

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

March 2, 2017

The Marlboro Township Council held its regularly scheduled Meeting on March 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, Councilman Metzger, Councilman Scalea and Council President Cantor.

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

Council Vice President Marder moved that the minutes of February 2, 2017 and the Budget minutes of February 6, 2017 be approved. This was seconded by Councilwoman Mazzola, and passed on a roll call vote of 3 - 0, with Councilman Metzger and Scalea abstaining.

The following Resolution #2017-93/Ordinance #2017-2 (Bond Ordinance - General Capital Improvements) was introduced by reference, offered by Councilman Scalea and seconded by Council Vice President Marder. Council President Cantor opened the Public Hearing on Ordinance #2017-2. 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 5 - 0 in favor.

RESOLUTION # 2017-93

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.

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

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

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>	Appropriation & <u>Estimated Cost</u>	Estimated Maximum Amount of <u>Bonds & Notes</u>	<u>Period of Usefulness</u>
a) <u>Municipal Clerk</u> The acquisition of bookshelves and file cabinets, including all related work and expenditures incidental thereto.	\$2,565	\$2,437	5 years
b) <u>Administration</u> The acquisition of furnishings, including, but not limited to, file cabinets and copiers, including all related work and expenditures incidental thereto.	\$11,639	\$11,057	5 years
c) <u>General Computer Office</u> 1) The acquisition of equipment, including, but not limited to, 5 year MS Licensing, rack mount servers and storage devices, firewall and network hardware	\$169,538	\$161,061	5 years

<p>improvements, personal computers and laptops, and laser printers, and further including all related cost and expenditures incidental thereto.</p> <p>2) The acquisition of a portable production studio, including all related costs and expenditures incidental thereto.</p>	<p>\$3,090</p>	<p>\$2,935</p>	<p>10 years</p>
<p>d) <u>Engineering</u></p> <p>1) The Road Improvement Program, including street improvements and resurfacing to Greenwood Road (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>\$1,514,100</p> <p>\$161,656</p>	<p>\$1,438,395</p> <p>\$153,573</p>	<p>10 years</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, including all related costs and expenditures incidental thereto.</p>	<p>\$242,050</p>	<p>\$229,947</p>	<p>5 years</p>
<p>g) <u>Police Department</u> 1) The acquisition of a truck/van and furniture, including all related costs and expenditures incidental thereto. 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</p>	<p>\$42,645</p>	<p>\$40,514</p>	<p>5 years</p>
<p>\$195,996</p>	<p>\$186,196</p>	<p>10 years</p>	

all related costs and expenditures incidental thereto and further including all work and materials necessary therefor and incidental thereto.			
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
i) <u>Vehicle Maintenance</u> 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.	\$30,900	\$29,355	5 years
2) The acquisition of mechanic's	\$18,025	\$17,124	15 years

equipment, including all related costs and expenditures incidental thereto.			
j) <u>Recreation</u> 1) The acquisition of a minivan and a copier, including all related costs and expenditures incidental thereto.	\$28,840	\$27,397	5 years
2) Concrete repairs to the Aquatic Center Swim Club, including all work and materials necessary therefor and incidental thereto.	\$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 Resolution #2017-94/Ordinance #2017-3 (Bond Ordinance - Water Capital Improvements) was introduced by reference, offered by Councilman Metzger and seconded by Councilwoman Mazzola. Council President Cantor opened the Public Hearing on Ordinance #2017-3. 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 5 - 0 in favor.

RESOLUTION # 2017-94

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.

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

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

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	\$41,200	\$41,200	5 years

and expenditures incidental thereto.			
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 water main improvements, including all work and materials necessary therefor and incidental thereto.	<u>\$792,585</u>	<u>\$792,585</u>	40 years
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 Resolution #2017-95/Ordinance #2017-4 (Lease Purchase Financing and Acquisition of Police Cars) was introduced by reference, offered by Councilman Metzger and seconded by Council Vice President Marder. Council President Cantor opened the Public Hearing on Ordinance #2017-4. 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 5 - 0 in favor.

RESOLUTION # 2017-95

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.

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

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

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 Resolution #2017-96/Ordinance #2017-5 (Amending Various Fees) was introduced by reference, offered by Councilman Metzger and seconded by Councilwoman Mazzola. Council President Cantor opened the Public Hearing on Ordinance #2017-5. 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 5 - 0 in favor.

RESOLUTION # 2017-96

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

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

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

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

The following Resolution #2017-97/Ordinance #2017-6 (Regulating Vacant and Abandoned Properties) was introduced by reference, offered by Council Vice President Marder and seconded by Councilwoman Mazzola. Council President Cantor opened the Public Hearing on Ordinance #2017-6. 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 5 - 0 in favor.

RESOLUTION # 2017-97

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

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

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

The following Res. #2017-98/Ordinance #2017-7 (Exceed Municipal Budget Appropriation Limits and Establish Cap Bank 2017) was introduced by reference, offered by Council Vice President

Marder and seconded by Councilman Scalea, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2017-98

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

ORDINANCE # 2017-7

CALENDAR YEAR 2017

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 March 16, 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 # 2017-7

CALENDAR YEAR 2017

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 0.5% 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 Council of the Township of Marlboro in the County of Monmouth finds it advisable and necessary to increase its CY 2017 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 Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$996,675.42 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Township Council 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 2017 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 3.5%, amounting to \$996,675.42, and that the CY 2017 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 #2017-99 (Authorizing Self-Examination of Municipal Budget) was introduced by reference, offered by Council Vice President Marder, seconded by Councilman Scalea, and passed on a roll call vote of 5-0 in favor.

RESOLUTION # 2017-99

SELF-EXAMINATION OF BUDGET RESOLUTION

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted

to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Township of Marlboro has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2017 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the Township of Marlboro that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:

- a. Payment of interest and debt redemption charges
- b. Deferred charges and statutory expenditures
- c. Cash deficit of preceding year
- d. Reserve for uncollected taxes
- e. Other reserves and non-disbursement items
- f. Any inclusions of amounts required for school purposes.

2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).

3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

4. That pursuant to the Local Budget Law:

- a. All estimates of revenue are reasonable, accurate and correctly stated,
- b. Items of appropriation are properly set forth
- c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

Business Administrator Jonathan Capp gave a power point presentation and an overview of the 2017 budget.

The following Resolution #2017-100 (Introduction 2017 Municipal Budget) was introduced by reference, offered by Councilman Scalea, seconded by Councilman Metzger, and passed on a roll call vote of 5-0 in favor.

RESOLUTION # 2017-100

INTRODUCTION OF THE 2017 BUDGET

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 2017, 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 20, 2017 at the Township of Marlboro Municipal Complex.

The following Resolution #2017-101 (Consenting to Mayor's Appointment of Kenneth Liss - Marlboro Ethics Board - term expiring 3/31/2020) 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 # 2017-101

A RESOLUTION CONSENTING TO THE MAYOR'S APPOINTMENT
OF KENNETH LISS 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, there is currently a vacancy on the Ethics Board for an unexpired term, such term expiring March 31, 2020; and

WHEREAS, the Township Council desires to consent to the Mayor's Appointment of KENNETH LISS to fill such unexpired term, expiring March 31, 2020.

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 appointment of KENNETH LISS to the Marlboro Township Ethics Board in the position specified above, and for the term indicated above.

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

- a. Kenneth Liss
- b. Marlboro Township Ethics Board
- d. Mayor Jonathan L. Hornik
- e. Township Business Administrator
- f. Township Attorney Louis N. Rainone

The following Resolution #2017-102 (Authorizing Contract Energy Services Co (ESCO) - Develop and Implement Energy Savings Plan (ESP) in accordance with Energy Savings Improvement Program (ESIP)) 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 # 2017-102

RESOLUTION AUTHORIZING A CONTRACT WITH AN ENERGY SERVICES COMPANY (ESCO) TO DEVELOP AND IMPLEMENT AN ENERGY SAVINGS PLAN (ESP) IN ACCORDANCE WITH THE ENERGY SAVINGS IMPROVEMENT PROGRAM (ESIP)

WHEREAS, municipally-owned structures represent a substantial and critical component of the Township's fixed asset inventory; and

WHEREAS, improvements to municipal facilities are necessary in order to maintain them in safe working condition for use by the workforce and the public; and

WHEREAS, the Township's six (6) year capital program currently calls for various heating, ventilation, air conditioning, lighting, plumbing and building envelope improvements; and

WHEREAS, in the effort to identify alternate sources of funding for capital expenditures, the Township has recommended the use of a program established by the State of New Jersey under the Energy Savings Improvement Program Law ("ESIP Law"), P.L. 2009, c. 4, N.J.S.A. 40A:11-4.6 for energy saving facility improvements; and

WHEREAS, the Law established a mechanism for municipalities to package, finance and undertake facility improvements in a comprehensive and budget neutral fashion, with no impact on outstanding debt levels; and

WHEREAS, the mechanism for completing these improvements under an ESIP is the retention of an Energy Savings Company ("ESCO"), an entity responsible for an Energy Savings Plan ("ESP"), designing, bidding and managing the improvements, and insuring the results; and

WHEREAS, on June 22, 2016 (R.2016-216), pursuant to the ESIP Law, the Township Council authorized the use of the competitive contracting process to select and ESCO to develop and implement an Energy Savings Plan; and

WHEREAS, on June 25, 2016, Marlboro Township advertised and solicited proposals from the ESCOs pre-qualified by the State of New Jersey, and on September 8, 2016, received proposals from three (3) pre-qualified firms; and

WHEREAS, the Township Evaluation Committee, consisting of representatives from Administration, Public Works and Engineering reviewed the proposals and conducted in-person interviews with each of the three (3) proposers between October 11 and October 19, 2016; and

WHEREAS, on December 1, 2016 (R.2016-350), pursuant to the ESIP Law and following a fair and open process, the Township Council approved Remington & Vernick Engineers as the

Measurement & Verification Consultant, with an additional charge of assisting the Township in its review of the ESCO proposals; and

WHEREAS, in a memo dated January 27, 2017, the Evaluation Committee comprised of representatives from Administration, Public Works and Engineering recommended the award of contract to DCO Energy, LLC; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation of the Evaluation Committee, and to award the contract as set forth herein.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that a contract be awarded to DCO Energy, LLC, whose address is 100 Lenox Drive, Suite 100, Lawrenceville, NJ 08648, for a fixed fee calculated as a percentage of hard improvement costs of 22.80%, to develop and implement the Energy Savings Plan, to be paid through the energy savings generated by those improvements.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, a contract with DCO Energy, LLC in a form approved by the Township Attorney.

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

- a. DCO Energy, LLC
- b. Remington & Vernick Engineers, M&V Consultant
- c. Township Administrator
- d. Township Engineer
- e. Township Director of Public Works
- f. Township Chief Financial Officer

As the Consent Agenda, the following resolutions were introduced by reference, offered by Councilman Scalea, seconded by Council Vice President Marder. Discussion followed on Res. #2017-125, after which Res. #2017-103 through 125 were passed on a roll call vote of 4 - 1 in favor, with Councilwoman Mazzola voting no: Res. #2017-103 (Authorizing Contract Amendment - Licensed Site Remediation Professional (LSRP) Services - BLOCK 206, LOT 25 - Stattel Farm (Stand)), Res. #2017-104 (Appointment of Lori Russo as Finance Director), Res. #2017-105 (Appointment of Coleen Dolan as Tax Search Officer), Res. #2017-106 (Authorizing 2017 Temporary Emergency Budget Appropriations), Res. #2017-107 (Authorizing 2016 Reserve Year Budget Transfers) and Res. #2017-108 (Authorizing Unexpended 2016 Balances

Budgeted for Snow Removal to be Lapsed into Snow Removal Reserve)): Res. #2017-109 (Authorizing Unexpended 2016 Balances Budgeted for Accumulated Absences to be Lapsed into Accumulated Absences Reserve), Res. #2017-110 (Authorizing One Year Renewal - Single Site License Agreement - Diamond (Freneau Radio Tower)), Res. #2017-111 (Authorizing One Year Renewal - Water Distribution Products), Res. #2017-112 (Authorizing One Year Renewal - Coach Bus Transportation), Res. #2017-113 (Authorizing 2016 LOSAP Contribution - Morganville First Aid Squad) and Res. #2017-114 (Authorizing Execution of Revocable Property Use Licenses for Encroachments within Municipal "right of way"), Res. #2017-115 (Authorizing Replacement of Bond (M&M Properties, American Plaza 3)- Grading & Clearing), Res. #2017-116 (Authorizing Replacement of Bond (M&M Properties, American Plaza 3) - Site Restoration), Res. #2017-117 (Authorizing Replacement of Bond (M&M Properties, American Plaza 3) - Tree Replacement), Res. #2017-118 ("Resolution of Need" Designating Municipally-Sponsored Project as Meeting an Existing Housing Need - Tennent Rd., BL 149, LT 16 & BL 148, LT 31 (formerly Bluh & Batelli parcel ("C")), Res. #2017-119 (Authorizing Mon County to Conduct Mosquito Control) and Res. #2017-120 (Authorizing Submission of Recycling Tonnage Grant Application), Res. #2017-121 (Authorizing Application to NJ Division of Traffic Safety, 2017 Distracted Driving Grant)- Grading & Clearing), Res. #2017-122 (Authorizing Electronic Grant Application FY-2017 Highway Safety Fund Safe Corridors Act), Res. #2017-123 (Redemption Tax Sale Certs - Various), Res. #2017-124 ("Refunds for Overpayments - 2017 Taxes), Res. #2017-125 (Authorizing Acquisition of a Piece of Military Equipment for Marlboro Township Veterans Memorial).

RESOLUTION # 2017-103

A RESOLUTION AUTHORIZING AN AMENDMENT TO A PROFESSIONAL SERVICES CONTRACT BETWEEN CME ASSOCIATES AND THE TOWNSHIP OF MARLBORO FOR LICENSED SITE REMEDIATION PROFESSIONAL (LSRP) SERVICES IN CONNECTION WITH THE PROPERTY "STATTEL FARM(STAND)", LOCATED ON ROUTE 79, MARLBORO, NEW JERSEY, ALSO KNOWN AS BLOCK 206, LOT 25

WHEREAS, following the completion of a Preliminary Assessment Report (PAR) authorized by the Municipal Council on October 20, 2016 (R. 2016-318) and the environmental site investigation services authorized by the Municipal Council on January 5, 2017 (R. 2017-059), the Township requires the services of a Licensed Site Remediation Professional (LSRP) in order to close out the remediation case with the NJDEP and issue a Response Action Outcome (RAO), in connection with the property known as "Stattel Farm(stand)", Block 206, Lot 25 ("the Project"); and

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

WHEREAS, the Township received a proposal dated December 12, 2016 (the "Proposal") from CME Associates (the "Business Entity") in response to a Request for Qualifications for the services of a Township Engineer issued by the Township which sets forth the terms and conditions under which such services are to be rendered by the Business Entity under a contract to be awarded pursuant to a fair and open process in accordance with the provisions of N.J.S.A 19:44A-20.5; and

WHEREAS, CME Associates has provided a proposal dated February 6, 2017 (the "Proposal") for the specific Professional Services required in connection with the Project for a fee not to exceed \$26,226.00; and

WHEREAS, it has been determined that the value of the contract will exceed \$17,500.00 in the aggregate; and

WHEREAS, the Chief Financial Officer has certified that funds in the amount of \$26,226.00 are available for this purpose from Account #04-215-11-04A-140291; and

WHEREAS, the Township has been provided with the Business Entity's Political Contribution Disclosure Form at least ten (10) days prior hereto, as required by P.L. 2005, c.271.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that a Professional Services Contract between CME Associates and the Township of Marlboro, be amended to expand the scope of services to include LICENSED SITE REMEDIATION PROFESSIONAL (LSRP) SERVICES by way of its Township Engineers, at a fee not to exceed \$26,226.00 for such Professional Services, as further described and set forth in CME's Proposal dated February 6, 2017, be and hereby is authorized; and

BE IT FURTHER RESOLVED, that the Mayor and Town Clerk are hereby authorized and directed to execute, seal and deliver said Contract for Professional Services on behalf of and in the name of the Township of Marlboro; and

BE IT FURTHER RESOLVED, that this Professional Services Contract is awarded without competitive bidding pursuant to N.J.S.A. 40A:44-5(1)(a)(i) and shall provide for compensation in

an amount not to exceed \$26,226.00 for such additional Professional Services for the Project 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 the 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 Administrator
- c. Township Chief Financial Officer

RESOLUTION # 2017-104

RESOLUTION CONFIRMING APPOINTMENT OF DIRECTOR
OF FINANCE FOR THE TOWNSHIP OF MARLBORO

WHEREAS, Mayor Jonathan Hornik has appointed Lori Russo, CMFO, CPA as Finance Director for the Township of Marlboro for a term ending on December 31, 2019; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey that it hereby confirms the appointment, by Mayor Jonathan Hornik, of Lori Russo, for a term ending on December 31, 2019.

RESOLUTION # 2017-105

APPOINTMENT OF TAX SEARCH OFFICER

WHEREAS, N.J.S.A. 54:5-11 provides that the governing body of each municipality shall from time to time by resolution designate an official in the municipality to make examinations of its records as to unpaid municipal liens and to certify the results thereof.

NOW THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that COLLEEN DOLAN is hereby appointed Tax Search Officer for the Township of Marlboro, until a successor is duly qualified and appointed.

RESOLUTION # 2017-106

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 2017 Municipal budget; and

WHEREAS, this resolution authorizes appropriations representing 50% of the full 2016 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 2017 pursuant to the provisions of N.J.C.A. 40A 4-20 (Chapter 96, P.L.1951 as amended) including this resolution total: \$25,612,514.02 for the municipal budget, \$6,842,578.45 for the operations of the water utility, and \$1,309,611.54 for the operations of the recreation and swim 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 2017 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.

RESOLUTION # 2017-107

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 2016 Municipal Budget) as follows:

Current Fund:		
Account	From	To
(2016) Employee Insurance - Other Expenses	\$ 50,000.00	
(2016) Police Salary & Wages	202,000.00	
(2016) Snow Removal Other Expenses	200,000.00	
(2016) Liability Insurance - Other Expenses		\$ 50,000.00
(2016) Accumulated Absences		402,000.00
	<u>\$ 452,000.00</u>	<u>\$ 452,000.00</u>

RESOLUTION # 2017-108

RESOLUTION AUTHORIZING UNEXPENDED 2016 BALANCES BUDGETED FOR SNOW REMOVAL TO BE LAPSED INTO THE SNOW REMOVAL RESERVE PURSUANT TO NJSA 40A:4-62.1

WHEREAS, NJSA 40A:4-62.1 permits a local unit to establish a snow removal reserve; and

WHEREAS, the Township of Marlboro has established a snow removal reserve; and

WHEREAS, once an snow removal reserve is established, unexpended balances budgeted annually for snow removal may be lapsed into the reserve; and

WHEREAS, due to the severity of the past several winter seasons, during which the Township utilized an extraordinary amount of de-icing agent to maintain the safety of the roadways, it is recommended that the Township transfer \$600,000.00 to the snow removal reserve.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that \$600,000.00 of unexpended 2016 budget appropriations for snow removal be transferred to the snow removal reserve.

RESOLUTION # 2017-109

RESOLUTION AUTHORIZING UNEXPENDED 2016 BALANCES BUDGETED FOR ACCUMULATED ABSENCES TO BE LAPSED INTO THE ACCUMULATED ABSENCE RESERVE PURSUANT TO NJAC 5:30-15

WHEREAS, NJAC 5:30-15 permits a local unit to establish a reserve for the payment of accumulated absences; and

WHEREAS, the Township of Marlboro has established a reserve for accumulated absences; and

WHEREAS, once an accumulated absence reserve is established, unexpended balances budgeted annually for compensated absences may be lapsed into the reserve; and

WHEREAS, it is recommended that the Township transfer \$403,000.00 to the accumulated absence reserve.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that \$403,000.00 of unexpended 2016 budget appropriations for accumulated absences be transferred to the accumulated absence reserve.

RESOLUTION # 2017-110

A RESOLUTION AUTHORIZING THE EXTENSION OF A SINGLE SITE LICENSE AGREEMENT BETWEEN THE TOWNSHIP OF MARLBORO AND DIAMOND TOWERS II LLC TO OPERATE A WIRELESS COMMUNICATION FACILITY AND ANTENNAE FOR THE MARLBORO TOWNSHIP POLICE DEPARTMENT

WHEREAS, the Township of Marlboro ("Township") entered into a Single Site License Agreement with Diamond Towers II LLC ("Diamond Towers") in order to install, operate and maintain a wireless communications facility and antennae ("Communications Facility") located at Wilson Avenue, Matawan, New Jersey (the "Premises") for use by the Marlboro Township Police Department and other Township emergency services in order to preserve the health, safety and welfare of the citizens of the Township of Marlboro, Monmouth County, New Jersey; and

WHEREAS, on April 16, 2015 (Ordinance #2015-5) the Township Council of the Township of Marlboro authorized the extension of the Single Site License Agreement with Diamond Towers for a term of two (2) years, with an option for one (1) additional one (1) year renewal term for compensation in the amount of Three Hundred Dollars and 00/100 (\$300.00) per month, such annual compensation to be increased by four percent (4%) for each renewal term entered upon; and

WHEREAS, the Township Police Department wishes to extend the Single Site License Agreement with Diamond Towers for an additional one (1) year renewal term.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract be

renewed with Diamond Towers for a period of one year through December 31, 2017; and

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

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that sufficient funds are available in Current Account #01-201-25-212-216212 in an amount not to exceed \$4,500.00; and

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

- a. Diamond Towers II LLC
- b. Township Business Administrator
- c. Chief of Police
- d. Chief Financial Officer

RESOLUTION # 2017-111

A RESOLUTION AUTHORIZING YEAR 2 OF CONTRACT TO WATER WORKS SUPPLY CO., INC. FOR THE SUPPLY OF WATER DISTRIBUTION PRODUCTS FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS WATER UTILITY DIVISION

WHEREAS, on February 11, 2016 (R.2016-077) the Municipal Council of the Township of Marlboro awarded a contract to WATER WORKS SUPPLY CO., INC. for the SUPPLY OF WATER DISTRIBUTION PRODUCTS FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS WATER UTILITY DIVISION; and

WHEREAS, the bid specifications included the option to renew said contract for an additional one (1) two-year period or two (2) one-year periods based on the same terms and conditions as specified in the bid proposal; and

WHEREAS, in a memo dated February 2, 2017, the Director 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.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract be awarded to WATER WORKS SUPPLY CO., INC. whose address is 660 State Highway 23, PO Box 306, Pompton Plains, New Jersey 07444 for a period of one year expiring on February 28, 2018, in an

amount not to exceed \$189,713.90; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, a contract with WATER WORKS SUPPLY 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 that funds in the amount of \$17,500.00 have been certified by the Chief Financial Officer from Water Utility Account #05-201-55-500-251020; and

BE IT FURTHER RESOLVED, funds for the remaining portion will be certified 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. Water Works Supply CO., INC.
- b. Township Business Administrator
- c. Township Director of Public Works
- d. Township Chief Financial Officer

RESOLUTION # 2017-112

A RESOLUTION AUTHORIZING YEAR 2 OF CONTRACT TO SUBURBAN TRAILS, INC. FOR COACH BUS TRANSPORTATION FOR THE TOWNSHIP OF MARLBORO RECREATION DEPARTMENT

WHEREAS, on February 11, 2016 (R.2016-078) the Township Council of the Township of Marlboro awarded a contract to SUBURBAN TRAILS, INC. for COACH BUS TRANSPORTATION FOR THE TOWNSHIP OF MARLBORO RECREATION DEPARTMENT; and

WHEREAS, the bid specifications included the option to renew said contract for an additional one (1) two-year period or two (2) one-year periods based on the same terms and conditions as specified in the bid proposal; and

WHEREAS, in a memo dated February 2, 2017, the Director of Recreation 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.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract be awarded to SUBURBAN TRAILS, INC. whose address is 750 Somerset Street, New Brunswick, New Jersey 08901 for a period of one year beginning on March 1, 2017, in an amount not to exceed the

budgeted amount of \$103,500.00; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, a contract with SUBURBAN TRAILS, 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 in the amount of \$103,500.00 have been certified by the Chief Financial Officer from Current Account #01-201-28-145-288471 (\$19,500.00) and Utility Account #09-201-55-400-288485 (\$84,000.00); and

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

- a. SUBURBAN TRAILS, INC.
- b. Township Business Administrator
- c. Township Recreation Director
- d. Township Chief Financial Officer

RESOLUTION # 2017-113

RESOLUTION ADJUSTING THE ANNUAL LOSAP CONTRIBUTION
AND CERTIFYING LIST OF QUALIFIED VOLUNTEER MEMBERS

WHEREAS, a Length of Service Award Program (LOSAP) was approved by referendum in 2001 to reward members of the Marlboro First Aid Squad and the Morganville First Aid Squad for their services to the residents of Marlboro Township, in accordance with Chapter 399 of the Laws of 1997; and

WHEREAS, the Township of Marlboro makes annual LOSAP contributions for the volunteers who meet the annual qualifications as certified by the LOSAP Chairman of both the Marlboro and Morganville First Aid Squads, and

WHEREAS, the Township of Marlboro passed Ordinance 2008-2 in 2008 which prospectively increased the annual LOSAP contribution by the amount of the regional Consumer Price Index, and

WHEREAS, the regional CPI (Consumer Price Index) for the purpose of adjusting the annual LOSAP contribution made on behalf of every qualifying volunteer was 1.3%, making the annual contribution \$1,286.45 per qualifying participant, and

WHEREAS, pursuant to N.J.S.A. 40A:14-191, emergency service organizations participating in a LOSAP shall annually certify to the sponsoring agency a list of all volunteer members who have

qualified for credit under the LOSAP program for the previous year; and

WHEREAS, upon receipt of the certified list from the emergency service organizations, the sponsoring agency shall review the list and upon finding that the list is accurate, approval shall be made by resolution of the governing body; and

WHEREAS, the Plan Administrator has reviewed the attached certified list of qualified volunteer members submitted by the Morganville First Aid Squad and recommends approval by the Township Council.

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

1. The Township Council hereby approves the certified list of volunteer members who have qualified for credit under the LOSAP program for 2016, a copy of which is attached hereto and made part of this resolution.
2. The Municipal Clerk and the Morganville First Aid Squad are hereby directed to post said certified list for a period of 30 days as required by the governing State statutes.

RESOLUTION # 2017-114

A RESOLUTION AUTHORIZING THE MAYOR'S EXECUTION OF
REVOCABLE PROPERTY USE LICENSES FOR ENCROACHMENTS
WITHIN THE MUNICIPAL RIGHT-OF-WAY FOR THE TOWNSHIP
OF MARLBORO, MONMOUTH COUNTY, NEW JERSEY

WHEREAS, the Township of Marlboro has, from time to time, received requests from property owners for permission to encroach upon a municipal right-of-way in order to construct a fence, decorative driveway stanchion, or other similar property enhancement; and

WHEREAS, the Township of Marlboro is willing to review such requests and grant same on a case-by-case basis, provided that: (1) the size of any proposed encroachment is minimal; (2) the property owner indemnifies and holds harmless the Township of Marlboro from and against any and all damages, claims, suits and judgments, including costs and fees arising from such property owner's use within such municipal right-of-way; and (3) such property owner shall maintain the municipal right-of-way at their sole cost and expense; and

WHEREAS, Attachment "A" contains the current list of property owners that have requested permission to encroach upon a municipal right-of-way.

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that the Mayor and Clerk are hereby authorized to, respectively, execute and witness, Revocable Property Use Licenses for Encroachments within the Municipal Right-of-Way of the Township of Marlboro, as same may be approved by the Township Zoning Officer, Engineer and Attorney, and provided that: (1) the size of any proposed encroachment is minimal; (2) each such Revocable License shall indemnify and hold the Township of Marlboro harmless from and against any and all damages, claims, suits and judgments, including costs and fees arising from such property owner's use within such municipal right-of-way; and (3) such property owner shall maintain the municipal right-of-way at their sole cost and expense; and

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

- a. Mayor Jonathan Hornik
- b. Township Business Administrator
- c. Township Zoning Officer
- d. Township Engineer
- e. Rainone Coughlin Minchello, LLC

RESOLUTION # 2017-115

RESOLUTION AUTHORIZING THE REPLACEMENT OF PERFORMANCE GUARANTEE FOR THE SITE KNOWN AS M&M AT 483 Route 79, LLC, BLOCK 122 LOTS 27.03 AND 27.04 (formerly BLOCK 122, LOTS 27.01 AND 27.02), TOWNSHIP OF MARLBORO, NEW JERSEY

WHEREAS, the Developer, M & M at 483 Route 79, LLC (the "Developer") delivered a Performance Guarantee issued by First Indemnity of America Insurance Company, No. FP0017824 in the amount of \$161,514.00, (the "Original Bond") for clearing and grading improvements on property known as Block 122, Lots 27.03 & 27.04 (formerly Block 122, Lots 27.01 & 27.02), Township of Marlboro, New Jersey; and

WHEREAS, the Developer desires to replace the Original Bond with a replacement bond issued by Endurance Assurance Corporation, No. EACX107000022 in the respective amount of \$161,514.00; and

WHEREAS, Developer requests that the Township accept the Replacement Bond and release and return the Original Bond issued by First Indemnity of America Insurance Company to the attention of Rose Ann Quinn of Edgewood Properties, Inc.; and

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

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 Performance Guarantee in the form of a Bond issued by First Indemnity of America Insurance Company, No. FP0017824 in the amount of \$161,514.00, for clearing and grading improvements on the property known as Block 122, Lots 27.03 & 27.04 (formerly Block 122, Lots 27.01 & 27.02), Township of Marlboro, New Jersey, and the return of same to the attention of Rose Ann Quinn of Edgewood Properties, Inc; and

BE IT FURTHER RESOLVED, that the Township Council of the Township of Marlboro hereby authorizes the acceptance of the replacement Bond issued by Endurance Assurance Corporation, No. EACX107000022 in the respective amount of \$161,514.00, for clearing and grading improvements on the property known as Block 122, Lots 27.03 & 27.04 (formerly Block 122, Lots 27.01 & 27.02), 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. Edgewood Properties, Inc
- b. First Indemnity of America Insurance Company
- c. Endurance Assurance Corporation
- d. Mayor Jonathan L. Hornik
- e. Township Business Administrator
- f. Township Engineer
- g. Township Chief Financial Officer
- h. DeCotiis, FitzPatrick & Cole, LLP

RESOLUTION # 2017-116

RESOLUTION AUTHORIZING THE REPLACEMENT OF PERFORMANCE GUARANTEE FOR THE SITE KNOWN AS AMERICAN PLAZA 3 LLC, 623 TEXAS ROAD, BLOCK 176, LOT 2, TOWNSHIP OF MARLBORO, AND BLOCK 21002, LOT 3, TOWNSHIP OF OLD BRIDGE, NEW JERSEY

WHEREAS, the Developer, American Plaza 3, LLC (the "Developer") delivered a Performance Guarantee issued by First Indemnity of America Insurance Company, No. FP0019937 in the amount of \$26,136.00, (the "Original Bond") for site restoration on property known as 623 Texas Road, Block 176, Lot 2, Township of Marlboro, and Block 21002 Lot 3, Township of Old Bridge, New Jersey; and

WHEREAS, the Developer desires to replace the Original performance guarantee with a replacement performance guarantee issued by Endurance Assurance Corporation, Bond No. EACX107000005 in the respective amounts of \$26,136.00; and

WHEREAS, Developer requests that the Township accept the Replacement performance guarantee and release and return the Original performance guarantee issued by First Indemnity of America Insurance Company to the attention of Rose Ann Quinn of Edgewood Properties, Inc.; and

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

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 Performance Guarantee in the form of a Bond issued by First Indemnity of America Insurance Company, Bond No. FP0019937 in the amount of \$26,136.00, for site restoration on the property known as Block 176, Lot 2, Township of Marlboro, and Block 21002, Lot 3, Township of Old Bridge, New Jersey, and the return of same to the attention of Rose Ann Quinn of Edgewood Properties, Inc; and

BE IT FURTHER RESOLVED, that the Township Council of the Township of Marlboro hereby authorizes the acceptance of the Performance Guarantee issued by Endurance Assurance Corporation, Bond No. EACX107000005 in the respective amount of \$26,136.00 for site restoration on the property known as Block 176, Lot 2, Township of Marlboro, Block 21002, Lot 3, Township of Old Bridge, New Jersey; and

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

- a. First Indemnity of America Insurance Company
- b. Endurance Assurance Corporation
- c. Edgewood Properties, Inc.

- d. Mayor Jonathan L. Hornik
- e. Township Business Administrator
- f. Township Engineer
- g. Township Chief Financial Officer
- h. DeCotiis, FitzPatrick & Cole, LLP

RESOLUTION # 2017-116

RESOLUTION AUTHORIZING THE REPLACEMENT OF PERFORMANCE GUARANTEE FOR THE SITE KNOWN AS AMERICAN PLAZA 3 LLC, 623 TEXAS ROAD, BLOCK 176, LOT 2, TOWNSHIP OF MARLBORO, AND BLOCK 21002, LOT 3, TOWNSHIP OF OLD BRIDGE, NEW JERSEY

WHEREAS, the Developer, American Plaza 3, LLC (the "Developer") delivered a Performance Guarantee issued by First Indemnity of America Insurance Company, No. FP0019937 in the amount of \$26,136.00, (the "Original Bond") for site restoration on property known as 623 Texas Road, Block 176, Lot 2, Township of Marlboro, and Block 21002 Lot 3, Township of Old Bridge, New Jersey; and

WHEREAS, the Developer desires to replace the Original performance guarantee with a replacement performance guarantee issued by Endurance Assurance Corporation, Bond No. EACX107000005 in the respective amounts of \$26,136.00; and

WHEREAS, Developer requests that the Township accept the Replacement performance guarantee and release and return the Original performance guarantee issued by First Indemnity of America Insurance Company to the attention of Rose Ann Quinn of Edgewood Properties, Inc.; and

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

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 Performance Guarantee in the form of a Bond issued by First Indemnity of America Insurance Company, Bond No. FP0019937 in the amount of \$26,136.00, for site restoration on the property known as Block 176, Lot 2, Township of Marlboro, and Block 21002, Lot 3, Township of Old Bridge, New Jersey, and the return of same to the attention of Rose Ann Quinn of Edgewood Properties, Inc; and

BE IT FURTHER RESOLVED, that the Township Council of the Township of Marlboro hereby authorizes the acceptance of the Performance Guarantee issued by Endurance Assurance Corporation, Bond No. EACX107000005 in the respective amount of \$26,136.00 for site restoration on the property known as Block 176, Lot 2, Township of Marlboro, Block 21002, Lot 3, Township of Old Bridge, New Jersey; and

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

- a. First Indemnity of America Insurance Company
- b. Endurance Assurance Corporation
- c. Edgewood Properties, Inc.
- d. Mayor Jonathan L. Hornik
- e. Township Business Administrator
- f. Township Engineer
- g. Township Chief Financial Officer
- h. DeCotiis, FitzPatrick & Cole, LLP

RESOLUTION #2017-118

RESOLUTION OF NEED

WHEREAS, Community Investment Strategies, Inc. (hereinafter referred to as the "Sponsor") propose to construct an approximately 252 unit housing project, in two phases, including one unrestricted superintendent unit in each phase, with the first Phase of 156 units and the Second Phase of 96 units (hereinafter referred to as the "Project") pursuant to the provisions of the New Jersey Housing and Mortgage Finance Agency Law of 1983, as amended (N.J.S.A. 55:14K-1 et seq.), the rules promulgated thereunder at N.J.A.C. 5:80-1.1 et seq., and all applicable guidelines promulgated thereunder (the foregoing hereinafter collectively referred to as the "HMFA Requirements") within the Township of Marlboro (hereinafter referred to as the "Municipality") on a site described as Block 149, Lot 16, and Block 148, Lot 31, as shown on the Official Assessment Map of the Township of Marlboro, Monmouth County, New Jersey; and

WHEREAS, the Project will be subject to the HMFA Requirements and the mortgage and other loan documents executed between the Sponsor and the New Jersey Housing and Mortgage Finance Agency (hereinafter referred to as the "Agency"); and

WHEREAS, the Project may be subject to requirements of the

New Jersey Department of Community Affairs (hereinafter referred to as the "Department of Community Affairs"), Neighborhood Preservation Balanced Housing Program in accordance with N.J.S.A. 52:27D-320 and applicable rules promulgated thereunder at N.J.A.C. 5:43-1.1 et seq., and the mortgage and other loan documents executed between the Sponsor and the Commissioner of the Department of Community Affairs, or any other Department of Community Affairs programs as applicable; and

WHEREAS, pursuant to the HMFA Requirements, the governing body of the Municipality hereby determines that there is a need for this housing project in the Municipality.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro (the "Council") that:

- (1) The Council finds and determines that the Project proposed by the Sponsor meets or will meet an existing housing need;
- (2) The Council does hereby adopt the within Resolution and makes the determination and findings herein contained by virtue of, pursuant to, and in conformity with the provisions of the HMFA Law to enable the Agency to process the Sponsor's application for Agency funding to finance the Project.

RESOLUTION # 2017-119

AUTHORIZING THE COUNTY OF MONMOUTH MOSQUITO CONTROL
DIVISION TO CONDUCT AERIAL MOSQUITO CONTROL
OPERATIONS WITHIN THE TOWNSHIP OF MARLBORO

WHEREAS, the Monmouth County Board of Chosen Freeholders, pursuant to N.J.S.A. 26:9-27 et seq. has elected through its Mosquito Control Division to perform all acts necessary for the elimination of mosquito breeding areas and/or to exterminate mosquitoes within the county; and

WHEREAS, the County has instituted an Integrated Pest Management Program consisting of surveillance, water management, biological control, and chemical control to exterminate the mosquito population within the County of Monmouth; and

WHEREAS, prior to conducting aerial dispensing operations over a designated "congested area," the County is required, pursuant to Federal Aviation Administration Regulation (FAR Part 137.51), to secure prior written approval from the governing

body of the political subdivision over which the aircraft is to be operated; and

WHEREAS, the Township of Marlboro is designated as a "congested area" by the Federal Aviation Administration and the County has requested that this governing body consent to its proposed aerial dispensing operations.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Governing Body hereby authorizes the County of Monmouth Mosquito Control Division or its agent to apply pesticides by aircraft for mosquito control in certain areas of the municipality designated by the County as being either larval mosquito habitat or areas harboring high populations of mosquitoes constituting either a nuisance, a health hazard, or both with the understanding that:
 - a. the County shall utilize pesticides, application equipment and aircraft that are approved for aerial applications by the applicable Federal (USEPA) and State (NJDEP) agencies; and
 - b. such operations will be performed in compliance with applicable Federal and State regulations, and
 - c. the County will notify the police department of each municipality over which aerial pesticide operations are planned prior to commencement of such operations.

RESOLUTION # 2017-120

AUTHORIZING SUBMISSION OF MUNICIPAL
RECYCLING TONNAGE GRANT APPLICATION

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

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that Marlboro Township hereby endorses the submission of a Municipal Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection and Energy and designates the Recycling Coordinator to ensure that the said Application is properly filed.

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

RESOLUTION # 2017-121

RESOLUTION AUTHORIZING APPLICATION TO 2017 DISTRACTED
DRIVING GRANT PROGRAM THROUGH THE NEW JERSEY DEPARTMENT
OF TRANSPORTATION DIVISION OF HIGHWAY TRAFFIC SAFETY

WHEREAS, distracted driving is a dangerous epidemic on America's roadways. In 2014 alone, 3,179 people were killed in distracted driving crashes. An estimated 431,000 people were injured in motor vehicle crashes involving a distracted driver; and

WHEREAS, in New Jersey, driver inattention remains the most significant cause of fatal and incapacitating crashes; and

WHEREAS, driver inattention was listed as a contributing circumstance in 52% of the state's crashes in 2014 and was a contributing factor in more than 800,000 crashes total from 2010-2014; and

WHEREAS, distracted driving is any activity that diverts a person's attention away from the primary task of driving. All

distractions endanger driver, passenger, and bystander safety. These distractions include:

- Texting
- Using a cell phone or smartphone
- Eating and drinking
- Talking to passengers
- Grooming
- Reading
- Using a navigation system
- Watching a video
- Adjusting a radio, CD player, or MP3 player

; and

WHEREAS, because using a hand held cell phone to make calls or send text messages requires visual, manual, and cognitive attention from the driver, they are by far the most alarming distractions; and

WHEREAS, April is National Distracted Driver Month, which is a time to remind New Jersey motorists of the state's distracted driving laws, which include a ban on hand-held cell phone use and text messaging by all drivers and a ban on all cell phone use (hand held or hands free) by novice drivers; and

WHEREAS, from April 1-21, 2017, police officers, on an overtime basis, will conduct special enforcement patrols targeting distracted drivers. The patrols will consist of roving patrols and fixed checkpoints; and

NOW, THEREFORE, BE IT RESOLVED THAT the Township Council of the Township of Marlboro hereby authorizes that an application be made to the 2017 Distracted Driving Grant Program through the New Jersey Department of Transportation, Division of Highway Traffic Safety.

BE IT FURTHER RESOLVED, that if awarded, the Mayor and Township Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Marlboro and that their signatures constitutes acceptance of the terms and conditions of the grant agreement.

RESOLUTION # 2017-122

A RESOLUTION AUTHORIZING APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE HIGHWAY SAFETY FUND PROJECT

NOW, THEREFORE, BE IT RESOLVED that the Council of the Township of Marlboro formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as HSF-2016-Marlboro Township-00037 from NJDOT SAGE to the New Jersey Department of Transportation on behalf of the Township of Marlboro.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Marlboro and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

RESOLUTION # 2017-123

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$ 76,118.02 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 \$ 76,118.02 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>
2015-114	396/1/C0295	MTAG Custodian for Fig Capital Investments 8323 Ramona Blvd West Suite 2 Jacksonville, FL 32221 Assessed Owner: Bauer, Elliot	2,084.26
2014-097	396/1/C0295	PC 5, LLC US BANK CUST FOR PC 50 S. 16 th Street Suite 2050 Philadelphia, PA 19102 Assessed Owner: Bauer, Elliot	2,161.32
2013-111	353/101	Bulwark Systems, LLC 22 Emily Road Manalapan, NJ 07726	65,410.75

Assessed Owner:
Mucci, Joseph & Dinuzzo, Antonia

2014-040 176/7/C0869 MTAG Custodian for Fig 4,095.13
Capital Investments
8323 Ramona Blvd West Suite 2
Jacksonville, FL 32221
Assessed Owner:
Pointe De Jardin Condo Association

2016-044 178/2/C0155 TWR as CST for Ebury Fund 2 NJ 2,366.56
P.O. Box 54908
New Orleans, LA 70154
Assessed Owner:
Wells Fargo Bank

Total: \$ 76,118.02

RESOLUTION # 2017-124

WHEREAS, the attached list in the amount of \$1,842.33 known as Schedule "A", is comprised of amounts representing overpayments for 2017 taxes,

NOW, THEREFORE, BE IT RESOLVED by the Township 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>2017 REFUND</u>
279/2		Karatzia, George & Anita 24 Longfellow Terrace Morganville, NJ 07751	849.63
380/45		Altschul, Adrian & Lyla 1 Peasley Drive Marlboro, NJ 07746	719.01
412.03/5		Naso, Paul & Donna 10 Warbler Road Marlboro, NJ 07746	273.69

Total: \$ 1,842.33

RESOLUTION # 2017-125

RESOLUTION AUTHORIZING APPLICATION TO THE UNITED STATES
ARMY DONATIONS PROGRAM FOR DONATION OF MILITARY COMBAT
MATERIAL TO EXHIBIT IN THE VETERANS MEMORIAL GARDEN
AREA AT THE MARLBORO TOWNSHIP MUNICIPAL COMPLEX

WHEREAS, the Township maintains a Veterans Memorial Garden to honor those who have lost their lives in defense of the United States of America; and

WHEREAS, the Township wishes to secure a piece of military combat material such as a tank, armored personnel carrier, helicopter, towed artillery or self-propelled artillery piece for exhibit at the Veterans Memorial Garden which will serve as an important reminder to the public about the ultimate sacrifice made by those who have served in active duty on behalf of the citizens of our community; and

WHEREAS, the Township of Marlboro is an instrumentality of the State of New Jersey, established to function as a municipality; and

WHEREAS, the Township of Marlboro agrees to be responsible for the following:

- (1) Demilitarization/radiological and release costs of \$10,001 - \$20,000;
- (2) Transportation costs via a commercial carrier from the point of origin which will depend upon the nature of the combat material provided and the length of travel;
- (3) All maintenance, upkeep and safety of the display item with the understanding that equipment cannot be placed on privately-owned property;
- (4) Submission of the required annual certification of the Army Material Status

; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that Marlboro Township hereby endorses the submission of an application to the United States Army Donations Program at US Army TACOM Life Cycle Management Command, ATTN: AMSTA-LCL_IWD, M/S: 419D, 6501 E. 11 Mile Road, Warren, MI 48397-5000 for purposes of securing the military combat material.

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are hereby authorized to execute an agreement and any other such documents subject to the review of the Township Attorney as may be necessary to secure said material.

At 7:45 PM, Councilman Scalea moved that the meeting be adjourned. This was seconded by Council Vice President Marder, and passed on a roll call vote of 5 - 0 in favor.

MINUTES APPROVED: MARCH 16, 2017

OFFERED BY:	SCALEA	AYES:	4
SECONDED BY:	MAZZOLA	NAYS:	0
		ABSENT:	METZGER

ALIDA MANCO,
MUNICIPAL CLERK

JEFF CANTOR,
COUNCIL PRESIDENT