

**TOWNSHIP OF COLTS NECK  
SPECIAL TOWNSHIP COMMITTEE MEETING  
DECEMBER 21, 2012  
1:30 P.M. AT TOWN HALL**

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**CALL MEETING TO ORDER**

**SALUTE TO THE FLAG**

“THE NOTICE REQUIREMENTS OF THE NEW JERSEY PUBLIC MEETINGS LAW HAVE BEEN SATISFIED BY FORWARDING A “NEWS RELEASE” TO THE ASBURY PARK PRESS ON DECEMBER 18, 2012 STATING THAT A SPECIAL MEETING OF THE COLTS NECK TOWNSHIP COMMITTEE WOULD BE HELD ON DECEMBER 21, 2012 AT 1:30 P.M., TOWN HALL. THE NOTICE REQUIREMENTS HAVE BEEN POSTED ON THE TOWNSHIP BULLETIN BOARD, AND A COPY IS ON FILE IN THE OFFICE OF THE TOWNSHIP CLERK.”

**ROLL CALL**

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1.     **RESOLUTION 2012-154:** RESOLUTION AUTHORIZING SPECIAL EMERGENCY APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-54 TO PROVIDE FUNDS FOR RESPONSE TO THE EXTRAORDINARY EXPENSES RESULTING FROM DAMAGE CAUSED BY SUPERSTORM SANDY AND FURTHER AUTHORIZING THE ISSUANCE OF SPECIAL EMERGENCY NOTES TO FUND SUCH SPECIAL EMERGENCY APPROPRIATION

COMMENTS

MOTION TO APPROVE

ROLL CALL

2.     **RESOLUTION 2012-155:** RESOLUTION AUTHORIZING THE VEGETATIVE STORM DEBRIS REMOVAL SERVICES OF MAZZARA TRUCKING & EXCAVATION CORP. IN CONNECTION WITH RECOVERY EFFORTS RESULTING FROM DAMAGES CAUSED BY SUPERSTORM SANDY IN THE TOWNSHIP OF COLTS NECK

COMMENTS

MOTION TO APPROVE

ROLL CALL

3.     **RESOLUTION 2012-156:** RESOLUTION AUTHORIZING THE VEGETATIVE STORM DEBRIS REMOVAL SERVICES OF BRITTON INDUSTRIES INC. IN CONNECTION WITH RECOVERY EFFORTS RESULTING FROM DAMAGES CAUSED BY SUPERSTORM SANDY IN THE TOWNSHIP OF COLTS NECK

COMMENTS

MOTION TO APPROVE

ROLL CALL

4. **RESOLUTION 2012-157:** RESOLUTION AUTHORIZING THE VEGETATIVE STORM DEBRIS REMOVAL SERVICES OF HOWELL HOLDINGS, LLC IN CONNECTION WITH RECOVERY EFFORTS RESULTING FROM DAMAGES CAUSED BY SUPERSTORM SANDY IN THE TOWNSHIP OF COLTS NECK

COMMENTS

MOTION TO APPROVE

ROLL CALL

5. **MOTION TO APPROVE VOUCHERS**

COMMENTS

MOTION TO APPROVE

ROLL CALL

6. **COMMENTS FROM THE PUBLIC**

7. **RESOLUTION 2012-158:** EXECUTIVE SESSION

COMMENTS

MOTION TO APPROVE

ROLL CALL

***THE NEXT TOWNSHIP COMMITTEE MEETING IS  
THE REORGANIZATION MEETING  
SATURDAY, JANUARY 5, 2012, 4:00 P.M.  
COURTHOUSE, 124 CEDAR DRIVE, COLTS NECK, NJ***

**RESOLUTION 2012-154**

**AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION  
PURSUANT TO N.J.S.A. 40A:4-54 TO PROVIDE FUNDS FOR  
RESPONSE TO THE EXTRAORDINARY EXPENSES RESULTING  
FROM DAMAGE CAUSED BY SUPERSTORM SANDY AND FURTHER  
AUTHORIZING THE ISSUANCE OF SPECIAL EMERGENCY NOTES  
TO FUND SUCH SPECIAL EMERGENCY APPROPRIATION**

**WHEREAS**, it has been found necessary to make a special emergency appropriation to meet certain expenses incurred or to be incurred as a result of the extraordinary damage to the streets, roads and other public property caused by Superstorm Sandy (the "Recovery") requiring the appropriation of funds of the Township of Colts Neck, in the County of Monmouth, State of New Jersey (the "Township"), in the amount of \$900,000; and

**WHEREAS**, N.J.S.A. 40A:4-54 provides that it shall be lawful to make such appropriation, which appropriation and special emergency notes issued to finance the same shall be provided for in succeeding annual budgets by the inclusion of an appropriation of at least one-fifth of the amount authorized pursuant to this act:

**NOW, THEREFORE BE IT RESOLVED (by not less than two-thirds of the full membership of the governing body affirmatively concurring) as follows:**

1. Pursuant to N.J.S.A. 40A:4-54, a special emergency appropriation is hereby made in the amount of \$900,000 for the Recovery from Superstorm Sandy. The \$900,000 appropriated herein is sufficient to fund the special emergency.
2. The special emergency appropriation set forth in Section 1 hereof shall be provided for in the budgets of the succeeding years by the inclusion of not less than \$180,000 annually in each of the next five years' succeeding budgets.
3. Special Emergency Notes not in excess of \$900,000 are hereby authorized to be issued by the Township.
4. Such Notes shall be executed by the Mayor and the Chief Financial Officer of the Township and the official seal shall be thereunto affixed and attested to by the Clerk of the Township.
5. All Notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Township. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. It is hereby delegated to the Chief Financial Officer of the Township the authority to determine all matters in connection with the Notes issued, and the signature of the Chief Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. The Chief Financial Officer is also hereby authorized to sell part or all of the Notes from time to time at a public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this resolution is made. Such report must include the principal amount, the description, the interest rate, the maturity schedule of the Notes so sold, the price obtained and the name of the purchaser.
6. The Township covenants to maintain the exclusion from gross income under section 103(a) of the Code, of the interest on the Notes issued under this resolution.
7. Any funds received by FEMA or any other sources will be used to reimburse the expenditures toward the costs of the Recovery described in this resolution incurred and paid for by the Township prior to the issuance of the Notes authorized by this resolution with the proceeds of such Notes. No funds from sources other than the Notes have been or are reasonably expected to be reserved or allocated on a long-term basis or otherwise

set aside by the Township, or any member of the same "controlled group" as the Township, within the meaning of Treasury Regulation Section 1.150-1(e), pursuant to its budget or financial policies with respect to expenditures of the Township to be reimbursed. This paragraph 7 is intended to be and hereby is a declaration of the Township's official intent to reimburse the expenditures toward the costs of the Recovery described in this resolution incurred and paid for prior to the issuance of the Notes with the proceeds of such issuance of the Notes by the Township, in accordance with Treasury Regulation Section 1.150-2(e)(1), and no action (or inaction) will be an artifice or device in accordance with Treasury Regulation Section 1.148-10 to avoid, in whole or in part, arbitrage yield restrictions or arbitrage rebate requirements or to avoid restrictions under Sections 142 through 147 of the Code. The proceeds of the Notes used by the Township to reimburse itself for expenditures towards the Recovery described in this resolution incurred and paid for, will not be used directly or indirectly (i) to "refund" an issue of governmental obligations within the meaning of Section 148 of the Code, (ii) to create or increase the balance of a "sinking fund" within the meaning of Treasury Regulation Section 1.148-1(c)(2) with respect to any obligation of the Township, or to replace funds that have been, are being or will be used for sinking fund purposes, (iii) to create or increase the balance in a "reserve or replacement fund" within the meaning of Section 148(d) of the Code and Treasury Regulation Section 1.148-2(f) with respect to any obligation of the Township or to replace funds that have been, are being or will be so used for reserve or replacement fund purposes, or (iv) to reimburse the Township for any expenditure or payment that was originally paid with the proceeds of any obligation of the Township (other than borrowing by the Township from one of its own funds or the funds of a member of the same "controlled group" within the meaning of Treasury Regulation Section 1.150-1(e)). The Notes to be issued by the Township to finance those expenditures towards the Recovery described in this resolution to be reimbursed will be issued in an amount not to exceed \$900,000 which moneys shall be expended from a fund of the Township, entitled "Current Fund," which fund contains moneys which can be expended for any lawful project of the Township. That the expenditures incurred and paid towards the Recover described in this resolution to be reimbursed with the proceeds of the Notes will be "capital expenditures" in accordance with the meaning of Treasury Regulation Section 1.150-2(d)(3).

8. Two certified copies of this resolution shall be filed with the Director of the Division of Local Government Services.
9. This resolution shall take effect immediately.

I, Robert Bowden, do hereby certify the foregoing to be a true and accurate copy of a Resolution passed by the Township Committee of the Township of Colts Neck during a special meeting held on the 21<sup>th</sup> day of December 2012.

Robert Bowden, Township Administrator/Clerk

RECORD OF VOTE						
Committeeman	M	S	Yes	No	NV	Ab
Mayor Engel						
Deputy Mayor Fitzgerald						
Macnow						
Schatzle						
Orgo						
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent						

**RESOLUTION NO. 2012-155**

**RESOLUTION AUTHORIZING THE VEGETATIVE STORM DEBRIS REMOVAL SERVICES OF MAZZARA TRUCKING & EXCAVATION CORP. IN CONNECTION WITH RECOVERY EFFORTS RESULTING FROM DAMAGES CAUSED BY SUPERSTORM SANDY IN THE TOWNSHIP OF COLTS NECK**

**WHEREAS**, there exists a need for the Township of Colts Neck to retain the vegetative storm debris removal services in connection with recovery efforts in connection with the damage caused by Superstorm Sandy; and

**WHEREAS**, the services to be provided are to be contracted as an "Emergency Contract" pursuant to the Local Public Contracts Law, *N.J.S.A. 40A:11-6*; and

**WHEREAS**, the Local Public Contracts Law authorizes the awarding of a contract without public advertising for bids and bidding therefore, when an emergency affecting the public health, safety or welfare requires the immediate delivery of goods or the performance of services; and

**WHEREAS**, the Township has also considered cost and past performance in this regard; and

**WHEREAS**, the Colts Neck Township Committee, having considered the same, now wishes to authorize Mazzara Trucking and Excavation Corp. to provide the aforesaid services with regard to the recovery efforts in response to the damages caused by Superstorm Sandy.

**NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED** by the Mayor and Committee, as follows:

1. That the Mayor, or his designee, is authorized to execute and the Township Administrator to attest to an agreement in a form acceptable to the Township Attorney between the Township of Colts Neck and Mazzara Trucking and Excavation Corp., with regard to the aforesaid services.
2. That this contract is awarded without competitive bidding or advertisement, as an "Emergency Contract", in accordance with *N.J.S.A. 40A:11-6*, of the Local Public Contracts Law of New Jersey, because an emergency affecting the public health, safety or welfare requires the immediate delivery of goods or the performance of services; and
3. That Notice of the adoption of this resolution shall be published in a newspaper of general circulation within the Township.
4. Costs for contracted services shall not exceed the amount estimated by contractor for services rendered, without Township consent.
5. That a certified copy of this Resolution shall be provided to each of the following:
  - a. Mazzara Trucking & Excavation Corp.;
  - b. John Antonides, Chief Financial Officer;
  - c. Edward Thompson, Public Works Director; and
  - d. John O. Bennett, III, Esq., Township Attorney.

I, Robert Bowden, do hereby certify the foregoing to be a true and accurate copy of a Resolution passed by the Township Committee of the Township of Colts Neck during a special meeting held on the 21<sup>st</sup> day of December 2012.

Robert Bowden, Township Administrator/Clerk

RECORD OF VOTE						
Committeeman	M	S	Yes	No	NV	Ab
Mayor Engel						
Deputy Mayor Fitzgerald						
Macnow						
Schatzle						
Orgo						
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent						

**RESOLUTION NO. 2012-156**

**RESOLUTION AUTHORIZING THE VEGETATIVE STORM DEBRIS REMOVAL SERVICES OF BRITTON INDUSTRIES, INC. IN CONNECTION WITH RECOVERY EFFORTS RESULTING FROM DAMAGES CAUSED BY SUPERSTORM SANDY IN THE TOWNSHIP OF COLTS NECK**

**WHEREAS**, there exists a need for the Township of Colts Neck to retain the vegetative storm debris removal services in connection with recovery efforts in connection with the damage caused by Superstorm Sandy; and

**WHEREAS**, the services to be provided are to be contracted as an "Emergency Contract" pursuant to the Local Public Contracts Law, *N.J.S.A. 40A:11-6*; and

**WHEREAS**, the Local Public Contracts Law authorizes the awarding of a contract without public advertising for bids and bidding therefore, when an emergency affecting the public health, safety or welfare requires the immediate delivery of goods or the performance of services; and

**WHEREAS**, the Township has also considered cost and past performance in this regard; and

**WHEREAS**, the Colts Neck Township Committee, having considered the same, now wishes to authorize Britton Industries Inc. to provide the aforesaid services with regard to the recovery efforts in response to the damages caused by Superstorm Sandy.

**NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED** by the Mayor and Committee, as follows:

1. That the Mayor, or his designee, is authorized to execute and the Township Administrator to attest to an agreement in a form acceptable to the Township Attorney between the Township of Colts Neck and Britton Industries Inc., with regard to the aforesaid services.
2. That this contract is awarded without competitive bidding or advertisement, as an "Emergency Contract", in accordance with *N.J.S.A. 40A:11-6*, of the Local Public Contracts Law of New Jersey, because an emergency affecting the public health, safety or welfare requires the immediate delivery of goods or the performance of services; and
3. That Notice of the adoption of this resolution shall be published in a newspaper of general circulation within the Township.
4. Costs for contracted services shall not exceed the amount estimated by contractor for services rendered, without Township consent.
5. That a certified copy of this Resolution shall be provided to each of the following:
  - a. Britton Industries Inc.;
  - b. John Antonides, Chief Financial Officer;
  - c. Edward Thompson, Public Works Director; and
  - d. John O. Bennett, III, Esq., Township Attorney.

I, Robert Bowden, do hereby certify the foregoing to be a true and accurate copy of a Resolution passed by the Township Committee of the Township of Colts Neck during a special meeting held on the 21<sup>st</sup> day of December 2012.

Robert Bowden, Township Administrator/Clerk

RECORD OF VOTE						
Committeeman	M	S	Yes	No	NV	Ab
Mayor Engel						
Deputy Mayor Fitzgerald						
Macnow						
Schatzle						
Orgo						
M - Moved   S - Seconded   X - indicates vote   NV - Not Voting   Ab - Absent						

RESOLUTION NO. 2012-157

**RESOLUTION AUTHORIZING THE VEGETATIVE STORM DEBRIS REMOVAL SERVICES OF HOWELL HOLDINGS, LLC IN CONNECTION WITH RECOVERY EFFORTS RESULTING FROM DAMAGES CAUSED BY SUPERSTORM SANDY IN THE TOWNSHIP OF COLTS NECK**

**WHEREAS**, there exists a need for the Township of Colts Neck to retain the vegetative storm debris removal services in connection with recovery efforts in connection with the damage caused by Superstorm Sandy; and

**WHEREAS**, the services to be provided are to be contracted as an "Emergency Contract" pursuant to the Local Public Contracts Law, *N.J.S.A. 40A:11-6*; and

**WHEREAS**, the Local Public Contracts Law authorizes the awarding of a contract without public advertising for bids and bidding therefore, when an emergency affecting the public health, safety or welfare requires the immediate delivery of goods or the performance of services; and

**WHEREAS**, the Township has also considered cost and past performance in this regard; and

**WHEREAS**, the Colts Neck Township Committee, having considered the same, now wishes to authorize Howell Holdings, LLC to provide the aforesaid services with regard to the recovery efforts in response to the damages caused by Superstorm Sandy.

**NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED** by the Mayor and Committee, as follows:

1. That the Mayor, or his designee, is authorized to execute and the Township Administrator to attest to an agreement in a form acceptable to the Township Attorney between the Township of Colts Neck and Howell Holdings, LLC, with regard to the aforesaid services.
2. That this contract is awarded without competitive bidding or advertisement, as an "Emergency Contract", in accordance with *N.J.S.A. 40A:11-6*, of the Local Public Contracts Law of New Jersey, because an emergency affecting the public health, safety or welfare requires the immediate delivery of goods or the performance of services; and
3. That Notice of the adoption of this resolution shall be published in a newspaper of general circulation within the Township.
4. Costs for contracted services shall not exceed the amount estimated by contractor for services rendered, without Township consent.
5. That a certified copy of this Resolution shall be provided to each of the following:
  - a. Howell Holdings, LLC;
  - b. John Antonides, Chief Financial Officer;
  - c. Edward Thompson, Public Works Director; and
  - d. John O. Bennett, III, Esq., Township Attorney.

I, Robert Bowden, do hereby certify the foregoing to be a true and accurate copy of a Resolution passed by the Township Committee of the Township of Colts Neck during a special meeting held on the 21<sup>st</sup> day of December 2012.

Robert Bowden, Township Administrator/Clerk

RECORD OF VOTE						
Committeeman	M	S	Yes	No	NV	Ab
Mayor Engel						
Deputy Mayor Fitzgerald						
Macnow						
Schatzle						
Orgo						
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent						

**RESOLUTION 2012-158**

**EXECUTIVE SESSION**

WHEREAS, the Colts Neck Township Committee wishes to go into a closed Executive Session to discuss a subject which should not be discussed in public; and

WHEREAS, the exception to the Open Public Meetings Act which permits the Township Committee to discuss this matter in private about litigation and personnel; and

NOW, THEREFORE, BE IT RESOLVED by the Colts Neck Township Committee that it go into an Executive Session to discuss litigation and personnel. Formal action is not anticipated this evening; and

BE IT FURTHER RESOLVED that the results of such discussion may be revealed at such time as the matter is resolved.

I, Robert Bowden, do hereby certify the foregoing to be a true and accurate copy of a Resolution passed by the Township Committee of the Township of Colts Neck during a regular meeting held on the 21<sup>st</sup> day of December 2012.

Robert Bowden, Township Administrator/Clerk

<b>RECORD OF VOTE</b>						
Committeeman	M	S	Yes	No	NV	Ab
Mayor Engel						
Deputy Mayor Fitzgerald						
Macnow						
Schatzle						
Orgo						
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent						