

**TOWNSHIP OF COLTS NECK
EMERGENCY TOWNSHIP COMMITTEE MEETING
DECEMBER 6, 2012
2:30 P.M. AT TOWN HALL**

CALL MEETING TO ORDER

SALUTE TO THE FLAG

THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF COLTS NECK HAVE DETERMINED IT IS NECESSARY TO HOLD AN EMERGENCY MEETING, WHICH IS CONSISTENT WITH THE PROVISION OF THE OPEN PUBLIC MEETINGS ACT, N.J.S.A. 10:4-9(b)(1), FOR HOLDING AN EMERGENCY MEETING.

ROLL CALL

1. **RESOLUTION 2012-137:** RESOLUTION AUTHORIZING EMERGENCY TOWNSHIP COMMITTEE MEETING

COMMENTS

MOTION TO APPROVE

ROLL CALL

2. **RESOLUTION 2012-138:** RESOLUTION CANCELLING RESOLUTION NO. 2012-122 PERTAINING TO THE AUTHORIZATION OF SPECIAL EMERGENCY NOTES IN THE AMOUNT OF \$750,000 FOR SUPERSTORM SANDY

COMMENTS

MOTION TO APPROVE

ROLL CALL

3. **RESOLUTION 2012-139:** 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

4. **RESOLUTION 2012-140:** RESOLUTION AUTHORIZING THE VEGETATIVE STORM DEBRIS REMOVAL SERVICES OF BERGERON EMERGENCY SERVICES 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. COMMENTS FROM THE PUBLIC

6. MOTION TO ADJOURN

*THE NEXT TOWNSHIP COMMITTEE MEETING IS
WEDNESDAY, DECEMBER 12, 2012, 7:30 P.M.
TOWN HALL, 124 CEDAR DRIVE, COLTS NECK, NJ*

RESOLUTION 2012-137

**AUTHORIZING EMERGENCY
TOWNSHIP COMMITTEE MEETING**

WHEREAS, the Township Committee of the Township of Colts Neck have determined that it is necessary to hold an emergency meeting without providing adequate public notice in order to deal with a certain matter of such urgency and importance surrounding the damage caused as a result of Superstorm Sandy, and that delay for the purpose of providing such adequate public notice would likely result in substantial harm to the public interest; and

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-9(b)(1), provides for the holding of an emergency meeting provided that the matter is of such urgency and importance that a delay to provide notice would likely result in substantial harm to the public interest.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Committee of the Township of Colts Neck, County of Monmouth, State of New Jersey, that an Emergency Meeting shall be held on December 6, 2012, at 2:30 p.m. at 124 Cedar Drive, Colts Neck, New Jersey.

BE IT FURTHER RESOLVED that delay for the purpose of providing adequate notice would have resulted in substantial harm to the Township and its residents.

BE IT FURTHER RESOLVED that the need for this meeting could not have been reasonably foreseen at a time when adequate notice could have been provided.

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 an emergency meeting held on the 6th 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 2012-138

**CANCELLING RESOLUTION NO. 2012-122 PERTAINING
TO THE AUTHORIZATION OF SPECIAL EMERGENCY NOTES
IN THE AMOUNT OF \$750,000 FOR SUPERSTORM SANDY**

BE IT RESOLVED by the Township Committee of the Township of Colts Neck that it hereby cancels Resolution No. 2012-122 pertaining to an emergency appropriation in the amount of \$750,000 for Superstorm Sandy.

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 an emergency meeting held on the 6th 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 2012-139

**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 \$1,500,000; 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 \$1,500,000 for the Recovery from Superstorm Sandy. The \$1,500,000 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 \$300,000 annually in each of the next five years' succeeding budgets.
3. Special Emergency Notes not in excess of \$1,500,000 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. The Township reasonably expects 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 \$1,500,000 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 an emergency meeting held on the 6th 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						

CERTIFICATION AS TO
RESOLUTION 2012-139

Upon motion of Township Committee Member Michael Fitzgerald, and seconded by Township Committee Member Thomas Orgo, the foregoing Resolution was adopted by the following vote:

Township Council Member By Name

AYES:

NAYS:

ABSENT:

ABSTENTIONS:

I, ROBERT BOWDEN, Municipal Clerk of the Township of Colts Neck, in the County of Monmouth, New Jersey, do hereby certify the Resolution annexed hereto to be a true and complete copy of a resolution duly adopted by the Township at a duly convened meeting of said governing body held on December 6, 2012. Said resolution has not been modified, amended, repealed or rescinded and remains in full force and effect.

IN WITNESS WHEREOF, I hereby set my hand and the seal of the Township this 6th day of December, 2012.

TOWNSHIP OF COLTS NECK,
IN THE COUNTY OF MONMOUTH,
NEW JERSEY

ROBERT BOWDEN,
Municipal Clerk

(SEAL)

CERTIFICATION OF CHIEF FINANCIAL OFFICER

Purpose of special emergency appropriation: To provide funds to promote the public's health and safety and to provide funds for the repair and reconstruction of the streets, roads and other public property in response to the extraordinary damage caused by Superstorm Sandy.

Date(s) of occurrence: October 29, 2012 through December 31, 2012

Have any **contracts** been awarded or purchase orders placed in connection with this emergency appropriation? Yes.

IN WITNESS WHEREOF, I have hereunto set my hand as of this ____ day of _____, 2012.

JOHN ANTONIDES
Chief Financial Officer
Township of Colts Neck

RESOLUTION NO. 2012-140

RESOLUTION AUTHORIZING THE VEGETATIVE STORM DEBRIS REMOVAL SERVICES OF BERGERON EMERGENCY SERVICES 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 Bergeron Emergency Services 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 Bergeron Emergency Services, 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. Bergeron Emergency Services, Ft. Lauderdale, FL 33332;
 - 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 an emergency meeting held on the 6th day of December 2012.

Robert Bowden, Township Administrator/Clerk

RECORD OF VOTE						
Committeeman	M	S	Yes	No	NV	Ab
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