

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

February 7, 2019

The Marlboro Township Council held its regularly scheduled meeting on February 7, 2019 at 7:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Metzger opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of this regularly scheduled meeting of the Township Council of the Township of Marlboro was sent to the Asbury Park Press, the Star Ledger, News Transcript and Board of Education Office on January 7, 2019; published in the Asbury Park Press on January 9, 2019; 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: Councilwoman Marder, Councilman Scalea, Council Vice President Mazzola, and Council President Metzger. Councilman Cantor was absent.

Also present: Mayor Jonathan L. Hornik, Brian Trelease P. Esq., Business Administrator Jonathan Capp, Municipal Clerk Alida Manco and Deputy Municipal Clerk Suzanne Branagan.

Councilwoman Marder moved that the minutes of January 17, 2019 be adopted. This was seconded by Council Vice President Mazzola and passed on a roll call vote of 3- 0 in favor with Council President Metzger abstaining. Absent: Cantor

The following Resolution #2019-68/Ordinance #2019-1 (Bond Ordinance - General Capital Improvements) was introduced by reference, offered by Council Vice President Mazzola, seconded by Councilman Scalea and was passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2019-68

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

ORDINANCE # 2019-1

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$6,979,662 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$6,630,690 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 February 21, 2019 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 # 2019-1

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$6,979,662 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$6,630,690 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 \$6,979,662, and further including the aggregate sum of \$348,972 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 \$6,630,690 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>Buildings</u> Various improvements, including, but not limited to, improvements to Marlboro First Aid Squad, building improvements at Morganville First Aid Squad and building improvements to public properties and further including all work and materials necessary therefor and incidental thereto.	\$193,800	\$184,110	15 years
b) <u>Department of Public Works</u> 1) The refurbishment of trucks and the			

<p>acquisition of vehicles, including, but not limited to, a garbage packer and further including all related costs and expenditures incidental thereto.</p>	<p>\$229,500</p>	<p>\$218,025</p>	<p>5 years</p>
<p>2) The acquisition of equipment and further including all related costs and expenditures incidental thereto.</p>	<p>\$300,390</p>	<p>\$285,371</p>	<p>15 years</p>
<p>c) <u>Police Department</u></p>			
<p>1) The acquisition of vehicles, including, but not limited to, trucks and vans and further including all related costs and expenditures incidental thereto.</p>	<p>\$ 85,680</p>	<p>\$ 81,396</p>	<p>5 years</p>
<p>2) The acquisition of equipment, including, but not limited to, equipment for police vehicles and weapons systems and accessories and further including all related costs and expenditures incidental thereto.</p>	<p>\$289,994</p>	<p>\$275,496</p>	<p>5 years</p>
<p>3) Improvements to the police communications system and the acquisition of equipment,</p>	<p>\$ 60,526</p>	<p>\$ 57,503</p>	<p>10 years</p>

including all work and materials necessary therefor and incidental thereto and further including all related costs and expenditures incidental thereto.			
4) The acquisition of furniture, including all related costs and expenditures incidental thereto.	\$2,503	\$2,378	5 years
d) <u>Offices:</u> 1) The acquisition of furniture, including all related costs and expenditures incidental thereto.	\$4,059	\$3,857	5 years
2) The acquisition of equipment, including, but not limited to, a document shredder and further including all related costs and expenditures incidental thereto.	\$5,355	\$5,088	5 years

<p>e) <u>Management Information System</u> Management information system infrastructure improvements and the acquisition of management information system equipment, including all work and materials necessary therefor and incidental thereto and further including all related costs and expenditures incidental thereto.</p>	<p>\$218,688</p>	<p>\$207,755</p>	<p>5 years</p>
<p>f) <u>Roads</u> 1) Street improvements and resurfacing, all as 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>\$5,100,000</p>	<p>\$4,845,000</p>	<p>10 years</p>
<p>g) <u>Storm Drainage</u> Various storm drainage improvements, including all work and materials necessary therefor and incidental thereto.</p>	<p>\$30,600</p>	<p>\$29,070</p>	<p>20 years</p>
<p>h) <u>Parks</u> 1) Various park improvements,</p>			

including, but not limited to, engineering expenses and other related expenses associated with pathway, lighting, and signage, including all work and materials necessary therefor and incidental thereto.	\$43,860	\$41,667	10 years
2) Various park improvements, including but not limited to improvements to fields and courts, including all work and materials necessary therefor and incidental thereto.	\$392,267	\$372,656	15 years
i) <u>Miscellaneous</u> The acquisition of vehicles, including all related costs and expenditures incidental thereto.	<u>\$22,440</u>	<u>\$21,318</u>	5 years
Total:	<u>\$6,979,662</u>	<u>\$6,630,690</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, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. 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 or other applicable 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 10.06 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 \$6,630,690, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$867,165 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 #2019-69/Ordinance #2019-2 (Bond Ordinance - Water Capital Improvements) was introduced by reference, offered by Councilman Scalea, seconded by Council President Metzger and was passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2019-69

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

ORDINANCE # 2019-2

BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS TO THE WATER UTILITY IN AND BY THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$3,035,111 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$3,035,111 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 February 21, 2019 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 # 2019-2

BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS TO THE WATER UTILITY IN AND BY THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$3,035,111 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$3,035,111 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 several 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 several improvements or purposes described in Section 3, there is 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 \$3,035,111. 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 several improvements or purposes, negotiable bonds are hereby authorized to be issued in the principal amount of \$3,035,111 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 Management Information System equipment, including, but not limited to, a phone system and further including all related costs and	\$5,100	\$5,100	5 years

expenditures incidental thereto.			
b) The acquisition of office equipment, including, but not limited to, a copier and further including all related costs and expenditures incidental thereto.	\$3,060	\$3,060	5 years
c) The acquisition of vehicles, including, but not limited to, a pick-up truck and plow and further including all related costs and expenditures incidental thereto.	\$40,800	\$40,800	5 years
d) Various improvements, including, but not limited to, the replacement of the roof at the Harbor Road Administration Building, the removal and replacement of meters, upgrades to the water facilities, including, but not limited to, hydrants, valves and pipes, superstructure, fencing and site improvements to Well #1 and Well #2 and the Solar Power Purchase Project	\$726,240	\$726,240	15 years

<p>(ESIP) in connection with the preliminary costs associated with the solar field construction and further including all work and materials necessary therefor and incidental thereto.</p>			
<p>e) Emergency water main repairs, including all work and materials necessary therefor and incidental thereto.</p>	<p>\$510,000</p>	<p>\$510,000</p>	<p>20 years</p>
<p>f) Various improvements, including, but not limited to, the removal and installation of storage tanks at Tennent Road Pump Station, the construction of the force main and pump station at the Harbor Road Water Treatment Plant, engineering and other related expenses associated with the redrilling of Well #2, the installation of a water main at Marlboro Hospital Main Loop/Conover to Igoe, line replacement at Lloyd Road and Route 34, miscellaneous valve</p>	<p><u>\$1,749,811</u></p>	<p><u>\$1,749,811</u></p>	<p>40 years</p>

replacements, and the replacement of the water main at Brookside Circle and further including all work and materials necessary therefor and incidental thereto.				
Total:		<u>\$3,035,011</u>	<u>\$3,035,011</u>	

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, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. 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 or other applicable 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 30.09 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 \$3,035,111, 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 \$365,760 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 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 #2019-70/Ordinance #2019-3 (Bond Ordinance - Recreation and Swim Capital Improvements) was introduced by reference, offered by Council Vice President Mazzola, seconded by Councilwoman Marder and was passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2019-70

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

ORDINANCE # 2019-3

BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS TO THE RECREATION UTILITY IN AND BY THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$143,702 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$143,702 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 February 21, 2019 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 # 2019-3

BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS TO THE RECREATION UTILITY IN AND BY THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$143,702 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$143,702 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 improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Township of Marlboro, in the County of Monmouth, New Jersey (the "Township"). For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$143,702. No down payment is required as the purpose authorized herein is 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 improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$143,702 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is various improvements to the recreation utility, including, but not limited to, court surface improvements at the Aquatic Center Swim Club, allowance for pool facility repairs at the Marlboro Swim Club and the Aquatic Center Swim Club, funbrella replacements and awning replacements at the Marlboro Swim Club and roof replacement on three buildings at the Marlboro Swim Club, including all work and materials necessary therefor and incidental thereto and further including all related costs and expenditures incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. 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 or other applicable 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 improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Township may lawfully undertake as a self-liquidating purpose 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 period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$143,702, 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 \$2,817 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 purpose or improvement.

(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 a purpose that is 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(a) 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 purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized 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 #2019-71/Ordinance #2019-4 (Lease Purchase Financing and Acquisition of Police Cars) was introduced by reference, offered by Councilwoman Marder, seconded by Council Vice President Mazzola and was passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2019-71

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

ORDINANCE # 2019-4

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 February 21, 2019 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 # 2019-4

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 \$190,000. 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 #2019-72/Ordinance #2019-5 (Authorizing Transfer of Portion of Block 306, Lot 1 and Vacating Public Right of Way) was introduced by reference, offered by Council Vice President Mazzola, seconded by Councilman Scalea and was passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2019-72

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

ORDINANCE # 2019-5

AN ORDINANCE AUTHORIZING THE TRANSFER OF A PORTION OF BLOCK 306, LOT 1 TO COMPLETE A MINOR SUBDIVISION APPROVED BY THE PLANNING BOARD AND VACATING THE PUBLIC RIGHT IN THE SAME

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

BE IT FURTHER RESOLVED that the same be considered for final passage on February 21, 2019 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 # 2019-5

AN ORDINANCE AUTHORIZING THE TRANSFER OF A PORTION OF BLOCK 306, LOT 1 TO COMPLETE A MINOR SUBDIVISION APPROVED BY THE PLANNING BOARD AND VACATING THE PUBLIC RIGHT IN THE SAME

WHEREAS, in 1988 the Planning Board granted a minor subdivision to permit the reduction in size of Block 306, Lot 1 (previously designated as Block 63.02. Lot 25.01), a parcel of land that had been dedicated to the Township by filed map, by the transfer of 1,666 sq. feet, to the adjoining property owner as depicted on a map filed with the Monmouth County Clerk; and,

WHEREAS, the Township Engineer has determined that the 1,666 sq. foot portion of the Township Property is not needed for any public use; and,

WHEREAS, at the time of the Planning Board approval the property owner inadvertently failed to obtain a deed from the Township for the transfer needed to effectuate the sub division approval; and,

WHEREAS, this transfer is necessary to allow for the property owner to sell their property with clear title.

NOW, THEREFORE, BE IT ORDAINED, by Township Council of the Township of Marlboro that, in accordance with the terms of the Local Lands and Buildings Law, N.J.S.A. 40A:12- 1 et. seq., the transfer of a 1,666 sq. ft. portion of Block 306, Lot 1 to the owner of Block 306, Lot 2 is hereby authorized in order to perfect the minor subdivision of the Township parcel granted by the Township Planning Board, and to conform same to the map filed in the Office of the Monmouth County Clerk; and,

BE IT FURTHER ORDAINED, that the public right or use in the property to be transferred is hereby vacated; and,

BE IT FURTHER ORDAINED that the Mayor and Township Clerk are authorized to execute the appropriate documents to complete

the transfer of lands authorized by this ordinance, the form of said documents to be approved by the Township Attorney.

BE IT FURTHER ORDAINED, that this ordinance shall take effect in a time and manner prescribed by law.

The following Resolution #2019-073 (Setting Council Budget Meeting - Feb. 20, 2019 - 6 PM) was introduced by reference, offered by Councilwoman Marder, seconded by Councilman Scalea and was passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2019-73

SETTING SPECIAL COUNCIL BUDGET MEETING

BE IT RESOLVED by the Marlboro Township Council that a "Special" Council Meeting will be held on February 20, 2019 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 2019 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 Council Scalea seconded by Council Vice President Mazzola and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor): Res. #2019-74 (Authorizing Reserve Year 2018 Budget Transfers), Res. #2019-75 (Authorizing 2019 Temporary Emergency Appropriations), Res. #2019-76 (Authorizing 2019 Temporary Capital Budget), Res. #2019-77 (Authorizing Execution of Receipt of Notice of Probate - Estate of Suzanne Lauricella - \$500 donation to Marlboro Police Department), Res. #2019-78 (Authorizing Monmouth County to Conduct Mosquito Control), Res. #2019-79 (Requesting Approval Director of DLGS to Establish Dedicated Trust by Rider - Police Canine Unit), Res. #2019-80 (Authorizing 2017 LOSAP Contribution - Marlboro First Aid), Res. #2019-81 (Award of Bid - Coach Bus Services), Res. #2019-82 (Authorizing Transfer and Acceptance of Surplus Military Equipment from USDOD (DOD) 1033 Program), Res. #2019-83 (Authorizing "Authorized Representative" for applications filed with NJDEP AND NJEIT), Res. #2019-084 (Refunds for Overpayments - Various).

RESOLUTION # 2019-74

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 2018 Municipal Budget) as follows:

Current Fund:		
Account	From	To
(2018) Administration - Other Expenses	\$ 1,450.00	
(2018) Road Maintenance - Other Expenses	6,250.00	
(2018) Vehicle Maintenance - Other Expenses	6,900.00	
(2018) Administration - Salaries & Wages		\$ 1,450.00
(2018) Road Maintenance - Salaries & Wages		6,250.00
(2018) Vehicle Maintenance - Salaries & Wages		6,900.00
	<u>\$ 14,600.00</u>	<u>\$ 14,600.00</u>

RESOLUTION # 2019-75

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 2019 Municipal budget; and

WHEREAS, this resolution authorizes appropriations representing 50% of the full 2018 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 2019 pursuant to the provisions of N.J.C.A. 40A 4-20 (Chapter 96, P.L.1951 as amended) including this resolution total: \$19,796,137.23 for the municipal budget, \$4,545,876.61 for the operations of the water utility, and \$1,251,148.74 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 2019 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 # 2019-76

RESOLUTION ADOPTING A TEMPORARY CAPITAL BUDGET
CALENDAR YEAR 2019

WHEREAS, the Township of Marlboro, County of Monmouth, desires to establish a 2019 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 2019 Temporary Capital Budget for Township of Marlboro is hereby constituted as follows:

Project Title	Estimated 2019 Cost	Capital Improvement Fund	Grants in Aid and Other Funds	Debt Authorized
<u>General Capital</u>				
Bldg Improvements	193,800.00	9,690.00		184,110.00
Equipment-DPW	300,390.00	15,019.50		285,370.50
Equipment-Police Dept	350,524.62	17,526.23		332,998.39
Furniture	4,059.60	202.98		3,856.62
Furniture-Police Dept	2,503.08	125.15		2,377.93
MIS Equipment	218,688.00	10,934.40		207,753.60
Office Equipment	5,355.00	267.75		5,087.25
Park Improvements	436,129.56	21,806.48		414,323.08
Storm drainage improvements	30,600.00	1,530.00		29,070.00
Street Improvements and Resurf	5,100,000.00	255,000.00		4,845,000.00
Vehicles-DPW	229,500.00	11,475.00		218,025.00
Vehicles-Other	22,440.00	1,122.00		21,318.00
Vehicles-Police Dept	85,680.00	4,284.00		81,396.00
	6,979,669.86	348,983.49	-	6,630,686.37
<u>Water Capital</u>				
Bldg Improvements	285,601.02			285,601.02
MIS Equipment	5,100.00			5,100.00
Office Equipment	3,060.00			3,060.00
Vehicles-Water	40,800.00			40,800.00
Water Plant Upgrade or Rehab	586,500.00			586,500.00
Water System Improvements	2,113,950.00			2,113,950.00
	3,035,011.02	-	-	3,035,011.02
<u>Recreation Capital</u>				
Swim Club Improvements	143,702.70			143,702.70
	143,702.70	-	-	143,702.70

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 2019 Permanent Capital Budget as adopted.

RESOLUTION # 2019-77

A RESOLUTION AUTHORIZING EXECUTION OF NOTICE
OF PROBATE ESTATE OF SUZANNE LAURICELLA

WHEREAS, Suzanne Lauricella was a long time resident of Marlboro; and

WHEREAS, in Suzanne's Lauricella's more than 30 years of residence, she was very appreciative of the Township's emergency services; and

WHEREAS, Suzanne Lauricella passed away on December 9, 2018; and

WHEREAS, in Suzanne Lauricella's Last Will and Testament, she provided for a donation of \$500.00 to the Marlboro Police Department for its general use and purposes; and

WHEREAS, the Executor of the Estate requires the execution of a notice of probate in order to effectuate the donation; and

WHEREAS, Marlboro Township wishes to accept this donation and express its appreciation of this kind and thoughtful gesture; and

WHEREAS, there has been no promise of future employment, services, goods or other thing of value exchanged in return for said donation.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor and Township Clerk are hereby authorized to execute the notice of probate from the Estate of Suzanne Lauricella.

BE IT FURTHER RESOLVED that the Township Council of the Township of Marlboro hereby extends it thanks and appreciation to the Estate of Suzanne Lauricella for this kind and thoughtful gesture.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to the Estate of Suzanne Lauricella c/o James J. Costello Jr., Esq. 400 Crossing Blvd | 8th Floor | P.O. Box 5933 | Bridgewater, NJ 08807-5933.

RESOLUTION # 2019-78

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 # 2019-79

REQUESTING THE APPROVAL OF THE DIRECTOR OF THE DIVISION
OF LOCAL GOVERNMENT SERVICES TO ESTABLISH A DEDICATED
TRUST BY RIDER FOR DONATIONS TO THE POLICE
CANINE UNIT PURSUANT TO NJSA 40A:5-29

WHEREAS, such permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance; and

WHEREAS, NJSA 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider.

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

- 1) The Mayor and Council hereby request permission of the Director of the Division of Local Government Services to make expenditures from the Reserve for Police Canine Unit Donations.
- 2) The Municipal Clerk of the Township of Marlboro is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

RESOLUTION # 2019-80

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 0.8%, making the annual contribution \$1,296.75 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 Marlboro 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 2017, a copy of which is attached hereto and made part of this resolution.
2. The Municipal Clerk and the Marlboro 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 # 2019-81

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

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for COACH BUS TRANSPORTATION FOR THE TOWNSHIP OF MARLBORO RECREATION DEPARTMENT, and on January 8, 2019, received four (4) bids therefor; and

WHEREAS, the four (4) bids received were as follows:

	Suburban Transit Corp. 750 Somerset Street New Brunswick, NJ 08901		Villani Bus Co. 811 E. Linden Ave. Linden, NJ 07036		Starr Transit Co., Inc. 2531 East State Street Trenton, NJ 08619		Stout's Charter Service 20 Irvn Street Trenton, NJ 08638	
	Per 48/p Bus	Per 56/p Bus	Per 48/p Bus	Per 56/p Bus	Per 48/p Bus	Per 56/p Bus	Per 48/p Bus	Per 56/p Bus
VARIOUS TRAVEL CAMP PROGRAM TOTAL	No Bid	40,104.00	No Bid	47,950.00	No Bid	55,776.00	No Bid	48,708.00
VARIOUS SENIOR PROGRAMS TOTAL	No Bid	22,216.00	No Bid	22,550.00	No Bid	No Bid	No Bid	24,840.00

; and

WHEREAS, it has been determined that the submission of the apparent low bidder, Suburban Trails, Inc. is responsive and the department has advised the follow trips are anticipated for the 2019 season

	Suburban Transit Corp. 750 Somerset Street New Brunswick, NJ 08901		
	#of Trips/Busses	Per 56/p Bus	Extented Price
VARIOUS TRAVEL CAMP PROGRAM TOTAL	134	Various Prices	102,956.00
VARIOUS SENIOR PROGRAMS TOTAL	21	Various Prices	18,794.00

; 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, NJ 08901 for COACH BUS TRANSPORTATION FOR THE TOWNSHIP OF MARLBORO RECREATION DEPARTMENT, for a contract amount at prices specified in the bid proposal not to exceed \$121,750.00 for a term of one year, with an option to renew the contract based upon on the same terms and conditions as specified in the bid proposal for an additional one (1) two-year period, or two (2) one-year periods at the exclusive option of the Township.

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.

BE IT FURTHER RESOLVED that funds in the amount of \$121,750.00 will be certified by the Chief Financial Officer in Utility account #09-201-55-400-288485 and Current account #01-201-28-145-288471 as trips and participation levels are finalized.

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. Chief Financial Officer
- d. Recreation Director

RESOLUTION # 2019-82

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. Township Business Administrator
- c. Chief Financial Officer
- d. Insurance

RESOLUTION # 2019-83

WHEREAS, the Township of Marlboro intends to file an application with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust (NJEIT) for the following project:

1.5 MG Beacon Hill Water Storage Tank Rehabilitation

NOW, THEREFORE BE IT RESOLVED, that

Jonathan Capp
Business Administrator

and

Kurt Eifert, P.E.
Engineering Project Manager

be authorized to act as "Authorized Representatives" to represent the Township in all matters relating to the projects undertaken pursuant to the above referenced New Jersey Environmental Infrastructure Loan application to be executed with the New Jersey of Environmental Protection and the New Jersey Environmental Infrastructure Trust. The Authorized Representatives may be contacted at:

1979 Township Drive
Marlboro, New Jersey 07746-2247
Telephone: 732 536-0200 x1627

RESOLUTION # 2019-84

WHEREAS, the Tax Assessor had granted a disabled veteran exemption for Monti, Philip Jr., Block: 148, Lot: 10.17, located at 71 Crescent Court,

WHEREAS, a payment in the amount of \$3,748.78 was received and applied to the tax account on October 31, 2018, and

WHEREAS, there is an overpayment of the property taxes in the amount of \$2,999.08

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$2,999.08 to Monti, Philip.

At 7:15 p.m., Councilwoman Marder moved that the meeting enter into executive session for discussion of settlement of tax appeal. This was seconded by Councilman Scalea and Res. #2019-85 was passed on a roll call vote of 4 - 0 in favor (Absent: Cantor),

RESOLUTION # 2019-85

EXECUTIVE SESSION

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 7th day of February, 2019 to enter into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, namely Settlement of Tax Appeal.

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

At 7:25 p.m., Councilwoman Marder offered a motion to return to regular business, which was seconded by Councilman Scalea and passed on a roll call vote of 4 in favor (Absent: Cantor).

The following Resolution #2019-086 (Settlement of Tax Appeal) was introduced by reference, offered by Council Vice President Mazzola, seconded by Councilman Scalea and was passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2019-86

RESOLUTION AUTHORIZING SETTLEMENT OF A TAX APPEAL FOR THE PROPERTY LOCATED AT 362 ROUTE 9, ALSO KNOWN AS BLOCK 299, LOT 3, TOWNSHIP OF MARLBORO, MONMOUTH COUNTY, NEW JERSEY

WHEREAS, CRP Royal Pines LLC is the Owner of certain real property located at 362 Route 9, also known as Block 299, Lot 3, Township of Marlboro, Monmouth County, New Jersey; and

WHEREAS, the Owner has filed appeals to the Tax Court of the State of New Jersey for said property for tax years 2016, 2017 and

2018 under docket numbers 006494-2016, 002225-2017 and 001961-2018; and

WHEREAS, the parties have engaged in settlement negotiations; and

WHEREAS, as a result of the negotiations, a settlement has been reached as follows:

- CRP Royal Pines will withdraw its 2016 Tax Court Appeal;
- The 2017 assessment will be reduced from \$15,041,100 to \$13,396,000 resulting in a tax credit of \$36,685.73;
- The 2018 assessment will be reduced from \$15,041,100 to \$13,091,100 resulting in a tax credit of \$44,382.00;
- In order to avoid further Tax Court filings by CRP Royal Pines, the 2019 assessment will be reduced from \$15,041,100 to \$12,132,100, prior to the issuance of the 2019 tax bill; and

WHEREAS, the 2016, 2017 and 2018 docket numbers for the tax appeal shall be settled, a stipulation of settlement be delivered to the Tax Court and a judgment shall be entered in accordance herewith; and

WHEREAS, the Tax Assessor will file an appeal at the Monmouth County Tax Board so that the 2019 Tax List can be adjusted to the agreed upon assessment for the 2019 tax year; and

WHEREAS, the Tax Counsel, Salvatore Alfieri, Esq. and the Tax Assessor have recommended the terms of this settlement to the Mayor and Township Council of Marlboro; and

WHEREAS, the Township Council of the Township of Marlboro is of the opinion that this settlement is in the best interests of the Township of Marlboro.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, being the governing body thereof, that the settlement in this matter as set forth herein above be and is hereby approved and the Tax Counsel, Salvatore Alfieri, Esq., is hereby authorized and directed to effect said settlement.

At 7:27 p.m., Councilwoman Marder moved that the meeting be adjourned. This was seconded by Council Vice President Mazzola, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: FEBRUARY 21, 2019

OFFERED BY: SCALEA

AYES: 3

SECONDED BY: CANTOR

NAYS: 0

ABSENT: MARDER

ABSTAIN: CANTOR

ALIDA MANCO,
MUNICIPAL CLERK

SCOTT METZGER,
COUNCIL PRESIDENT