
HOLMDEL TOWNSHIP

OFFICE OF THE TOWNSHIP CLERK

TO: Mayor and Township Committee

FROM: Maureen Doloughy, RMC, Township Clerk

DATE: April 14, 2016

RE: **Agenda Items for the Meeting of April 19, 2016**

PLEASE NOTE: There will be a Closed Session beginning at 7:00 PM

Consent

1. The list of Bills Payable has been forwarded to you for review. The Resolution of Approval has been prepared.

2. The List of Purchases over \$3,500 is enclosed for your review.

3. Cablevision Lightpath NJ & 4Connections LLC have applied for a Telecommunications License to install aerial telecommunications cable on telephone poles in the public right of way in the area of Beers Street, Bethany Road, and Church Street. The request has been reviewed by the Township Attorney and the Township Engineer. A Resolution has been prepared authorizing Municipal Consent subject to the requirements listed in the Engineer's April 4, 2016 letter.

4. The Recreation Director has submitted a Policy for Media Use within Township Parks. The Recreation Advisory Committee has reviewed the policy and approved it.

5. Several years ago Fibertech Networks applied for and received a Telecommunications License. The Engineer has inspected the work completed on the project and determined that all improvements have been satisfactorily completed. The recommendation is being made to release the Performance Bond. Additionally, since the project is more than 2 years old, the engineer is recommending that the requirement for a Maintenance Bond be waived. A Resolution has been prepared.

HOLMDEL TOWNSHIP

OFFICE OF THE TOWNSHIP CLERK

6. As part of the Employment Practices Liability (EPL) Program through the Mid Jersey Municipal Joint Insurance Fund, the Township is required to update the Personnel Policies and Procedures Manual every two years. The latest revision has been forwarded to you for review.

7. 1st Light Energy, Inc. has requested release of the Maintenance Bond. The Engineer has reviewed the request and noted that no deficiencies were noted during the 2 year maintenance period and recommends that the bond be released. A Resolution has been prepared.

Introduction of Ordinances

8. Ordinance 2016-05 repeals the section of the Parks and Recreation Ordinance listing the fee schedule and, instead, authorizes the Recreation Director to sponsor adult and youth programs and establish fees.

9. Ordinance 2016-06 authorizes the Township to make various public improvements and to acquire new additional or replacement equipment and machinery, new information technology and telecommunications equipment, new additional furnishings and new automotive vehicles, including original apparatus and equipment, in, by and for said Township, as more particularly described in Section 4 hereof. Said improvements shall include all work, materials and appurtenances necessary and suitable.

10. Ordinance 2016-07 authorizes the Township to enter into a Lease of Property agreement with AD-IN Sport Foundation, Inc., a non-profit company to maintain and manage the Tennis Center as well as furnish tennis services and lessons.

Minutes

11. The Minutes of the Meeting of April 1, 2016 have been forwarded to you for review.

As always, if you have questions or cannot attend the meeting please call me at 732-946-2820.

HOLMDEL TOWNSHIP

Tel: 732-946-2820

4 CRAWFORDS CORNER ROAD
HOLMDEL, NEW JERSEY 07733

Fax: 732-946-0116

HOLMDEL TOWNSHIP COMMITTEE REGULAR MEETING

April 19, 2016

7:00 PM Executive Session
7:30 PM Open Session

Date

Time

Call meeting to order.

Statement to be read by Mayor:

I hereby announce that pursuant to Section 5 of the Open Public Meetings Act that adequate notice of this meeting has been provided in the notice which was sent to the Asbury Park Press, the Independent, and the Two River Times and posted on the bulletin board in Township Hall and filed in the Township Clerk's Office on January 9, 2016.

Roll Call:

	Present	Absent
Eric Hinds, Mayor	_____	_____
Gregory Buontempo, Deputy Mayor	_____	_____
Patrick Impreveduto, Committeeman	_____	_____
Joseph Ponisi, Committeeman	_____	_____
Thomas Critelli, Committeeman	_____	_____

Also Present:

E.G. Broberg, Engineer	_____	_____
Robert F. Munoz, Attorney	_____	_____
Donna Vieiro, Township Administrator	_____	_____
Jeanette Larrison, Chief Financial Officer	_____	_____
Maureen Doloughy, Township Clerk	_____	_____

Pledge of Allegiance and Moment of Silent Prayer

The Township Committee may adjust the order of the Agenda Items at their discretion

Township Committee Meeting – April 19, 2016

Resolution to Close Meeting – Action May be Taken in Public After
Adjournment

Chief Financial Officer

Clerk

Consent Agenda

1. Approve Bills Payable
2. Approve Purchases over \$3,500
3. Adopt Resolution Granting Municipal Consent to Cablevision Lightpath-NJ Inc. and Authorize Mayor and Clerk to Sign the Right of Way Agreement
4. Approve the Policy for Media Use within Township Parks
5. Adopt Resolution Releasing the Performance Bond and Performance Engineering Fees Posted for Fibertech Networks Bayshore Community Hospital
6. Approve Policy and Procedures Manual
7. Adopt Resolution Releasing Maintenance Bond Posted for 1st Light Energy, Inc.

Introduction of Ordinances

8. ORDINANCE AMENDING CHAPTER XIII (PARKS AND RECREATIONAL FACILITIES), CHAPTER 13.2 FACILITY USAGE FEES, SECTION 13-2, INDOOR; SECTION 13-2.3 OUTDOOR FACILITIES; 13.2-4 ANNUAL FEES FOR CERTAIN USER GROUPS; 13-2.5 FEE ADJUSTMENT; 13-2.6 PROGRAM FEES OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF HOLMDEL, COUNTY OF MONMOUTH, STATE OF NEW JERSEY 2016-05

Motion to adopt on first reading, publish in the Asbury Park Press, and set Public Hearing for Tuesday, May 3, 2016.

Township Committee Meeting – April 19, 2016

9. 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 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 \$2,915,000 TO PAY THE COST THEREOF, TO APPROPRIATE VARIOUS GRANTS, 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. 2016-06

Motion to adopt on first reading, publish in the Asbury Park Press, and set Public Hearing for Tuesday, May 3, 2016.

10. AN ORDINANCE AUTHORIZING ENTRY INTO A LEASE AGREEMENT FOR A PORTION OF LOT 79, BLOCK 46. ORD. NO 2016-07

Motion to adopt on first reading, publish in the Asbury Park Press, and set Public Hearing for Tuesday, May 3, 2016.

Minutes

11. Approve Minutes of the Meeting of April 1, 2016

Departments

Administrator

Professionals

Attorney

Engineer

Township Committee Meeting – April 19, 2016

Boards/Committees

Business From the Committee

Public Portion – Agenda and Non-Agenda Items

Adjournment

BILLS PAYABLE RESOLUTION

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 April 14, 2016 be and the same hereby are approved and the Chief Financial Officer is authorized to pay said claims.

FUND DISTRIBUTION	5-01	CURRENT FUND	\$	2,316.77
FUND DISTRIBUTION	5-07	SWR	\$	184.95
		Year Total:	\$	2,501.72
FUND DISTRIBUTION	6-01	CURRENT FUND	\$	168,678.77
FUND DISTRIBUTION	6-07	SWR	\$	15,804.64
FUND DISTRIBUTION	6-26	SWM	\$	8,654.00
		Year Total:	\$	193,137.41
FUND DISTRIBUTION	C-04	ORD	\$	75,440.24
FUND DISTRIBUTION	D-02	DOG TRUST	\$	5,724.50
FUND DISTRIBUTION	G-02	ST/FED GRANT	\$	2,520.00
FUND DISTRIBUTION	T-12	OTHER TRUSTS	\$	1,833.33
		Total Of All Funds:	\$	281,157.20
		Total of all Projects:	\$	73,225.16

CERTIFICATION

I, Maureen Doloughy, Township Clerk of the Township of Holmdel do hereby certify this to be a true copy of a Resolution adopted by the Township Committee of the Township of Holmdel at a meeting held on April 19, 2016.

Maureen Doloughy, RMC
Township Clerk

Totals by Year-Fund										
Fund Description	Fund	Budget Rcvd	Budget Held	Budget Total	Revenue Total	G/L Total	Project Total	Total		
CURRENT FUND	5-01	2,316.77	0.00	2,316.77	0.00	0.00	0.00	2,316.77		
POOL OPERATING ACCOUNT	5-26	184.95	0.00	184.95	0.00	0.00	0.00	184.95		
	Year Total:	2,501.72	0.00	2,501.72	0.00	0.00	0.00	2,501.72		
CURRENT FUND	6-01	168,678.77	0.00	168,678.77	0.00	0.00	0.00	168,678.77		
SEWER OPERATING	6-07	15,804.64	0.00	15,804.64	0.00	0.00	0.00	15,804.64		
	6-12	0.00	0.00	0.00	0.00	0.00	73,225.16	73,225.16		
POOL OPERATING ACCOUNT	6-26	8,654.00	0.00	8,654.00	0.00	0.00	0.00	8,654.00		
	Year Total:	193,137.41	0.00	193,137.41	0.00	0.00	73,225.16	266,362.57		
GENERAL CAPITAL	C-04	75,440.24	0.00	75,440.24	0.00	0.00	0.00	75,440.24		
Dog Trust	D-02	5,724.50	0.00	5,724.50	0.00	0.00	0.00	5,724.50		
STATE/FEDERAL GRANT FUND:	G-02	2,520.00	0.00	2,520.00	0.00	0.00	0.00	2,520.00		
OTHER TRUSTS	T-12	1,833.33	0.00	1,833.33	0.00	0.00	0.00	1,833.33		
Total of All Funds:		281,157.20	0.00	281,157.20	0.00	0.00	73,225.16	354,382.36		

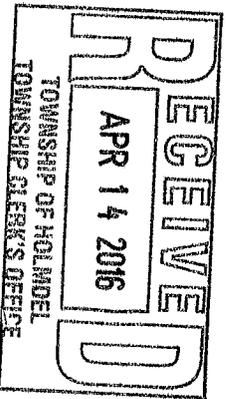
Project Description	Project No.	Rcvd Total	Held Total	Project Total
GEOFFREY M. MANN	EAS-MANN	152.80	0.00	152.80
SOMERSET INV HL	OS-00014	66,490.91	0.00	66,490.91
HOLM AFFORDABLE HOUSING PALMER	PB-HAFORD	120.00	0.00	120.00
HOPBROOK FARM SD625	PB-HOPBK	700.20	0.00	700.20
SAINI MINA COPTIC ORTHODOX CH	PB-ST MI	130.00	0.00	130.00
LA ROSA, ADAM & SHARI	ZB-LA ROSA	975.00	0.00	975.00
NJ NATURAL GAS/REGULATOR SOLAR	ZB-NJNATGA	925.00	0.00	925.00
OUTFRONT MEDIA	ZB-OUTFRON	490.00	0.00	490.00
SZILASI, WILLIAM & SANDRA	ZB-SZILASI	1,002.00	0.00	1,002.00
VERDE WOODS/A&E ASSOC/ELGHAIL	ZB-VERDE A	2,239.25	0.00	2,239.25
Total of All Projects:		<u>73,225.16</u>	<u>0.00</u>	<u>73,225.16</u>

April 14, 2016
01:08 PM

TOWNSHIP OF HOLMDEL
Bill List by Vendor Id

Page No: 21

Vendor # Name	PO # PO Date Description	Contract PO Type	Amount Charge Account	Acct Type Description	Stat/Chk	First Rcvd	Enc Date Date	Chk/Void	Invoice	1099	
WIRE0001 WIRELESS COMMUNICATIONS											
16-00925	03/29/16	Ballfield Mix	97.50	6-01-28-370-370-240	R	03/29/16	04/11/16		221538	N	
1 Ballfield Mix as per invoice											
16-00947	03/29/16	Starter and Air Filter	85.90	6-01-26-315-315-297	R	03/29/16	04/11/16		221527	N	
1 Starter and Air Filter											
Vendor Total:			183.40								
WIRE0001 WIRELESS COMMUNICATIONS											
16-00676	03/02/16	MDT'S TOUGHBOOKS & MOUNTING	14,366.24	C-04-15-010-000-905	B Ord	2015-10	PD IT Equip/Software	R	03/02/16	04/11/16	
1 MDT'S TOUGHBOOKS & MOUNTING											
Vendor Total:			14,366.24								
Total Purchase Orders:		130	Total P.O. Line Items:		175	Total List Amount:		354,382.36	Total Void Amount:		0.00



TOWNSHIP OF HOLMDEL

TOWNSHIP COMMITTEE AGENDA ITEM # 3

Meeting Date: April 19, 2016

Subject: Cablevision Lightpath Municipal Consent

Submitted by: Maureen Doloughy

Approved by:

RECOMMENDATION

It is recommended that the Committee adopt the Resolution.

PREVIOUS ACTION

BACKGROUND

Cablevision Lightpath NJ & 4Connections LLC have applied for a Telecommunications License to install aerial telecommunications cable on telephone poles in the public right of way in the area of Beers Street, Bethany Road, and Church Street. The request has been reviewed by the Township Attorney and the Township Engineer. A Resolution has been prepared authorizing Municipal Consent subject to the requirements listed in the Engineer's April 4, 2016 letter.

FISCAL IMPACT

None

Attachments:

Resolution
Right of Way Agreement
Engineer's Letter

<i>For Internal Use</i>	
Township Committee Action	
Approve	Denied
Other	
Comments: _____	

**RESOLUTION GRANTING MUNICIPAL CONSENT TO CABLEVISION LIGHTPATH -
NJ, INC. RESOLUTION NO. 2016-108**

WHEREAS, Cablevision Lightpath NJ, Inc. and its subsidiary company 4Connections, LLC (collectively referred herein as "Lightpath") proposes to place telecommunication facilities aerially on existing utility poles or in underground conduit in the public rights-of-way within the Township for the purpose of owning, constructing, installing, operating, repairing and maintaining a telecommunications system; and

WHEREAS, it is in the best interests of the Township and its citizenry to grant consent to Lightpath to occupy public rights-of-ways within the Township; and

WHEREAS, in order to provide its services, Lightpath has requested municipal consent for the use of the public rights-of-way of the Township pursuant to the provisions of the public utility laws; and

WHEREAS, the scope of the consent requested by Lightpath of the Township is encompassed within the Rights-of-Way Use Agreement attached hereto and made a part hereof; and

WHEREAS, the Township Engineer has reviewed the license application submitted by Lightpath and by letter dated April 4, 2016 (attached to the Rights-of-Way Agreement as Schedule "A") provided requirements that Lightpath must comply with in order to receive municipal consent.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of Holmdel that the consent as evidenced in the attached Rights-of-Way Use Agreement is hereby granted; subject to compliance with the requirement in the Township Engineer's letter of April 4, 2016.

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are hereby authorized to execute a copy of the attached Rights-of-Way Use Agreement.

BE IT FURTHER RESOLVED that a copy of this Resolution certified by the Township Clerk to be a true copy be forwarded to Joel D. Dougherty, ROW Agent, Cablevision Lightpath NJ, LLC, 10 Waterview Boulevard, Parsippany, New Jersey 07054.

CERTIFICATION

I, Maureen Doloughty, Township Clerk of the Township of Holmdel do hereby certify this to be a true copy of a Resolution adopted by the Township Committee of the Township of Holmdel at the Regular Meeting held on April 19, 2016.

Maureen Doloughty, RMC
Township Clerk

RIGHTS-OF-WAY USE AGREEMENT

THIS RIGHTS-OF-WAY USE AGREEMENT ("Use Agreement") is dated _____, 2016 the "Effective Date"), and entered into by and between the Township of Holmdel ("Municipality"), a New Jersey municipal corporation, having its address at 4 Crawfords Corner Road, Holmdel, New Jersey 07733, and Cablevision Lightpath NJ, LLC. and its subsidiary company 4Connections, LLC (collectively referred to herein as "Lightpath") with offices located at 10 Waterview Boulevard, Parsippany, New Jersey 07054.

RECITALS

WHEREAS, Cablevision Lightpath NJ, Inc. was approved by the New Jersey Board of Public Utilities to provide local exchange and interexchange telecommunications services throughout the State of New Jersey by Order of Approval in Docket No. TE97120883 on (application date March 26, 1998 and intends to provide telecommunication services in accordance with that Order and the rules and regulations of the Federal Communications Commission and the New Jersey Board of Public Utilities; and

WHEREAS, Pursuant to authority granted by the New Jersey Board of Public Utilities, Lightpath may locate, place, attach, install, operate and maintain facilities within Public Rights-of-Way for purposes of providing telecommunications services; and

WHEREAS, Lightpath proposes to place its telecommunication facilities aerially on existing utility poles or in underground conduits in the Public Rights-of-Way within the Municipality for the purpose of owning, constructing, installing, operating, repairing and maintaining a telecommunications system.

WHEREAS, it is in the best interests of the Municipality and its citizenry to promote competition in the telecommunications market and for the Municipality to grant

consent to Lightpath to occupy said Public Rights-of-Way within the Municipality for this purpose.

WHEREAS, the consent granted herein is for the non-exclusive use of the Public Rights-of-Way within the Municipality for the purpose of owning, constructing, installing, operating, and maintaining a telecommunications system.

NOW THEREFORE, in consideration of the mutual covenants and obligations hereinafter set forth, the Municipality and Lightpath hereby agree to and with each other as follows:

Section 1: Definitions

- a. "BPU" is the New Jersey Board of Public Utilities.
- b. "Lightpath" is the grantee of rights under this Use Agreement and is known as Cablevision Lightpath NJ, LLC. and 4Connections, LLC, respectively, their successors and assigns.
- c. "Municipality" is the grantor of rights under this Use Agreement and is known as the Township of Holmdel, State of New Jersey.
- d. "Public Utility" means any public utility defined in N.J.S.A. 48:2-13.
- e. "Public Rights-of-Way" means only the space in, upon, above, along, across, over, and through public land, road, street or highway of the Municipality, with public utility facilities as the same now or hereafter may exist, that are under the jurisdiction of the Municipality. This term shall not include county, state, or federal rights-of-way or any property owned by any person or agency other than the Municipality, except as provided by applicable Laws or pursuant to an agreement between the Municipality and any such person or agency.

- f. "Utility Pole" means, in addition to its commonly accepted meaning, any wires or cable connected thereto and any replacement thereof which are similar in construction and use.

Section 2: Grant of Consent.

The Municipality hereby grants Lightpath its municipal consent for the non-exclusive use of the Public Rights-of-Way within the Municipality for the purpose of owning, constructing, installing, operating, and maintaining a telecommunications system. Lightpath shall be responsible for securing any other permission required from other entities for undertaking any of the actions described in the preceding sentence.

Section 3: Public Purpose.

It is deemed to be in the best interests of the Municipality and its citizenry, particularly including commercial and industrial citizens, for the Municipality to grant consent to Lightpath to occupy said Public Rights-of-Way within the Municipality for this purpose.

Section 4: Scope of Use Agreement.

Any and all rights expressly granted to Lightpath under this Use Agreement, which shall be exercised at Lightpath's sole cost and expense, shall be subject to the prior and continuing right of the Municipality under applicable laws to use any and all parts of the Public Rights-of-Way exclusively or concurrently with any other person or persons, and shall be further subject to all deeds, easements, dedications, conditions, covenants, restrictions, encumbrances, and claims of title of record which may affect such Public Rights-of-Way. Nothing in this Use Agreement shall be deemed to grant,

convey, create or vest in Lightpath a real property interest in land, including any fee, leasehold interest, easement, or any other form of interest or ownership.

The Municipality hereby authorizes and permits Lightpath to enter upon the Public Rights-of-Way and to attach, install, operate, maintain, remove, reattach, reinstall, relocate and replace its telecommunications facilities, in or on Utility Poles, existing underground conduits or other structures owned by public utility companies, or others, or to be constructed by Lightpath located within the Public Rights-of-Way, subject to securing the required permission of any other parties in interest.

Section 5: Compliance with Ordinance

Lightpath shall comply with all applicable existing ordinances of the Municipality as may be amended from time to time and with all future ordinances as may be enacted to the extent such ordinances are consistent with state and federal law.

Section 6: Compliance with Township Engineer's Requirements.

The non-exclusive municipal consent granted herein is subject to the requirements set forth in the Township Engineer's letter dated April 4, 2016 attached hereto as Schedule "A".

Section 7: Duration of Consent

The non-exclusive municipal consent granted herein shall expire five (5) years from the Effective Date of this Use Agreement.

Section 8: Indemnification

Lightpath, its successors, assigns, sub-contractors, agents, servants, officers, employees, designees, guests and invitees, hereby indemnify, defend and hold harmless the Municipality, its successors and assigns, elected officials, officers, employees, servants, contractors, designees and invitees from and against any and all personal injury and property damage claims, demands, suits, actions at law or equity or otherwise, judgments, arbitration determinations, damages, liabilities, decrees of any person(s) or entities claiming to be or being harmed as a result of Lightpath actions under this Use Agreement and costs in connection therewith. This indemnification shall specifically include, but not be limited to, any and all costs, reasonable attorneys fees, court costs and any other expenses that may be incurred by the Municipality in connection with any and all claims, demands, suits, actions at law or equity or otherwise and/or arbitration proceedings which may arise in connection with Lightpath activities pursuant to the rights granted in this Use Agreement.

Section 9. Notices

All notices or other correspondence required or permitted to be given in connection with this Use Agreement shall be in writing and delivered personally, by telecopy, by overnight carrier service or by registered or certified mail to the parties at the following addresses:

To Lightpath at: Cablevision Lightpath NJ, LLC.
10 Waterview Boulevard
Parsippany, NJ 07054
ATTN: Joel D. Dougherty, ROW Agent

With a copy to: Cablevision Lightpath NJ, LLC
1111 Stewart Avenue
Bethpage, NY 11714
Attn: Legal

To Holmdel Township at: Township of Holmdel
4 Crawfords Corner Road
Holmdel, NJ 07733
Attn: Municipal Clerk

Section 10. Liability Insurance

Lightpath shall at all times maintain a comprehensive liability insurance policy with a single amount of at least One Million Dollars (\$1,000,000.00) covering liability for any death, personal injury, property damage or other liability arising out of the construction and operation contemplated herein, and an excess liability policy (or "umbrella") policy amount in the amount of Five Million Dollars (\$5,000,000.00).

Prior to the commencement of any work pursuant to this Use Agreement, Lightpath shall file with the Municipality Certificates of Insurance with endorsements evidencing the coverage provided by said liability and excess liability policies. Failure of the Municipality to require the filing of the Certificates of Insurance shall not affect the insurance requirement herein.

The Municipality shall notify Lightpath within fifteen (15) days after the presentation of any claim or demand to the Municipality, either by suit or otherwise, made against the Municipality on account of any of Lightpath or its sub-contractors,

agents, employees, officers, servants, designees, guests and invitees, activities pursuant to the rights granted in this Use Agreement. Failure to present the claim or demand within fifteen (15) days will not affect Lightpath's obligation under the provisions of this Use Agreement.

Section 11. Assignment.

Lightpath may not assign this Use Agreement without the written consent of the Municipality, which consent shall not be unreasonably withheld or delayed.

Section 12. Professional Services.

Lightpath agrees to reimburse the Municipality for all reasonable professional fees paid by the Municipality in review, modification and execution of the Use Agreement and for monitoring of Lightpath's performance under this Use Agreement. The continuing effectiveness of this Use Agreement is conditioned upon such reimbursement being made within sixty (60) days of written submission of itemized statement and request.

Section 13. Successors and Assigns.

The terms and conditions herein contained shall be binding upon and inure to the benefit of the successors and assigns of the parties hereto.

Section 14. Governing Law.

This Agreement shall be governed by, construed and enforced in accordance with the laws of the State of New Jersey.

Section 15. Incorporation of Prior Agreements.

This Agreement contains the entire understanding of the parties hereto with respect to the subject matter hereof, and no prior other written or oral agreement or undertaking pertaining to any such matter shall be effective for any purpose.

Section 16. Modification of Agreement.

This Agreement may not be amended or modified, nor may any obligation hereunder be waived orally, and no such amendment, modification or waiver shall be effective for any purpose unless it is in writing and signed by the party against whom enforcement thereof is sought.

Section 17. Invalidity.

If any provision hereof shall be declared invalid by any court or in any administrative proceedings, then the provisions of this Agreement shall be construed in such manner so as to preserve the validity hereof and the substance of the transaction herein contemplated to the extent possible. The headings are provided for purposes of convenience of reference only and are not intended to limit, define the scope of or aid in interpretation of any of the provisions hereof.

Section 18. Counterparts.

This Agreement may be executed and delivered in several counterparts, each of which, when so executed and delivered, shall constitute an original, fully enforceable counterpart for all purposes.

IN WITNESS WHEEOF, this Use Agreement has been executed as of the date set forth below.

Cablevision Lightpath NJ, LLC.

Dated: _____

4 Connections, LLC

Dated: _____

Township of Holmdel

Eric Hinds, Mayor

Dated: _____

Witness

Print Name: _____

Dated: _____

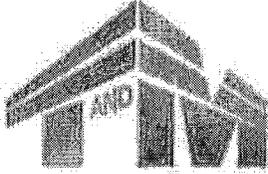
Witness:

Print Name: _____

Dated: _____

Maureen Doloughy, Township Clerk

Dated: _____



YOUR GOALS. OUR MISSION.

HOLM-G1601

April 4, 2016

Via email (dvieiro@holmdeltownship-nj.com)

Township of Holmdel
4 Crawfords Corner
Holmdel, NJ 07733

Re: Cablevision Lightpath LLC & 4 Connections Fiber Optic Cable Installation

Dear Ms. Vieiro:

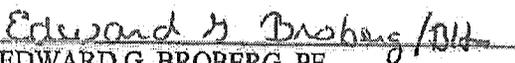
As requested by Township Clerk Maureen Doloughty, I have reviewed the February 24, 2016 letter and license application from Joel D. Dougherty, ROW Agent regarding Cablevision Lightpath NJ LLC and 4 Connections LLC request to install fiber optic cable in existing poles and existing conduits located within the public right-of-way of Holmdel Township on North Beers Street, Bethany Road. Please be advised that I have no objection to the installation of the additional fiber optic cables from an engineering standpoint, provided that Cablevision Light Path LLC and 4 Connections complies with the following requirements:

- The applicant must obtain all necessary road opening permits for the installation of same.
- The applicant must notify the Township prior to the start of work so that the necessary inspections may be coordinated.
- The applicant must obtain approval from Aberdeen Township for the work within the Line Road and Church Street rights-of-way.
- The applicant must obtain approval from Hazlet Township for the work with the Hazlet Township rights-of-way.
- The applicant must obtain approval from the New Jersey Highway Authority for the work within the Garden State Parkway right-of-way.
- The applicant must coordinate all work with the Traffic Safety Officer and the traffic control plan must be reviewed and approved by the Traffic Safety Officer.

If you have any questions or require any additional information, please call.

Very truly yours,

T&M ASSOCIATES


EDWARD G. BROBERG, PE
TOWNSHIP OF HOLMDEL ENGINEER

EGB:BLH:dk

(No Enclosures)

cc: Maureen Doloughty, Township Clerk, via email
Duane Davison Township Attorney, via email
Victor Stevens, Director of Infrastructure, via email

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TOWNSHIP OF HOLMDEL

TOWNSHIP COMMITTEE AGENDA ITEM # 4

Meeting Date: April 19, 2016

Subject: Introduction of Media Use Fees for Township Parks

Submitted by: Bob Ward

Approved by: R Ward

RECOMMENDATION

It is recommended that the Committee approve this policy for media use within Township parks.

PREVIOUS ACTION

none.

BACKGROUND

This was created in 2006 but was never put into an ordinance. The Recreation Advisory Committee has reviewed this and as voted to recommend the Township Committee approve it.

FISCAL IMPACT

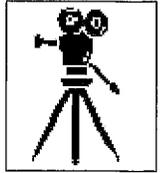
This will add additional revenue should requests for extended use of the parks be received.

Attachments:

Media Use of Park Properties application, rules and fees

<u>For Internal Use</u>	
<i>Township Committee Action</i>	
Approve	Denied
Other	
Comments: _____	

Holmdel Recreation Media Use of Park Properties Application



Group Name: _____

Address: _____

Insurance Company
Name & Address: _____

Purpose/Project Description: _____

Applicant's Name: _____

Address: _____

Telephone: Day: _____ Evening: _____ Cell: _____

Person in Charge of Production Site: _____

Telephone Day: _____ Evening: _____ Cell: _____

PLEASE CHECK APPROPRIATE OPTION: (See page 3 for explanation of options.)

Video

- A. Minimal Set Up
- B. Moderate Set Up
- C. Extensive Set Up

Photography

- A. Minimal Set Up
- B. Moderate Set Up
- C. Extensive Set Up

Fee Due: \$ _____ Park to be Used: _____

Production Date(s): _____ Production Hours From: _____ To: _____

Regular Park hours – 7 AM to Sunset

Set up Assistance Required: Yes No If yes, time: _____ (with prior arrangement)

Applicant's Signature

Date

Make Checks Payable to:

Holmdel Recreation also the Certificate of Insurance for 1 million dollars must name "Holmdel Township" as additional insured.

MAIL TO: Holmdel Recreation
4 Crawfords Corner Road
Holmdel, NJ 07733

PHONE: 732-946-2820 ext 1227 or 1224
FAX: 732-946-0116
E-MAIL: Rward@holmdeltownship-nj.com
Ddow@holmdeltownship-nj.com

Professional and/or Commercial Advertising, Marketing, Public Relations, and Film Production Companies requesting the use of Holmdel Township Recreation Areas for Filming and Still Life Picture Taking must adhere to the following Procedures and Guidelines:

PROCEDURES

1. Contact Holmdel Recreation to make arrangements at least two (2) weeks prior to proposed shoot.
2. Determine specific site to be used. User must arrange on site meeting with representative of Holmdel Township Recreation prior to shoot.
3. An area will be designated by Holmdel Township Recreation.
4. Provide Certificate of Insurance with no less than \$1,000,000 insurance naming the Holmdel Township as additional insured, as well as completed Hold Harmless Agreement.
5. Fee must be received in advance with proper insurance certificates.
6. When all documents have been received, a permit will be issued.

GUIDELINES

1. Hours of Operation – Monday thru Sunday 7:00 am to sunset.
 - Full day shoot is any 8 hours in duration within designated park hours.
 - Half-day shoot is any 4 hours in duration within designated park hours.
2. The Holmdel Township Recreation will not supply equipment, supplies, props or electrical power.
3. No Holmdel Township employee shall assist in media production unless previously arranged and approved in writing by the Holmdel Township Recreation Office.
4. Holmdel Township Recreation reserves the right to restrict use of indoor and outdoor facilities.
5. The Holmdel Township Recreation reserves the right to waive the fee where applicable.

FILM & VIDEO PRODUCTION

- A. Minimal Set Up
1-5 people involved/associated with production.
Limited amount of support equipment and props
No conflict with other public use(s).
See fee schedule.
- B. Moderate Set Up
5-10 persons involved/associated with production.
More support equipment and props required.
May require restricting of public use(s)
May require use of buildings – support services only
- C. Extensive Set Up
11 persons or more involved/associated with production.
Considerable support equipment and props required.
Requires restricting of public use(s)
May require use of buildings – support services included
See fee schedule

STILL LIFE PICTURE TAKING

- A. No Set Up – No Props – No Conflict with other public uses. No Charge.
- B. Minimal Set Up
1-5 people involved/associated with production.
Limited amount of support equipment and props
No conflict with other public use(s).
See fee schedule.
- C. Moderate Set Up
5-10 persons involved/associated with production.
More support equipment and props required.
May require restricting of public use(s)
May require minor use of buildings
See fee schedule
- D. Extensive Set Up
11 persons or more involved/associated with production.
Considerable support equipment and props required.
Requires restricting of public use(s)
May require use of a building – Production and support services use.
See fee schedule

**COMMERCIAL MEDIA USE
FEES AND CHARGES**

STILL LIFE PICTURE TAKING

OPTIONS	<u>MINIMAL</u>	<u>MODERATE</u>	<u>EXTENSIVE</u>
• 8 hours	\$350.00	\$600.00	\$1,300.00
• 4 hours	\$175.00	N/A	N/A
• Additional charge for before or after regular hours	\$85.00	\$140.00	\$300.00
• Hourly rate over 8 hours	\$70.00	\$115.00	\$230.00
• Additional charge for Saturday, Sunday & Holidays	25%	25%	25%
• Student Project		\$100.00	

FILM PRODUCTION

OPTIONS	<u>MINIMAL</u>	<u>MODERATE</u>	<u>EXTENSIVE</u>
• 8 hours	\$500.00	\$1,200.00	\$2,400.00
• 4 hours	\$260.00	N/A	N/A
• Additional charge for before or after regular hours	\$120.00	\$280.00	\$575.00
• Hourly rate over 8 hours	\$100.00	\$230.00	\$460.00
• Additional charge for Saturday, Sunday & Holidays	25%	25%	25%
• Student Project*		\$100.00	

* Student projects which demonstrate an educational purpose, may be eligible for a fee waiver.

(** Independent film makers who are Township residents may be eligible for a reduced fee rate.)

All fees for media use must be paid by: Certified check, money order, cash.

TOWNSHIP OF HOLMDEL

TOWNSHIP COMMITTEE AGENDA ITEM # 5

Meeting Date: April 19, 2016

Subject: **Fibertech Networks Bond**

Submitted by: Maureen Doloughty

Approved by:

RECOMMENDATION

It is recommended that the Committee adopt the Resolution

PREVIOUS ACTION

BACKGROUND

Several years ago Fibertech Networks applied for and received a Telecommunications License. The Engineer has inspected the work completed on the project and determined that all improvements have been satisfactorily completed. The recommendation is being made to release the Performance Bond. Additionally, since the project is more than 2 years old, the engineer is recommending that the requirement for a Maintenance Bond be waived. A Resolution has been prepared.

FISCAL IMPACT

None

Attachments:

Resolution
Engineer's Letter

<i>For Internal Use</i>	
Township Committee Action	
Approve	Denied
Other	

RESOLUTION

BE IT RESOLVED by the Mayor and township Committee of the Township of Holmdel that the Performance Bond and Performance Engineering Fees posted by Fibertech Networks be released.

BE IT FURTHER RESOLVED that since the project is more than two years old, the posting of a two year Maintenance Bond be waived in accordance with the Engineer's letter dated April 7, 2016.

CERTIFICATION

I, Maureen Doloughy, Township Clerk of the Township of Holmdel, do hereby certify this to be a true copy of a Resolution adopted by the Township Committee of the Township of Holmdel on April 19, 2016.

Maureen Doloughy, RMC
Township Clerk



YOUR GOALS. OUR MISSION.

HOLM-G1601

April 7, 2016

Maureen Doloughty
Township Clerk
Township of Holmdel
4 Crawfords Corner Road
Holmdel, NJ 07733

**Re: Fibertech Networks
Bayshore Community Hospital
Performance Bond Release**

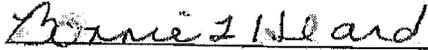
Dear Ms. Doloughty:

As requested we have performed an inspection for the above referenced project and all bondable improvements have been satisfactorily completed. Since all of the bonded improvements have been completed, I recommend that the Performance Bond and Performance Engineering Fee be released by formal Resolution, subject to the payment of any outstanding engineering inspection fees. Additionally, since the project is more than 2 years old, we recommend that posting of a two-year Maintenance Bond be waived.

If you have any questions or require additional information, please call.

Very truly yours,

EDWARD G. BROBERG, P.E.
HOLMDEL TOWNSHIP ENGINEER


BONNIE L. HEARD, P.E., C.M.E.
SUPERVISING ENGINEER

EGB:BLH:EST:dk

c: Donna Vieiro, Township Administrator
Jeanette Larrison, Chief Financial Officer
Robert Munoz, Township Attorney
Duane Davison, Esq., Township Attorney

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TOWNSHIP OF HOLMDEL

TOWNSHIP COMMITTEE AGENDA ITEM # 6

Meeting Date: April 19, 2016

Subject: Police & Procedures Manual

Submitted by: Maureen Doloughty

Approved by:

RECOMMENDATION

It is recommended that the Committee adopt the Manual

PREVIOUS ACTION

BACKGROUND

As part of the Township's Employment Practices Liability (EPL) Program through the Mid Jersey Municipal Joint Insurance Fund, the Township is required to update the Personnel Policies and Procedures Manual every two years. The latest revision has been forwarded to you previously for review.

FISCAL IMPACT

None

Attachments:

For Internal Use

Township Committee Action

Approve

Denied

Other

Comments: _____

TOWNSHIP OF HOLMDEL

TOWNSHIP COMMITTEE AGENDA ITEM # 7

Meeting Date: April 19, 2016

Subject: 1st Light Energy, Inc.

Submitted by: Maureen Doloughy

Approved by:

RECOMMENDATION

It is recommended that the Committee adopt the Resolutionm

PREVIOUS ACTION

BACKGROUND

1st Light Energy, Inc. has requested release of the Maintenance Bond. The Engineer has reviewed the request and noted that no deficiencies were noted during the 2 year maintenance period and recommends that the bond be released. A Resolution has been prepared.

FISCAL IMPACT

None

Attachments:

Resolution
Engineer's Letter

<i>For Internal Use</i>	
Township Committee Action	
Approve	Denied
Other	
Comments: _____	

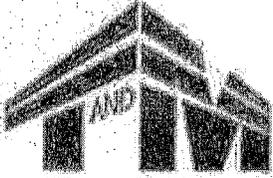
RESOLUTION

BE IT RESOLVED by the Mayor and Township Committee of the Township of Holmdel that Maintenance Cash Bond in the amount of \$6,817.00 and Maintenance Engineering Funds in the amount of \$292.00 posted by 1st Light Energy be released in accordance with the Engineer's letter dated April 6, 2016.

CERTIFICATION

I, Maureen Doloughy, Township Clerk of the Township of Holmdel, do hereby certify this to be a true copy of a Resolution adopted by the Township Committee of the Township of Holmdel on April 19, 2016.

Maureen Doloughy, RMC
Township Clerk



YOUR GOALS. OUR MISSION.

HOLM-G1601

April 6, 2016

Maureen Doloughy
Township Clerk
Township of Holmdel
4 Crawfords Corner Road
Holmdel, NJ 07733

**Re: 1st Light Energy Inc.
Maintenance Bond Release**

Dear Ms. Doloughy:

As requested, we have reviewed the applicant's request for the release of the Maintenance Cash Bond in the amount of \$6,817.00 and Maintenance Engineering Funds in the amount of \$292.00. The maintenance cash bond and engineering fund were posted on November 30, 2012. Since maintenance bonds expire after two years and no deficiencies were noted during the maintenance bond period, I recommend that the maintenance cash bond and maintenance engineering fee associated with this project be released by Formal Resolution subject to the payment of any outstanding fees.

If you have any questions or require additional information, please call.

Very truly yours,

T&M ASSOCIATES

Bonnie Z. Heald for
EDWARD G. BROBERG, P.E.
HOLMDEL TOWNSHIP ENGINEER

EGB:BLH:EST

c: Donna Vieiro, Township Administrator
Jeanette Larrison, Chief Financial Officer
Duane Davison, Esq., Township Attorney's Office

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TOWNSHIP OF HOLMDEL

TOWNSHIP COMMITTEE AGENDA ITEM # 8

Meeting Date: April 19, 2016

Subject: Recreation Programs & Fees Ordinance 2016-05

Submitted by: Maureen Doloughy

Approved by:

RECOMMENDATION

It is recommended that the Committee Introduce the Ordinance

PREVIOUS ACTION

BACKGROUND

Ordinance 2016-05 repeals the section of the Parks and Recreation Ordinance listing the fee schedule and, instead, authorizes the Recreation Director to sponsor adult and youth programs and establish fees.

FISCAL IMPACT

None

Attachments:

Proposed Ordinance 2016-05

<i>For Internal Use</i>	
Township Committee Action	
Approve	Denied
Other	
Comments: _____	

ORDINANCE AMENDING CHAPTER XIII (PARKS AND RECREATIONAL FACILITIES), CHAPTER 13.2 FACILITY USAGE FEES, SECTION 13-2, INDOOR; SECTION 13-2.3 OUTDOOR FACILITIES; 13-2.4 ANNUAL FEES FOR CERTAIN USER GROUPS; 13-2.5 FEE ADJUSTMENT; 13-2.6 PROGRAM FEES OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF HOLMDEL, COUNTY OF MONMOUTH, STATE OF NEW JERSEY 2016-05

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

Chapter XIII, Township Committee, Section 13-2 Indoor Facilities; 13-2.3 Outdoor Facilities; 13-2.4 Annual Fees for Certain User Groups; 13-2.5 Fee Adjustments; 13-2.6 Program Fees are hereby deleted and replaced with the following:

I

13-2 Indoor and Outdoor Facilities; Application for Permit; User Groups; Scheduling.

- (a) The Holmdel Township Department of Parks and Recreation shall sponsor adult and youth programs and the fees will be recommended by the Recreation Director.
- (b) The Township Recreation Director shall establish user fees for activities at Township Facilities and to update the fees on a periodic basis as may be required.

II

All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

III

If any section, subparagraph, sentence, clause or phrase of this Ordinance shall be held to be invalid, such decision shall not invalidate the remaining portion of this Ordinance.

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 19, 2016 and will be considered for final passage and adoption at a meeting of said Township Committee to be held on May 3, 2016 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.

Eric Hinds, Mayor

Attest:
Maureen Doloughty, RMC
Township Clerk

TOWNSHIP OF HOLMDEL

TOWNSHIP COMMITTEE AGENDA ITEM # 9

Meeting Date: April 19, 2016

Subject: Bond Ordinance 2016-06

Submitted by: Maureen Doloughy

Approved by:

RECOMMENDATION

It is recommended that the Committee Introduce the Ordinance

PREVIOUS ACTION

BACKGROUND

Ordinance 2016-06 authorizes the Township to make various public improvements and to acquire new additional or replacement equipment and machinery, new information technology and telecommunications equipment, new additional furnishings and new automotive vehicles, including original apparatus and equipment, in, by and for said Township, as more particularly described in Section 4 hereof. Said improvements shall include all work, materials and appurtenances necessary and suitable.

FISCAL IMPACT

None

Attachments:

Proposed Ordinance 2016-06

For Internal Use

Township Committee Action

Approve

Denied

Other

Comments:

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 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 \$2,915,000 TO PAY THE COST THEREOF, TO APPROPRIATE VARIOUS GRANTS, 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. 2016-06

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

Section 1. The Township of Holmdel, in the County of Monmouth, State of New Jersey (the "Township") is hereby authorized to make various public improvements and to acquire new additional or replacement equipment and machinery, new information technology and telecommunications equipment, new additional furnishings and new automotive vehicles, including original apparatus and equipment, in, by and for said Township, as more particularly described in Section 4 hereof. Said improvements shall include all work, materials and appurtenances necessary and suitable therefor.

Section 2. There is hereby appropriated to the payment of the cost of making the improvements described in Sections 1 and 4 hereof (hereinafter referred to as "purposes"), the respective amounts of money hereinafter stated as the appropriation for said respective purposes. Said appropriation shall be met from the proceeds of the sale of the bonds authorized, and the down payment and the various grants appropriated, by this ordinance. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that the making of such improvements is not a current expense of said Township.

Section 4. The several purposes hereby authorized for the financing of which said obligations are to be issued are set forth in the following "Schedule of Improvements, Purposes and Amounts" which schedule also shows (1) the amount of the appropriation and the estimated cost of each such purpose, and (2) the amount of

each sum which is to be provided by the various grants hereinafter appropriated, and (3) the amount of each sum which is to be provided by the down payment hereinafter appropriated to finance such purposes, and (4) the estimated maximum amount of bonds and notes to be issued for each such purpose, and (5) the period of usefulness of each such purpose, according to its reasonable life, computed from the date of said bonds:

SCHEDULE OF IMPROVEMENTS, PURPOSES AND AMOUNTS

A. Undertaking of the "2016 Paving, Curb, Sidewalk and Drainage Program" at various locations in the Township, as set forth on a list on file with the Township Administrator, and hereby approved as if set forth herein in full. Depending upon the contract price and other exigent circumstances, and upon approval by the Township Committee, there may be additions to or deletions from the aforesaid list. It is hereby determined and stated that said roads being improved are of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

Appropriation and Estimated Cost	\$1,375,000
State Grant Appropriated	\$ 175,000
Down Payment Appropriated	\$ 57,150
Bonds and Notes Authorized	\$1,142,850
Period of Usefulness	10 years

B. Undertaking of various improvements to parks.

Appropriation and Estimated Cost	\$ 574,000
County Grant Appropriated	\$ 137,000
Down Payment Appropriated	\$ 20,810
Bonds and Notes Authorized	\$ 416,190
Period of Usefulness	15 years

C. Acquisition of new additional or replacement equipment and machinery, new information technology and telecommunications equipment, new additional furnishings and new automotive vehicles, including original apparatus and equipment, for the use of various Township departments, offices and agencies:

Various Departments, Offices and Agencies
computer and telecommunications equipment

Department of Public Works ("DPW")
dump truck with attachments

Fire Department
turnout gear
helmets and boots
computers and related equipment

Construction Code Office
SUVs

Police Department
SUVs
office chairs and furniture
computer equipment
mobile video recorders
weapons and related equipment
safety equipment
security cameras and related security equipment

Depending upon contract prices and other exigent circumstances, and upon approval of the Township Committee, there may be additions to or deletions from the above list.

Appropriation and Estimated Cost	\$ 661,000
Down Payment Appropriated	\$ 31,515
Bonds and Notes Authorized	\$ 629,485
Period of Usefulness	5 years

D. Acquisition of new additional or replacement equipment and machinery for the use of the DPW consisting of (i) a loader with attachments and (ii) a mower.

Appropriation and Estimated Cost	\$ 305,000
Down Payment Appropriated	\$ 14,525
Bonds and Notes Authorized	\$ 290,475
Period of Usefulness	15 years

Aggregate Appropriation and Estimated Cost	\$2,915,000
Aggregate Grants Appropriated	\$ 312,000
Aggregate Down Payment Appropriated	\$ 124,000
Aggregate Amount of Bonds and Notes Authorized	\$2,479,000

Section 5. The cost of such purposes, as hereinbefore stated, includes the aggregate amount of \$330,000 which is estimated to be necessary to finance the cost of such purposes, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 6. The sum of \$175,000 received or to be received as a grant from the State of New Jersey Department of Transportation is hereby appropriated to the payment of the cost of the resurfacing of Crawfords Corner Road (Section 3) authorized in Section 4.A above.

Section 7. The sum of \$137,000 received or to be received as a grant from the County of Monmouth Open Space Trust Fund is hereby appropriated to the payment of the cost of the improvements to Cross Farm Park authorized in Section 4.B above.

Section 8. It is hereby determined and stated that moneys exceeding \$124,000, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Township, are now available to finance said purposes. The sum of \$124,000 is hereby appropriated from such moneys to the payment of the cost of said purposes.

Section 9. To finance said purposes, bonds of said Township of an aggregate principal amount not exceeding \$2,479,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 10. To finance said purposes, bond anticipation notes of said Township of an aggregate principal amount not exceeding \$2,479,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance

of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 11. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Township and attested by the Township Clerk or Deputy Township Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 12. It is hereby determined and declared that the average period of usefulness of said purposes, according to their reasonable lives, taking into consideration the respective amounts of bonds or notes authorized for said purposes, is a period of 10.15 years computed from the date of said bonds.

Section 13. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Township Clerk of said Township, and that such statement so filed shows that the gross debt of said Township, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$2,479,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 14. Any funds received from private parties, the County of Monmouth, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purposes (other than the State and County grants hereinbefore appropriated which shall be applied to the cost of such purposes, but shall not be applied to the payment of outstanding bond

anticipation notes and the reduction of the amount of bonds authorized), shall be applied to the payment of the cost of such purposes, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purposes shall be reduced accordingly.

Section 15. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Township Clerk and is available for public inspection.

Section 16. The Township intends to issue the bonds or notes to finance the cost of the improvements described in Sections 1 and 4 of this bond ordinance. If the Township incurs such costs prior to the issuance of the bonds or notes, the Township hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 17. 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 ordinance. Said obligations shall be direct, unlimited and general obligations of the Township, and the Township shall levy ad valorem taxes upon all the taxable real property within the Township for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 18. This ordinance shall take effect twenty days after the first publication thereof after final passage.

TOWNSHIP OF HOLMDEL

TOWNSHIP COMMITTEE AGENDA ITEM # 10

Meeting Date: April 19, 2016

Subject: Ordinance 2016-07

Submitted by: Maureen Doloughy

Approved by:

RECOMMENDATION

It is recommended that the Committee Introduce the Ordinance

PREVIOUS ACTION

BACKGROUND

Ordinance 2016-07 authorizes the Township to enter into a Lease of Property agreement with AD-IN Sport Foundation, Inc., a non-profit company to maintain and manage the Tennis Center as well as furnish tennis services and lessons.

FISCAL IMPACT

None

Attachments:

Proposed Ordinance 2016-07

<i>For Internal Use</i>	
Township Committee Action	
Approve	Denied
Other	
Comments: _____	

AN ORDINANCE AUTHORIZING ENTRY INTO A LEASE AGREEMENT FOR A PORTION OF LOT 79, BLOCK 46. ORD. NO 2016-07

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

WHEREAS, Township is the owner in fee simple of a parcel of land located in the Township of Holmdel, County of Monmouth and State of New Jersey, designated as Lot 79, Block 46, more commonly known as the "Tennis Center" (the "Property"); and

WHEREAS, a portion of the Property contains excess land formerly used for outdoor tennis courts; and

WHEREAS, there is a demand for tennis facilities within the Township; and

WHEREAS, the deterioration of the former tennis facilities and funding the rehabilitation of the tennis facilities creates a fiscal challenge to the Township in its efforts to deliver quality facilities given the competing demands for recreational uses in the Township; and

WHEREAS, the opportunity for tennis facilities to be created, maintained and managed for the benefit of residents of Holmdel presents the chance for the Township to provide additional and diverse recreational facilities; and

WHEREAS, the assistance of a non-profit organization to provide the construction, maintenance and management of a tennis facility enhances the ability of the Township to provide the recreational opportunities for the general welfare of its residents; and

WHEREAS, AD-IN Sport Foundation, Inc. is a non-profit company organized under the laws of the State of New Jersey that develops, maintains and manages tennis facilities as well as furnishing tennis services and lessons; and

WHEREAS, AD-IN Sport Foundation, Inc. (the "Tenant") desires to lease a portion of the Property ("Leased Premises") from the Township and rehabilitate, refurbish and manage the Leased Premises herein to create recreational opportunities; and

WHEREAS, the Township Committee of the Township of Holmdel finds that a significant number of residents in the Township seek and will benefit from the tennis recreation facilities; and

WHEREAS, the Township desires to lease the Leased Premises to the Tenant, pursuant to N.J.S.A. 40A:12-14(c) and N.J.S.A. 40A:12-15.1, and

WHEREAS, the Township of Holmdel and the Tenant desire to enter into a Lease of Property agreement to provide tennis facilities to Holmdel Township residents.

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

1. It hereby authorizes entry into the Lease of Property agreement with AD-IN Sport Foundation, Inc.
2. It hereby authorizes the Mayor and Township Clerk to execute the Lease of Property agreement.
3. It hereby accepts the terms and conditions set forth in the Agreement.
4. This Ordinance shall remain in effect for the term of the Lease of Property agreement.
5. The Tenant shall file a report annually with the Township Administrator detailing the use of the Leased Premises including financial reports, the activities of Tenant undertaken or provided in furtherance of the public purpose, the appropriate value or cost of such activities in furtherance of the public purpose and affirmation or proof of the continuing tax exempt status of the Tenant corporation pursuant to State and Federal law as required by N.J.S.A. 40A:12-14(c).
6. A certified copy of this Ordinance shall be provided by the Municipal Clerk to:
 - a. AD-IN Sport Foundation, Inc.
 - b. Robert F. Muñoz, Esq., Holmdel Township Attorney.
 - c. Donna Vieiro, Township Administrator

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 12, 2016 and will be considered for final passage and adoption at a meeting of said Township Committee to be held on May 3, 2016 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.

Eric Hinds, Mayor

Attest:
Maureen Doloughy, RMC
Township Clerk