	Z Brothers Concrete Contractors	304 Jernee Mill Road, Sayreville, NJ 08872	\$306,687.76
9	Black Rock Enterprises, LLC	1316 Englishtown Road, NJ 08857	\$310,910.46
10	Mark Paving Co., Inc.	77 Cutters Dock Road, Woodbridge, NJ 07095	\$318,785.70
11	P&A Construction Inc.	PO Box 28, Colonia, NJ 07067	\$337,184.36
12	L&L Paving Company	3068 Shafto Road, Tinton Falls, NJ 07753	\$339,490.00
13	C.J. Hesse Inc.	PO Box 207, Belford, NJ 07718	\$357,431.16
14	Renda Roads	PO Box 89, Whitehouse, NJ 08888	\$377,024.00
15	Green Construction Inc.	PO Box 550, South River, NJ 08882	\$410,410.00

WHEREAS, it has been determined that the submission of the lowest bidder, S. BROTHERS INC. is responsive as detailed in a January 23, 2017 memo submitted by the Township Engineer; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation of the Township Engineer to award the bid 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 S. BROTHERS INC., whose address is PO Box 317, South River, NJ 08882 in an amount not to exceed \$269,664.36 for TEXAS ROAD IMPROVEMENTS - PHASE III; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, a contract with S. BROTHERS INC. in an amount not to exceed \$269,664.36; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that sufficient funds in the amount of \$269,664.36 are available for the aforesaid contract in Capital Accounts #04-215-16-02B-060288 and #04-215-15-14A-120288; and

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

- a. S. Brothers Inc.
- b. Township Administrator
- c. Superintendent of Public Works
- d. Township Engineer
- e. Chief Financial Officer

RESOLUTION # 2017-90

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

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

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

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

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

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

- a. Human Resources
- b. Business Administrator
- c. Chief Financial Officer

RESOLUTION # 2017-91

RESOLUTION CONFIRMING SALE OF SOLAR RENEWABLE ENERGY CREDITS (S-RECS) THROUGH INTERNET-BASED AUCTIONS

WHEREAS, on January 19, 2017 (R.2017-78) the Township Council authorized the participation of Marlboro Township in the

New Jersey *E-Procurement Pilot Program* pursuant to the provision of the *Local Unit Electronic Technology Pilot Program and Study Act* (P.L. 2001, C. 30) and approved for the sale of Solar Renewable Energy Credits utilizing on-line competitive bidding services and, in particular, an internet-based auction platform, covering 50% or approximately 450 of the S-RECs anticipated to be generated during the June 1, 2017 - May 31, 2018 period (EY 2018) for a minimum S-REC price of \$220.00; and

WHEREAS, the Township Council authorized an agreement with Marex Spectron, with corporate offices located at 360 Madison Avenue, Third Floor, New York, NY 10017, as the on-line purchasing agent, to conduct competitive auctions utilizing an internet-based platform in conjunction with the Township's sale of S-RECs; and

WHEREAS on January 23, 2017 the Township accepted the high bid of \$222.50 per S-REC for 450 S-RECs (EY 2018) from EDF Trading North America, LLC, 4700 West Sam Houston Parkway North, Suite 250, Houston, TX 77041; and

WHEREAS, the Township Administration and Department of Public Works recommended the sale of the 450 EY 2018 SRECs at \$222.50 per S-REC, and the Business Administrator authorized the sale pursuant to R.2017-78.

NOW THEREFORE BE IT RESOLVED that the Township Council hereby confirms the acceptance of the bid of \$222.50 per S-REC for 450 S-RECs (EY 2018) to EDF Trading North America, LLC, 4700 West Sam Houston Parkway North, Suite 250, Houston, TX 77041.

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are hereby authorized to execute the necessary documents in a form approved by the Township Attorney to effectuate the transaction.

RESOLUTION # 2017-92

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$ 259,150.78 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 Township Council of the Township of Marlboro that the amount of \$ 259,150.78 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>
2016-090	288/14	Daxuan Wang 11 Walnut Street Livingston, NJ 07039 Assessed Owner: Wolf, Steven	16,449.01
2016-002	109/1	Tom Tiehua CAO 19 Edendale Street Ladera Ranch, CA 92694 Assessed Owner: US Bank National Association	2,400.72
2013-051	178/2/C0253	Bulwark Systems, LLC 22 Emily Road Manalapan, NJ 07726 Assessed Owner: Rullo, John	6,702.04
2015-066	225/230	Comian Investment Group 700 Route 130 Suite 101 Cinnaminson, NJ 8077 Assessed Owner: Manzo, Michael & Rose C/O Post Polak	19,971.39
2016-037	176/7/C0757	Actlien Holding Inc. 50 South 16 th Street Suite 2050 Philadelphia, PA 19102 Assessed Owner: Roy, Krishnendu	2,265.58
2015-116	401/17	Sunshine State Certificates VI, LLC 7900 Miami Lakes Drive West Miami Lakes, FL 33016 Assessed Owner: Hunt, Dennis & Joann	63,967.76
2016-129	401/17	MTAG as Custodian for Alterna Funding P.O. Box 54817 New Orleans, LA 70154 Assessed Owner: Hunt, Dennis & Joann	11,796.53

SCHEDULE "A" continued

<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>LIENHOLDER</u>	<u>AMOUNT</u>
2016-074	225/174	TWR as CST for Ebury Fund 2 P.O. Box 54908 New Orleans, LA 70154 Assessed Owner: Mishra, Sidharth & Rashmi	287.12
2014-060	213.01/44	MTAG Custodian for Fig Capital Investments 8323 Ramona Blvd West Suite 2 Jacksonville, FL 32221 Assessed Owner: Marlboro Development GR C/O Bathgat	135,310.63
TOTALS:			259,150.78

At 7:20 PM, Councilwoman Mazzola moved that the meeting be adjourned. This was seconded by Council Vice President Marder, and passed on a roll call vote of 3 - 0 in favor (Absent: Metzger, Scalea).

MINUTES APPROVED: MARCH 2, 2017

OFFERED BY: MARDER AYES: 3

SECONDED BY: MAZZOLA NAYS: 0

ABSTAIN: METZGER, SCALEA

ALIDA MANCO,
MUNICIPAL CLERK

JEFF CANTOR,
COUNCIL PRESIDENT