

Holmdel Township Committee Meeting – May 22, 2018

The Regular Meeting of the Holmdel Township Committee was called to order by Mayor Critelli at 7:00 PM.

Statement read by Mayor:

I hereby announce that pursuant to Section 5 of the Open Public Meetings Act adequate notice of this meeting has been provided in the notice which was sent to the Asbury Park Press, the Courier, the Independent and the Two River Times and posted on the bulletin board in the lobby at Town Hall, and a copy filed in the Township Clerk's Office on January 5, 2018.

Present on Roll Call:

Mayor Thomas Critelli
Deputy Mayor Gregory Buontempo
Michael Nikolis, Township Committeeman
Rocco Pascucci, Township Committeeman
Eric Hinds, Township Committeeman

Also Present:

Donna Vieiro, Township Administrator
Jeanette Larrison, Chief Financial Officer
Francis W. Mullan, Township Engineer
Michael Collins, Township Attorney
Maureen Doloughy, Township Clerk

Mayor Critelli led the Pledge of Allegiance and the Moment of Silent Prayer

Proclamation

Mayor Critelli read the following Proclamation into the record:

WHEREAS, The Township of Holmdel is pleased to honor and salute Timmy McDonnell, a true miracle that stands here before us; and,

WHEREAS, Timmy was a Holmdel High School Graduate who excelled in basketball, football and academics, and was accepted into Rutgers University; and

WHEREAS, On October 4, 2014 both Timmy and his family's lives were forever changed when he was struck by a drunk driver and suffered a severe life –threatening head injury; and

WHEREAS, The Medical Team at Robert Wood Johnson University Hospital advised Timmy's family to prepare for the worst, with Dr. Gracias expressing Timmy "would most likely not make it, but was hoping he would be wrong"; and

WHEREAS, while being wheeled away to surgery Timmy's mother, Clare, yelled out to him "fight Timmy fight" and fight he did; and

WHEREAS, Timmy remained in a coma for 21 days; and

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WHEREAS, with faith, love, hope and prayers Timmy pulled through following a 25-day hospital stay, and 88 days as an inpatient at Kessler Rehabilitation Center; and

WHEREAS, after recovery, Timmy was the honoree at the “Amazing Saves Picnic ” hosted by the Level 1 Trauma Center located at Robert Wood Johnson where he was excited to tell Dr. Gracias “you were wrong”; and

WHEREAS, being told Timmy would probably never walk, talk, or breathe on his own, he once again beat the odds with his strength, will and determination by graduating from Brookdale Community College on May 10, 2018 receiving an Associates Degree in Early Childhood Education.

WHEREAS, the Township Committee is of the opinion that such a strong, brave and determined young man should be memorialized, as a lasting tribute to Timmy so that the citizens of the Township of Holmdel will forever be cognizant of his amazing recovery, that is truly a miracle.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Holmdel hereby commends Timmy for his incredible bravery and love for life and we wish Timmy continued health and success in all his future endeavors.

2018 Municipal Budget Public Hearing

2018 Municipal Budget
of the Township of Holmdel, County of
Monmouth for the fiscal year 2018.

Revenue and Appropriation Summaries

Summary of Revenues		2018	Anticipated 2017
1.Surplus		3,865,000.00	2,668,000.00
2.Total Miscellaneous Revenue		4,856,935.50	4,441,812.64
3.Receipts from Delinquent Taxes		475,000.00	525,000.00
4. a) Local Tax for Municipal Purpose		14,519,551.53	14,527,232.10
b) Addition to Local District School Tax		.00	.00
c) Minimum Library Tax		.00	.00
Total Amount to be Raised for Support of Municipal Budget		14,519,551.53	14,527,232.10
Total General Revenues		23,716,487.03	22,162,044.74
Summary of Appropriations		2018 Budget	Final 2017 Budget
1.Operating Expenses: Salaries and Wages		9,281,032.00	8,666,657.00
Other Expenses		6,838,951.50	6,537,989.64
2.Deferred Charges and Other Appropriations		2,685,200.15	2,551,583.30
3.Capital Improvements		555,000.00	200,000.00
4.Debt Service (Include for School Purposes)		2,918,876.00	2,768,277.00
5.Reserve for Uncollected Taxes		1,437,427.38	1,437,537.80
Total General Appropriations		23,716,487.03	22,162,044.74

2018 Dedicated Sewer Utility Budget

Summary of Revenues		2018	Anticipated 2017
1.Surplus		678,445.00	558,116.50
2.Miscellaneous Revenues		2,515,750.00	2,464,755.50
3.Deficit (General Budget)		.00	.00
Total Revenues		3,194,195.00	3,022,872.00
Summary of Appropriations		2018 Budget	Final 2017 Budget
1.Operating Expenses: Salaries and Wages		391,195.00	325,545.00
Other Expenses		2,286,000.00	2,205,000.00
2.Capital Improvements		100,000.00	100,000.00
3.Debt Service		312,000.00	321,940.00
4.Deferred Charges and Other Expenditures		105,000.00	70,387.00
5.Surplus (General Budget)		.00	.00
Total Appropriations		3,194,195.00	3,022,872.00

2018 Dedicated Swim Pool Utility Budget

Summary of Revenues		2018	Anticipated 2017
1.Surplus		105,000.00	113,718.00
2.Miscellaneous Revenues		380,000.00	377,500.00
3.Deficit (General Budget)		.00	.00
Total Revenues		485,000.00	491,218.00
Summary of Appropriations		2018 Budget	Final 2017 Budget
1.Operating Expenses: Salaries and Wages		241,000.00	233,383.00
Other Expenses		224,000.00	238,835.00
2.Capital Improvements		.00	.00
3.Debt Service		.00	.00
4.Deferred Charges and Other Expenditures		20,000.00	19,000.00
5.Surplus (General Budget)		.00	.00
Total Appropriations		485,000.00	491,218.00

Balance of Outstanding Debt

	General	Utilities Sewer	Swim Pool
Interest	3,041,082.00	16,425.00	
Principal	1,038,841.00	300,000.00	
Outstanding Balance	26,713,574.43	787,000.00	

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Notice is hereby given that the budget and tax resolution was approved by the governing body of the Township of Holmdel, County of Monmouth on April 24, 2018.

A hearing on the budget and tax resolution will be held at the Municipal Building, on May 22, 2018 at 7:30pm at which time and place objections to the Budget and Tax Resolution for the year 2018 may be presented by taxpayers or other interested persons.

Copies of the budget are available in the office of Maureen Doloughy, Township Clerk, at the Municipal Building, 4 Crawford's Corner Road, Holmdel, NJ 07733, phone number 732-946-2820, during the hours of 8:30 a.m. to 4:30 p.m.

(\$138.60)

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Ms. Larrison stated that this budget provides for a zero percent municipal tax increase. The stabilization of taxes that the Township has begun to enjoy has been achieved through team work, strategic planning thorough the departments, and Committee.

Ms. Larrison stated that the appropriations are in the amount of \$23,716,488.00 which is well below the New Jersey allowable expenditure appropriation. The tax levy, which is the amount of money raised by taxes to support this budget, is \$14,519,552.00 which is also under the allowable Cap Law by more than \$930,000.00.

Ms. Larrison stated that there are noticeable decreases in the budget. One of the expenses from last year included funding for tax map revamping. That was a one time fee of approximately \$150,000 and is not included in this budget. The maintenance fees for the Open Space Properties continue to be moved over to the Open Space Fund. Some increases in this budget include a full time IT Department which was put in place last year. The Debt Service has increased a little over 5% as we continue down the path to eventually pay down some of the short-term debt the Township currently has. There is also an increase for the payment for deferred charges. This is a fund money that has not been raised Capital Improvements. We have five years to raise these funds once the shortfall has been determined. This is being paid down sooner. This item will not be in next year's budget.

Ms. Larrison noted that funding has been added for additional staffing in the Construction Department. The Bell Works and Toll Brothers Development have put a strain on the Construction Department. There is also a position of a part time clerk in the Police Department and transitional staff in the Clerk's Office and the Finance Department. Salary appropriations have increased due to contractual obligations.

Ms. Larrison stated that on the revenue side, the amount of surplus used to support this budget has increased by approximately 40% due to one time costs that were in the budget. The State Aid is flat in 2018. This has been flat since 2010. It is estimated that the Township has lost approximately \$10 million in State Aid Funding.

Ms. Larrison stated that the anticipated tax rate for 2018 .345 cents. Last year the rate was a little over .35 cents. The total amount to be raised through taxation \$14,519,552.00 which is actually a decrease in taxes of \$7,680. For the average property owner with an average assessment of \$667,000.00 the taxes will be \$2,303.00 for the municipal portion which is slightly less than last year's amount of \$2,311. Thanks to the Monmouth County Demonstration Pilot which recalculates the net valuation of the town after the County appeals and incorporates those differences into the tax rate. The valuation for the Township has increased 2% over the last year.

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Ms. Larrison stated that the Open Space Budget is finally solvent. The Township has collected enough money to pay off all the debt services for the land purchases as well as being able to fund some of the maintenance of those properties.

Mayor Critelli opened the Public Hearing.

Jerry Buffalino, Barbara Drive, asked if the Surplus is still spendable money. Ms. Larrison stated that part of the funding is to pay ancillary charges. There were one-time expenses. When this budget document was created, the revenues are based on what was collected during the prior year. Mr. Buffalino stated that he looks at the Surplus as an excess tax.

Gene Webber, Duncan Drive asked about the surplus. Ms. Larrison stated that the money collected in the Township are not just based on tax collection. There are anticipated revenues for items such as building permits, money collected through Court, money for Liquor Licenses. When the budget is put together the revenues have to equal the appropriations. There has to be a balanced budget. Whatever money is collected over what was anticipated goes into the surplus. When the budget is created for the next year, if funding is in the surplus it can be used to support the budget.

Barbara Singer, Deerfield Road, asked what the anticipated surplus will be for 2018. Ms. Larrison stated that she cannot anticipate what the surplus will be from year to year.

Jay Yonello, Ladwood Drive, asked if the money in surplus can be used any way for any expense during the year. Ms. Larrison stated that no, the money is used to offset the money in the current budget. Mr. Yonello asked why it changes every year. Ms. Larrison stated there are several reasons. There are one-time expenditures that are in this budget that are being supported. Also the anticipated amount of revenues has been reduced.

Jenni Blumenthal, Stoney Brook Road, asked if it is cheaper to hire a full time person with a salary and benefits than to outsource the IT needs. Ms. Larrison stated absolutely. He is here full time. In the past it was part time. From the short time he has been here the advances that have been made cannot have a price tag put on them. Ms. Blumenthal asked what the difference is between surplus and a rainy day fund. Ms. Larrison stated it is not a rainy day fund. The surplus is not something that is sitting in the bank. It offsets appropriations that are already in the budget.

Tom Wood, Heather Hill Way, stated that the Capital Budget shows approximately \$6.5 million of new borrowing. Ms. Vieiro stated that the placeholders for the 2018 budget are higher than the placeholders for the 2017 budget. No funding has been allocated yet. Mr. Wood stated that he understands that if the Committee chooses to follow the projections of the 2018 budget the total amount for debt service will go up. He suggested that the Committee not follow the outline in the budget. It allows for more bonding. The total outstanding bonding should be going down not up. He noted that the largest single item for new debt is improvement to parks. There has been much discussion regarding recreation facilities. This subject was studied last year and the results of the survey showed that things are great and nothing needs to be done. He suggests the Township Committee does not need to spend all that money.

Joe Crowley, Ely Road, asked if there is a budget item for \$2.98 million for capital improvement for the parks. Ms. Vieiro stated that the money is there as a placeholder but the

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Township Committee has not decided to do anything yet. The Bond Ordinance does not include recreation items. The Bond Ordinance is for Capital Improvements

Carole Balmer, Middletown Road, asked how much debt has been retired. Ms. Larrison stated approximately \$3 million.

Mike Sockol, Wildhedge Lane, asked how much of the Surplus is associated with the PILOT program. Ms. Larrison stated that zero dollars were collected from the PILOT Program.

There being no one else who wished to be heard Mayor Critelli closed the Public Hearing.

Adoption of Budget

Motion was made by Dr. Pascucci seconded by Mr. Hinds to adopt the 2018 Municipal Budget. Carried on roll call vote: Ayes: Mr. Buontempo, Mr. Hinds, Mr. Nikolis, Dr. Pascucci, Mayor Critelli; Nays: None; Abstain: None; Absent

Approval of Minutes

Motion was made by Mr. Buontempo seconded by Dr. Pascucci to approve the Minutes of February 13, 2018. Carried on roll call vote: Ayes: Mr. Buontempo, Mr. Hinds, Mr. Nikolis, Dr. Pascucci, Mayor Critelli; Nays: None; Abstain: None; Absent

Motion was made by Mr. Buontempo seconded by Dr. Pascucci to approve the Minutes of February 27, 2018. Carried on roll call vote: Ayes: Mr. Buontempo, Mr. Nikolis, Mayor Critelli; Nays: None; Abstain: Mr. Hinds, Dr. Pascucci: Absent

Amend Consent Agenda

Motion was made by Mayor Critelli seconded by Mr. Nikolis to amend the Consent Agenda to include a Resolution Approving Entry into a Shared Services Agreement with the Holmdel Township Board of Education for the Provision of a Special Law Enforcement Officer to Provide Security to the Holmdel Township Public Schools. Carried on roll call vote: Ayes: Mr. Buontempo, Mr. Nikolis, Mayor Critelli; Nays: None; Abstain: Mr. Hinds, Dr. Pascucci: Absent

Consent Agenda

Bills Payable #1

BE IT RESOLVED by the Mayor and Township Committee of the Township of Holmdel that the claims listed below on the Schedule of Bills Payable on May 22, 2018 be and the same hereby are approved and the Chief Financial Officer is authorized to pay said claims.

FUND DISTRIBUTION	8-01	CURRENT FUND	\$ 3,117,862,45
		Total Of All Funds:	\$ 3,117,862.45

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Motion was made by Mr. Nikolis seconded by Mr. Buontempo to adopt the above Resolution. Carried on roll call vote: Ayes: Mr. Buontempo, Mr. Hinds, Mr. Nikolis, Dr. Pascucci, Mayor Critelli; Nays: None; Abstain: None; Absent

Bills Payable #2

BE IT RESOLVED by the Mayor and Township Committee of the Township of Holmdel that the claims listed below on the Schedule of Bills Payable on May 22, 2018 be and the same hereby are approved and the Chief Financial Officer is authorized to pay said claims.

FUND DISTRIBUTION	7-01	CURRENT FUND	\$ 2,693.88
FUND DISTRIBUTION	7-07	SEWER OPER.	\$ 27,306.16
		YEAR TOTAL	\$ 30,000.04
FUND DISTRIBUTION	8-01	CURRENT FUND	\$ 184,612.12
FUND DISTRIBUTION	8-07	SEWER	\$ 46,858.24
FUND DISTRIBUTION	8-12		\$ 5,996.06
FUND DISTRIBUTION	8-26	POOL OPER	\$ 1,518.26
		YEAR TOTAL	\$ 238,984.68
FUND DISTRIBUTION	C-04	GENERAL CAPT	\$ 32,267.88
FUND DISTRIBUTION	D-02	DOG TRUST	\$ 39.60
FUND DISTRIBUTION	G-02	STATE/FED	\$ 4,604.30
FUND DISTRIBUTION	T-12	OTHER TRUSTS	\$ 1,200.00
FUND DISTRIBUTION	T-24	FAIR HOUSING	\$ 4,437.50
		YEAR TOTAL	\$ 5,637.50
Total Of All Funds:			\$ 311,534.00
Total of all Projects:			\$ 3,446.10

Motion was made by Mr. Nikolis seconded by Mr. Buontempo to adopt the above Resolution. Carried on roll call vote: Ayes: Mr. Buontempo, Mr. Hinds, Mr. Nikolis, Dr. Pascucci, Mayor Critelli; Nays: None; Abstain: None; Absent

Resolution Authorization Renewal of Shared Services Agreement with Middletown Township for Animal Control Services

WHEREAS, on June 1, 2015 Holmdel Township entered into an Animal Control Share Services Agreement with Middletown Township, New Jersey which expires on May 31, 2018; and

WHEREAS, it has been determined it is in the best interest of Holmdel Township to renew the Agreement with Middletown Township for the period of June 1, 2018 to December 31, 2021; and

WHEREAS, the Contract as written is identical in scope and price as the original;

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WHEREAS, the Chief Financial Officer has certified to the Purchasing Agent that funds are available; and

WHEREAS, the Township Committee is authorized to enter into a Shared Services Agreement pursuant to the Uniform Shared Services and Consolidation Act N.J.S.A. 40A:65-1 et seq.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of Holmdel hereby authorizes the renewal of the Animal Control Share Services Agreement with Middletown Township in the amount of \$20,750 per year for a contract term extending to December 31, 2021.

BE IT RESOLVED by the Mayor and Township Committee of the Township of Holmdel that the Mayor and Clerk are hereby authorized and directed to execute an agreement with Middletown Township consistent with foregoing terms.

BE IT FURTHER RESOLVED that a copy of this Resolution certified by the Township Clerk to be a true copy be forwarded to Middletown Township, and the Township's Qualified Purchasing Agent.

Motion was made by Mr. Nikolis seconded by Mr. Buontempo to adopt the above Resolution. Carried on roll call vote: Ayes: Mr. Buontempo, Mr. Hinds, Mr. Nikolis, Dr. Pascucci, Mayor Critelli; Nays: None; Abstain: None; Absent

Resolution Refunding Unexpended Escrow Fees to National Realty & Development Corporation

BE IT RESOLVED by the Mayor and Township Committee of the Township of Holmdel that the following unused escrow be returned:

National Realty & Development Corp. (Kohl's)	\$3,772.05
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Motion was made by Mr. Nikolis seconded by Mr. Buontempo to adopt the above Resolution. Carried on roll call vote: Ayes: Mr. Buontempo, Mr. Hinds, Mr. Nikolis, Dr. Pascucci, Mayor Critelli; Nays: None; Abstain: None; Absent

Resolution Approving the Hiring of Seasonal Laborers for Department of Public Works

BE IT RESOLVED by the Mayor and Township Committee of the Township of Holmdel that the following individuals be and hereby are hired to the position of Seasonal Laborers in the Department of Public Works:

Kevin Bailey	Seasonal Laborer	\$12.50 per hour
Ryan Bailey	Seasonal Laborer	\$12.50 per hour
Thomas Clayton	Seasonal Laborer	\$12.50 per hour

Motion was made by Mr. Nikolis seconded by Mr. Buontempo to adopt the above Resolution. Carried on roll call vote: Ayes: Mr. Buontempo, Mr. Hinds, Mr. Nikolis, Dr. Pascucci, Mayor Critelli; Nays: None; Abstain: None; Absent

Resolution Approving Change Order #1 for the Construction of a Pole Building at the Department of Public Works

WHEREAS, on April 10, 2018, the Township of Holmdel awarded a contract to Dutchman Contracting, LLC in the sum of \$94,900.00 for the construction of a new pole building at the Department of Public Works, 14 Crawfords Corner Road; and

WHEREAS, it has now been determined that the contract must be further amended due to the fact that trash was found buried beneath grade during site work excavation; and

WHEREAS, prior to the preparation of bid specifications it was unknown to the Township that the area was used for a landfill many years ago and the trash has decomposed and compacted over the years; and

WHEREAS, adjustments are required to the Contract for excavation and footer purposes; and

WHEREAS, this proposed Change Order No. 1 will result in the net sum for this project to be in excess of the 20% limit for change orders which is allowed under the Local Public Contracts Law N.J.S.A. 40A:11-1 and;

WHEREAS, the regulations (N.J.A.C. 5:30-11.9) of the State of New Jersey Department of Community Affairs permits change orders in excess of 20% as long as the following is present:

- 1) a written certification by the contractor containing the following:
 - i) an explanation of the factual circumstances which necessitate issuance of the change order
 - ii) a statement indicating why these circumstances could not have been foreseen
 - iii) a statement indicating why issuance of the change order would be in the best interest of the Township and would not constitute an abuse of these rules
 - iv) if the nature of the change order is technical, the certification shall include a certified statement from contractor's appropriate expert, explaining in detail the factual circumstances which necessitate the issuance of the change order.

WHEREAS, the Township is in receipt of a certification from the Contractor's Engineer dated May 11, 2018 a copy of which is attached hereto and incorporated by reference; and

WHEREAS, this Change Order shall increase the contract price by \$42,927; and

WHEREAS, the Chief Financial Officer has certified to the Purchasing Agent that funds are available.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of Holmdel that Change Order #1 be approved to the referenced contract.

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BE IT FURTHER RESOLVED that the Township Clerk is authorized to publish a notice of this action upon approval.

Motion was made by Mr. Nikolis seconded by Mr. Buontempo to adopt the above Resolution. Carried on roll call vote: Ayes: Mr. Buontempo, Mr. Hinds, Mr. Nikolis, Dr. Pascucci, Mayor Critelli; Nays: None; Abstain: None; Absent

Resolution Approving Special Counsel – COAH

WHEREAS, on May 21, 2018 proposals were received at the Municipal Building, 4 Crawfords Corner Road, Holmdel, New Jersey, for the Township's to appoint an individual or law firm to service as special counsel to the Township of Holmdel as Affordable Housing Counsel as may be needed;

WHEREAS, while the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a), does not require competitive bidding for this position, it was nevertheless advertised pursuant to the Fair and Open Process, N.J.S.A. 19:44A-20.5, with submissions having been received and considered for the position of Affordable Housing Counsel for a one-year term; and

WHEREAS, subject to the certification of availability of funds by the Chief Financial Officer, the law offices of Pashman, Stein, Walder & Hayden, 28 Leroy Place, Red Bank, New Jersey 07701, has qualified and agreed to provide legal counsel as Affordable Housing Counsel at the rates set forth in its proposal.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of Holmdel that the firm Pashman, Stein, Walder & Hayden, is hereby awarded a professional services contract for the provision of legal services as Affordable Housing Counsel to the Township as needed starting May 22, 2018 through December 31, 2018, consistent with the foregoing.

BE IT FURTHER RESOLVED that the Mayor and the Clerk are hereby authorized and directed to execute an Agreement with Pashman, Stein, Walder & Hayden for such professional services, a copy of which shall be maintained by the Clerk and advertised in the Township's official newspaper pursuant to law.

BE IT FURTHER RESOLVED that all resolutions that are inconsistent with provisions of this resolution shall be repealed to the extent of any such inconsistency.

Motion was made by Mr. Nikolis seconded by Mr. Buontempo to adopt the above Resolution. Carried on roll call vote: Ayes: Mr. Buontempo, Mr. Hinds, Mr. Nikolis, Dr. Pascucci, Mayor Critelli; Nays: None; Abstain: None; Absent

Resolution Designating Bond Anticipation Note as Qualified Tax Exempt Obligation

WHEREAS, the Township of Holmdel, in the County of Monmouth, New Jersey (the "Township"), from time to time issues bonds, notes and other obligations, the interest on which is excluded from gross income for Federal income tax purposes, and desires to take such action as may be necessary or advisable to establish and maintain such exclusion; and

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WHEREAS, the Internal Revenue Code of 1986, as amended (the "Code"), contains provisions with respect to the exclusion from gross income for Federal income tax purposes of interest on obligations, including provisions, among others, that require issuers of tax-exempt obligations, such as the Township, to account for and rebate certain arbitrage earnings to the United States Treasury and to take such other action to establish and maintain such Federal tax exclusion; and

WHEREAS, the Township intends to issue an \$8,037,375 bond anticipation note, dated May 11, 2018 and payable May 12, 2019 (the "Note"); and

WHEREAS, the Township desires to designate the Note as a "qualified tax-exempt obligation" pursuant to Section 265(b)(3) of the Code;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Holmdel, in the County of Monmouth, New Jersey, as follows:

SECTION 1. The Township Committee hereby covenants on behalf of the Township, to the extent permitted by the Constitution and the laws of the State of New Jersey, to do and perform all acts and things permitted by law and necessary to assure that interest paid on bonds, notes or other obligations of the Township (including the Note) be and remain excluded from gross income of the owners thereof for Federal income tax purposes pursuant to Section 103 of the Code.

SECTION 2. The Mayor, Township Clerk, Chief Financial Officer and other officials of the Township are hereby authorized and directed to take such action, make such representations and give such assurances as they may deem necessary or advisable to effect compliance with the Code.

SECTION 3. The Note is hereby designated as a "qualified tax-exempt obligation" for the purpose of Section 265(b)(3) of the Code.

SECTION 4. It is hereby determined and stated that (1) the Note is not a "private activity bond" as defined in the Code and (2) the Township and its subordinate entities, if any, do not reasonably anticipate issuing in excess of \$10 million of new money tax-exempt obligations (other than private activity bonds) during the calendar year 2018.

SECTION 5. It is further determined and stated that the Township has not, as of the date hereof, issued any tax-exempt obligations (other than the Note) during the calendar year 2018.

SECTION 6. The Township will, to the best of its ability, attempt to comply with respect to the limitations on issuance of tax-exempt obligations pursuant to Section 265(b)(3) of the Code; however, the Township does not covenant to do so, and hereby expressly states that a covenant is not made hereby.

SECTION 7. The issuing officers of the Township are hereby authorized to deliver a certified copy of this resolution to the original purchaser of the Note and to further provide such original purchaser with a certificate of obligations issued during the calendar year 2018 dated as of the date of delivery of the Note.

SECTION 8. This resolution shall take effect immediately upon its adoption.

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Motion was made by Mr. Nikolis seconded by Mr. Buontempo to adopt the above Resolution. Carried on roll call vote: Ayes: Mr. Buontempo, Mr. Hinds, Mr. Nikolis, Dr. Pascucci, Mayor Critelli; Nays: None; Abstain: None; Absent

Resolution Approving the Refund of Recreation Fees

BE IT RESOLVED by the Mayor and Township Committee of the Township of Holmdel that the following Recreation Fees be returned:

Frank Barone	Refund Tennis Lessons	\$112.00
Brian Foster	Refund Swim Lessons	\$50.00

Motion was made by Mr. Nikolis seconded by Mr. Buontempo to adopt the above Resolution. Carried on roll call vote: Ayes: Mr. Buontempo, Mr. Hinds, Mr. Nikolis, Dr. Pascucci, Mayor Critelli; Nays: None; Abstain: None; Absent

Resolution Approving the Placement of a Construction Trailer on Palmetto Court

WHEREAS, the Township of Holmdel maintains Ordinance 4-3, which provides for the licensing and regulation of sales and construction trailers in the Township; and

WHEREAS, Crown Royal Homes LLC (the "Applicant") submitted a trailer permit application (the "Application") to place a construction trailer on the property located at Block 9, Lot 7.04 in the Township (7 Palmetto Court), which is attached hereto and incorporated by reference; and

WHEREAS, in the Application, the Applicant requested to place the trailer in either of two different locations; and

WHEREAS, the Township Engineer reviewed the Application by way of letter dated May 16, 2018, which is attached hereto (the "Engineer's Letter"), and approved of locating the trailer in Trailer Location #2, but not Trailer Location #1; and

WHEREAS, the Township's Code Enforcement Officer has recommended to the Township Committee approval of the Application consistent with the terms of the Engineer's Letter, pursuant to Holmdel Township Ordinance 4-3.2(b).

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Holmdel hereby approves the trailer permit application by Crown Royal Homes, LLC, consistent with the terms of the Engineer's Letter.

BE IT FURTHER RESOLVED that the Code Enforcement Officer or designee is hereby authorized and directed to take any and all steps reasonably necessary to effectuate the foregoing.

Motion was made by Mr. Nikolis seconded by Mr. Buontempo to adopt the above Resolution. Carried on roll call vote: Ayes: Mr. Buontempo, Mr. Hinds, Mr. Nikolis, Dr. Pascucci, Mayor Critelli; Nays: None; Abstain: None; Absent

Resolution Authorizing the Township Consulting Engineer to Provide Services Relating to a Recreational Multi-Use Facility

WHEREAS, there exists a need for Recreation Consulting Services; and

WHEREAS, funds are available for these purposes, and,

WHEREAS, the Local Public Contracts Law (NJSA 40A:11-1 et. seq.) requires that a notice of the resolution awarding contracts for professional services without competitive bids must be publicly advertised.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of Holmdel that the Mayor and Clerk are hereby authorized and directed to execute an agreement with Maser Consulting for the Initial Feasibility/Due Diligence for a Proposed Indoor, Multi-use Recreational Facility.

BE IT FURTHER RESOLVED that this contract is awarded without competitive bidding as "professional services" under the provisions of the Local Public Contracts Law because the person hereby appointed is licensed Engineers/Planners recognized professions licensed and regulated by law, and the rates for the professional services will be and will be approved upon acceptance by the Mayor and Township Committee, and,

BE IT FURTHER RESOLVED that notice of the adoption of this resolution shall be published in the Courier as required by law within 10 days of its passage.

Motion was made by Mr. Nikolis seconded by Mr. Buontempo to adopt the above Resolution. Carried on roll call vote: Ayes: Mr. Buontempo, Mr. Hinds, Mr. Nikolis, Dr. Pascucci, Mayor Critelli; Nays: None; Abstain: None; Absent

Resolution Authorizing a Contract for Fire Protection Consultant Services with Harry R. Carter, PH.D, LLC

WHEREAS, the Township of Holmdel is in need of the services of a Township Fire Protection Consultant, which is a professional service exempt from the bidding requirements of the Local Public Contracts Law pursuant to N.J.S.A. 40A:11-5(1)(a); and

WHEREAS, the Township of Holmdel has received the attached proposal from Harry R. Carter, PhD., LLC, to provide such services at a total project cost of \$20,500; and

WHEREAS, Harry R. Carter, Ph.D, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that it has not made any reportable contributions to a political or candidate committee in the Township of Holmdel in the previous one year, and that the contract will prohibit same from making any reportable contributions through the term of the contract, pursuant to N.J.S.A. 19:44A-20.5 et seq., which shall remain on file for 10 days prior to entering into a contract with the entity; and

WHEREAS, the Township Committee wishes to procure the professional services of Dr. Carter in order to complete a fire department master plan study for the Township of Holmdel.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Committee of the Township of Holmdel hereby awards a contract to Harry R. Carter, Ph.D., LLC to provide Fire Protection Consultant Services, consistent with the foregoing; and

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized and directed to enter into and execute a contract with Harry R. Carter, Ph.D., LLC, subject to the review and approval by the Township Attorney.

Motion was made by Mr. Nikolis seconded by Mr. Buontempo to adopt the above Resolution. Carried on roll call vote: Ayes: Mr. Buontempo, Mr. Hinds, Mr. Nikolis, Dr. Pascucci, Mayor Critelli; Nays: None; Abstain: None; Absent

Resolution Approving Entry into a Shared Services Agreement with the Holmdel Township Board of Education for the Provision of a Special Law Enforcement Officer to Provide Security to the Holmdel Township Public Schools.

WHEREAS, the Township of Holmdel (“Township”) maintains the Holmdel Township Police Department, pursuant to N.J.S.A. 40A:14-118 and Holmdel Township Ordinance 2-26 et seq.; and

WHEREAS, the Holmdel Township Board of Education (“Board”) is the operator of the public schools in Holmdel Township (the “School District”), pursuant to N.J.S.A. 18A:10-1 et seq.; and

WHEREAS, the Township and Board desire to enter into a shared services agreement to establish a Class III Special Law Enforcement Officers program, whereby the Township shall provide such personnel to provide security to the School District at Board expense, a copy of which is attached hereto and incorporated by reference; and

WHEREAS, the Township and Board are authorized to enter into such a shared services agreement, pursuant to the provisions of the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Holmdel hereby approves entry into a shared services agreement with the Holmdel Township Board of Education for the provision of special law enforcement officers to provide security to the Holmdel Township Public Schools, substantially consistent with the terms of the attached agreement and subject to final review by the Township Attorney.

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are hereby authorized and directed to execute a shared services agreement with the Holmdel Township Board of Education, consistent with the foregoing and subject to final review by the Township Attorney.

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be transmitted to the President of the Holmdel Township Board of Education.

Motion was made by Mr. Nikolis seconded by Mr. Buontempo to adopt the above Resolution. Carried on roll call vote: Ayes: Mr. Buontempo, Mr. Hinds, Mr. Nikolis, Dr. Pascucci, Mayor Critelli; Nays: None; Abstain: None; Absent

Introduction of Ordinances

ORDINANCE AMENDING CHAPTER XVII (SEWERS) ARTICLE 18-3 (SEWER RENTAL AND USE CHARGES), SUBSECTION 18-3.2 (CHARGES AND RENTALS) OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF HOLMDEL MONMOUTH COUNTY, NEW JERSEY 2018-08

Motion was made by Mr. Nikolis seconded by Dr. Pascucci to adopt on first reading, publish in the Asbury Park Press and set public hearing for Wednesday June 6, 2018. Carried on roll call vote: Ayes: Mr. Buontempo, Mr. Hinds, Mr. Nikolis, Dr. Pascucci, Mayor Critelli; Nays: None; Abstain: None; Absent

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS EQUIPMENT, NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT, NEW ADDITIONAL FURNISHINGS AND NEW AUTOMOTIVE VEHICLES, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE TOWNSHIP OF HOLMDEL, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$4,181,650 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS. 2018-09

Motion was made by Mr. Nikolis seconded by Dr. Pascucci to adopt on first reading, publish in the Asbury Park Press and set public hearing for Wednesday June 6, 2018. Carried on roll call vote: Ayes: Mr. Buontempo, Mr. Hinds, Mr. Nikolis, Dr. Pascucci, Mayor Critelli; Nays: None; Abstain: None; Absent

Hearings on Ordinances

TOWNSHIP OF HOLMDEL
COUNTY OF MONMOUTH

ORDINANCE #2018 - 07

AN ORDINANCE AUTHORIZING AN EASEMENT SWAP INVOLVING BLOCK 50.15, LOT 3 ON THE TAX MAPS OF THE TOWNSHIP OF HOLMDEL (9 CARLA COURT)

WHEREAS, the Township of Holmdel ("Township") holds an easement (the "Easement") to portions of Block 50.15, Lot 61 on the Tax Maps of the Township of Holmdel, commonly known as 9 Carla Court, Holmdel, County of Monmouth, State of New Jersey (the "Property"); and

WHEREAS, the Easement was established by way of filed subdivision map for Beuridge Section 5, filed in the Monmouth County Clerk's Office in Case 207, Page 22 on April 24, 1986; and

WHEREAS, dating back to 1991, the then-owners of the Property engaged with the Township to address easement encroachments that existed on the Property and agreed to take various curative steps; and

WHEREAS, at that time, the then-owners of the Property and the Township failed to execute certain deeds to effectuate an easement swap, which would have ameliorated the principal easement encroachment issue currently at issue; and

WHEREAS, beginning on August 21, 2017, the Township received a request by the former and current owners of the Property ("Owners") to effectuate a new easement swap that the Township Engineer confirms would ameliorate any and all encroachments upon the Township-held easement (the "Swap"); and

WHEREAS, under the Swap, the Township shall deed to the Owners an extinguishment of its Open Space Easement over the 2496 sq. ft. portion of the Property, as provided in the description attached hereto as Exhibit A, in exchange for the Owners granting a deed of Open Space Easement to the Township over the 2496 sq. ft. portion of the Property, as provided in the description attached hereto as Exhibit B; and

WHEREAS, the Township Engineer has approved the descriptions contained in Exhibit A and Exhibit B from an engineering standpoint; and

WHEREAS, the Township's Tax Assessor has certified that the "full and fair value" of the easements to be exchanged under the Swap are equal; and

WHEREAS, the Township hereby seeks to ameliorate issues relating to Township-held easements that date back to 1991, while preserving the amount of acreage that is dedicated to the Township in the form of Open Space Easements; and

WHEREAS, N.J.S.A. 40A:12-16 authorizes the Township to approve by ordinance the Swap.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Holmdel, County of Monmouth, State of New Jersey, as follows:

- 1. The findings set forth in the foregoing preamble are hereby incorporated as if fully restated.
- 2. The Mayor and Township Clerk are hereby authorized to execute a Deed extinguishing and terminating the easement over the property depicted in Exhibit A, in exchange for a Deed granting to the Township and Open Space Easement over the property depicted in Exhibit B. The form and substance of the deeds shall be subject to the review and approval of the Township Attorney.
- 3. The Mayor, Township Clerk, Township Attorney, and Township Administrator are hereby authorized and directed to execute and file any and all such documents and undertake any and all such actions as may be reasonably necessary to effectuate the terms hereof.
- 4. All ordinances and resolutions, and parts of ordinances and resolutions which are inconsistent with provisions of this ordinance shall be, and are hereby, repealed to the extent of any such inconsistency.
- 5. This Ordinance shall take effect upon passage and publication in accordance with law.

LEGAL NOTICE

The foregoing ordinance was introduced and passed on the first reading at a meeting of the Township Committee of the Township of Holmdel held on April 24, 2018 and will be considered for final passage and adoption at a meeting of said Township Committee to be held on May 8, 2018 at Township Hall, 4 Crawfords Corner Road, Holmdel, NJ at 7:30 PM at which time and place all persons desiring to be heard thereon will be given full opportunity.

Thomas Critelli, Mayor

Attest:
Maureen Dolougherty, RMC
Township Clerk
4/27/18

002486775-01

Holmdel Township Committee Meeting – May 22, 2018

The Township Clerk announced that this Ordinance has been published in the Asbury Park Press, posted on the bulletin board, forwarded to the Monmouth County Clerk, Township Planning Board, contiguous municipalities, and copies have been made available to the public from the Clerk's office and at the rear of the room.

Mayor Critelli opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

Motion was made by Mr. Nikolis seconded by Mr. Buontempo to adopt on final reading and publish in the Asbury Park Press according to law.

Business from the Committee

Mr. Buontempo stated that the Township engaged an Engineer to prepare a feasibility study for a multi-use recreational facility. One of the top requests the Committee receives is for some type of recreational facility. The tennis courts are in disarray. The Swim and Tennis Facility has been fine-tuned. The F&F property is also under consideration. There needs to be research to look at issues with each site and if the property could support the type of structure needed. The facility could include multiple types of activities such as basketball, volleyball, wrestling, field hockey, soccer, baseball, softball. The facility would benefit children and seniors, and special events could be held there. It is expected to have an analysis back by the end of June.

Mr. Nikolis stated that the Environmental Commission has applied for a Grant for Educational Purposes for Septic Systems and how to care for them.

Dr. Pascucci stated that the Fire Consultant has been in the business for many years. He will look at protecting the entire Township to determine if, where, and how to fund and staff a new firehouse is needed.

Public Comment

Ron Emma, Ladwood Drive, asked when Middletown Road will be paved. Ms. Vieiro stated that the project is in the works. The start date should be finalized by next week. Mr. Emma asked when the Fire Study will be done. Dr. Pascucci stated hopefully in December and there will be updates. Mr. Emma asked if there are any other facilities being considered for the recreation center other than the Swim Club and F&F? Mr. Buontempo stated not at this time. Mayor Critelli stated that he would like to consider the area behind the Post Office adjacent to the Senior/Community Center.

Carole Balmer, Middletown Road, asked if the Committee has considered her request to re-establish an Ordinance which would allow challenges to a Zoning Board decision be brought to the Township Committee. Mr. Collins stated that the Committee is aware of the request and, if asked, he will discuss it with them at a future Executive Session.

Sheila Gilstein, Chardonnay Drive, asked for clarifications of the letter approved by the Committee from Maser which was on the Consent Agenda. She stated that the letter lists Cross Farm Park as a potential site for the recreation center. Mr. Buontempo stated that Cross Farm Park is not under consideration as a potential site. Ms. Gilstein is also concerned about Green Acres Funding. Mr. Buontempo stated that the Engineer just listed sources of additional funding.

Holmdel Township Committee Meeting – May 22, 2018

Barbara Singer, Deerfield Road, asked why a major contract is being given to an engineering firm rather than going out to bid. Mr. Collins stated that Maser Consulting is on retainer as a Consulting Engineer. This is a scope of work pursuant to that. Ms. Singer asked if the Recreation Facility is built will that be just for Holmdel residents or will it be open to the general public. Mayor Critelli stated that the plans are conceptual at this time. There is no location approved, the size is unknown, it is unknown what types of activities will be there. If the Committee moves forward there will be a public presentation.

Janet Nici, Country Squire Lane, stated that if the information is not correct in the letter from Maser Consulting she does not think it should be approved. She stated the Survey Results did not indicate that additional recreational facilities were necessary. She asked why the Committee is spending this much money on a facility that is not needed according to the survey. Mayor Critelli stated that the Township Committee accepted the Survey Report but not the recommendations. This has been going on for two plus years. The Committee has received input from residents who attend meetings, emails, letters, and requests from user groups. The Committee is receptive to doing something for recreation. At this point the Committee is gathering information. A Bond Ordinance has been introduced for everything except the recreation facility.

Francine Campis, Country Squire Lane, suggested that if Maser Consulting is going to review two locations for the facility instead of four, the price of the contract should be reduced. The agreement should be changed. She looked up Green Acres Funding and it states that the property could be used for farmland and outdoor recreation. Mr. Buontempo stated that there have been improvements to facilities over the years. The one caveat to using Green Acres funding is the entire facility opens up. This project will be on Township Property and it is not intended to use Green Acres funding.

Jay Yonello, Ladwood Drive, asked why Cross Farm Park was listed in the document as a possible location for the recreation facility if the Committee did not want to consider that. Mr. Buontempo stated that he has made his position clear. He believes the facility would work nicely at the Tennis Club or F&F since the Township owns those properties. Mayor Critelli stated that the conceptual plan for the recreational facility will require quite a bit of space and restroom facilities. That cannot be constructed on Cross Farm Park.

Kin Ghee, Stage Street, stated that at the BPI meeting they officially extended the deadline until July 21. There was a Senate Budget Appropriation Meeting. Declan O'Scanalon asked when the decision will be made The President of the BPU said it will be done within the next 45 days.

Brian Foster, Ironhill Dr., stated that he did not respond to the survey. He has young children, volunteers for First Aid, is a Planning Board Member, and works full time. Most of the people in his position cannot attend all the Township Committee Meetings to voice their opinions. He likes the idea of the Facility being constructed on the Swim Property. He would like F&F to remain as is. He thanked the Committee for all the work that they do.

Holmdel Township Committee Meeting – May 22, 2018

Joe Crowley, Ely Road, stated that he supports the sports and thinks there is a need for additional facilities. He would like to see a proposal to investigate a turf field at Satz School. He asked when the other sites will possibly be investigated.

Motion was made by Mr. Hinds seconded by Mayor Critelli to investigate the possibility of constructing a multi-purpose field at Satz School.

Mr. Nikolis stated that there are political and environmental concerns with constructing a field at Satz School. There is a high demand for turf fields. The environmental issues have not been addressed, he has not seen a User Agreement, it's not controlled and owned by the Township. Until those hurdles have been crossed, he thinks the best proposal is the one put forth by Mr. Buontempo. Mr. Hinds think all the options should be looked at. Dr. Pascucci stated that the American Academy of Pediatrics does not like turf fields. Dr. Pascucci stated that he will not support this motion unless it includes all the properties in Holmdel.

Dr. Pascucci amended the motion to investigate the possibility of constructing a multi-purpose field on all the properties owned by the Township. Mr. Hinds stated that he is willing to look at other properties for the multi-use field but not Cross Farm Park.

Motion was made by Mr. Hinds seconded by Mayor Critelli modify the first motion to investigate the possibility of constructing a multi-purpose field with lights at Satz School and all other Township owned properties excluding Cross Farm Park.

Mr. Buontempo amended the motion to state that Maser Consulting will perform the feasibility study with the multi-use field with lights at Satz School and other Township Properties excluding Cross Farm Park. Mr. Hinds and Mayor Critelli accepted the amendment to the motion. Carried on roll call vote: Ayes: Mr. Buontempo, Mr. Hinds, Mr. Nikolis, Mayor Critelli; Nays: Dr. Pascucci; Abstain: None; Absent

Mike Sockol, Wildhedge Lane, thinks that if the Township Committee wants to utilize school property they should go before the Board of Education and speak with them. The Board is in the middle of a \$40 million referendum project. Mr. Hinds stated that this dialog has been going on for over two years. Mr. Sockol thinks putting together a Recreational Facility on Township owned property makes a lot of sense.

Anthony Dalleggio, Red Coach Lane, thinks sports keep kids away from drugs and keeps them busy and off the streets. He thinks if the resources are available at Satz School it should be there. If additional resources are needed then other locations can supplement.

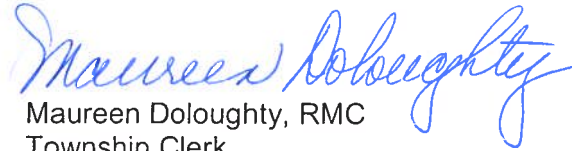
Predeep Jangee, Takolusa Drive asked if there will be a meeting to discuss the COAH issue with the residents. Mayor Critelli stated that it is not on the calendar but it will be done. Mr. Jangee thinks it is important to the town to know what is going to be done with the \$160 million from the PILOT over the years.

There being no one else who wished to be heard, Mayor Critelli closed the Public Hearing.

Adjournment

Motion was made by Mr. Nikolis seconded by Mr. Hinds to adjourn the meeting at 9:47 PM. Carried by unanimous voice vote.

Respectfully submitted,


Maureen Dolougherty, RMC
Township Clerk