

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

June 17, 2010

The Marlboro Township Council held its regularly scheduled meeting on June 17, 2010 at 7:00 P.M. at the Greenbriar at Marlboro Clubhouse, 21 Clubhouse Lane, Marlboro, New Jersey.

Council President LaRocca opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of this meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on January 11, 2010; mailed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk. Notice of the change in location and time was given to the above on May 24, 2010.

The Clerk called the Roll.

PRESENT: Councilman Cantor, Council Vice President Marder, Councilwoman Mazzola, Councilman Metzger and Council President LaRocca.

Also present were: Mayor Jonathan L. Hornik, Louis Rainone, Esq., Business Administrator Jonathan Capp, Municipal Clerk Alida Manco and Deputy Municipal Clerk Deborah Usalowicz.

Council Vice President Marder moved that the minutes of May 6, 17 & 20, 2010 be approved. This motion was seconded by Councilwoman Mazzola and passed on a roll call vote of 4 - 0 in favor with Councilman Cantor abstaining.

Council President LaRocca opened the Public Hearing on Ordinance # 2010-13 (Conservation, Drainage and Utility Right of Way Easements B 175, L 11 - STC Realty/Scott Carbone). After the Public Hearing was held and closed, the

following Res. # 2010-215/Ord. # 2010-13 (Conservation, Drainage and Utility Right of Way Easements B 175, L 11 - STC Realty/Scott Carbone) was introduced by reference, offered by Council Vice President Marder, seconded by Councilman Metzger and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-215

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

ORDINANCE # 2010-13

AN ORDINANCE AUTHORIZING THE ACQUISITION OF A PERMANENT CONSERVATION EASEMENT OVER A PORTION OF PROPERTY KNOWN AS BLOCK 175, LOT, 11, TOWNSHIP OF MARLBORO, MONMOUTH COUNTY, NEW JERSEY AND A PERMANENT CONSERVATION, DRAINAGE AND UTILITY RIGHT-OF-WAY EASEMENT OVER A PORTION OF PROPERTY KNOWN AS BLOCK 175, LOT 11, TOWNSHIP OF MARLBORO, MONMOUTH COUNTY, NEW JERSEY FROM STC REALTY, LLC AS PART OF A CONDITION OF SITE PLAN APPROVAL FROM THE TOWNSHIP OF MARLBORO PLANNING BOARD

which was introduced on June 3, 2010, public hearing held June 17, 2010, be adopted on second and final reading this 17th day of June, 2010.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

The following Res. # 2010-216/Ord. # 2010-14 (Establishing Fee for Secure Electronic Payment Transactions) was introduced by reference, offered by Council Vice President Marder, and seconded by Councilwoman Mazzola. After discussion, the resolution/ordinance was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-216

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

ORDINANCE # 2010-14

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 171, "FEES", OF THE CODE OF THE TOWNSHIP OF MARLBORO, BY CREATING AND ESTABLISHING A NEW ARTICLE V ENTITLED, "THIRD PARTY PAYMENT PROCESSING FEES" TO SET FORTH FEES TO BE CHARGED FOR PROCESSING TRANSACTIONS FOR PAYMENTS MADE TO THE TOWNSHIP OF MARLBORO BY AUTOMATIC WITHDRAWAL, ON-LINE PAYMENT OR BY CREDIT CARD OR E-CHECK

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

BE IT FURTHER RESOLVED that the same be considered for final passage on July 15, 2010 at 7:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2010-14

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 171, "FEES", OF THE CODE OF THE TOWNSHIP OF MARLBORO, BY CREATING AND ESTABLISHING A NEW ARTICLE V ENTITLED, "THIRD PARTY PAYMENT PROCESSING FEES" TO SET FORTH FEES TO BE CHARGED FOR PROCESSING TRANSACTIONS FOR PAYMENTS MADE TO THE TOWNSHIP OF MARLBORO BY AUTOMATIC WITHDRAWAL, ON-LINE PAYMENT OR BY CREDIT CARD OR E-CHECK

WHEREAS, the Township of Marlboro currently provides for the payment of taxes by automatic withdrawal from bank accounts, which service is used by approximately four hundred (400) tax payers; and

WHEREAS, the Township desires to expand the current service to permit residents to remit payments on-line by credit card or e-check, or by telephone by toll-free number for taxes, water charges and other authorized payments; and

WHEREAS, beginning June 2010, all local government units are required to comply with regulations adopted by the Federal Trade Commission (FTC) with respect to identity theft protection; and

WHEREAS, the guidance issued by the State of New Jersey, Division of Local Government Services (LFN 2009-9) interprets that "all government water, wastewater and

electric utilities are explicitly covered under these rules"; and

WHEREAS, the Township cannot provide for such on-line services and has contracted with a third party provider which shall offer the highest level of security in payment transaction processing as required under the new FTC regulations; and

WHEREAS, fees for this service shall be paid directly by the taxpayer.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that Chapter 171, Fees, of the Code of the Township of Marlboro, be and is hereby amended and supplemented by the creation and establishment of a New Article V, entitled Third Party Payment Processing Fees, to set forth fees to be charged for processing transactions for payments made to the Township of Marlboro by automatic withdrawal, on-line payment or by credit card or E-Check for taxes, water charges and other authorized payments as follows:

Article V. Third Party Payment Processing Fees.

§171-8. Electronic Payments for taxes, water charges and other authorized payments. Residents of Marlboro Township may elect to pay their taxes, water charges and other authorized payments electronically or by telephone by bank account automatic withdrawals, credit card or E-check payments on-line or by credit card by telephone to the Township's Third Party Payment Processor. Payments made to the Township in this manner shall be subject to processing fees set forth in §171-9 hereinbelow.

§171-9. Fees. Residents opting to pay taxes, water charges and other authorized payments due to the Township through the Township's Third Party Payment Processor shall pay, in addition to the taxes, water charges or other authorized payments due, the following processing charges:

Electronic Check for taxes:	\$2.00 service fee
Electronic Check for water:	\$2.75 per \$100.00
Credit Card transactions:	2.69% service fee

The above charges shall be added to the tax, water payments or other authorized payments due.

These fees may be adjusted annually by Resolution of the Township Council of the Township of Marlboro to reflect the contractual costs with the Township's third party payment processor.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

The following Res. # 2010-217 (Approve an Identity Theft Policy for the Township) was introduced by reference, offered by Council Vice President Marder and seconded by Councilman Metzger and was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-217

A RESOLUTION ADOPTING AN IDENTITY THEFT POLICY  
FOR THE TOWNSHIP OF MARLBORO

WHEREAS, the Fair and Accurate Credit Transactions Act of 2003, an amendment to the Fair Credit Reporting Act, required rules regarding identity theft protection to be promulgated; and

WHEREAS, those rules became effective August 1, 2009 and implementation was extended to June 1, 2010, and require the Township to establish an identity theft program and policy, and

WHEREAS, the Township of Marlboro Municipal Council in the County of Monmouth has determined that the following policy is in the best interest of the Township of Marlboro and its citizens.

NOW, THEREFORE, BE IT RESOLVED by the Township of Marlboro Municipal Council that the Identity Theft Policy annexed here to is hereby approved.

BE IT FURTHER RESOLVED that this resolution will take effect immediately upon its passage.

The following Res. # 2010-218 (Award of Contract for Secure Electronic Payment Transactions) was introduced by reference, offered by Councilwoman Mazzola and seconded by Councilman Metzger and was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-218

A RESOLUTION AUTHORIZING AN AGREEMENT WITH POINT & PAY FOR SECURE 3<sup>rd</sup> PARTY PAYMENT PROCESSING SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF FINANCE

WHEREAS, beginning June 2010, all local government units are required to comply with regulations adopted by the Federal Trade Commission (FTC) with respect to identity theft protection; and

WHEREAS, the guidance issued by the State of New Jersey, Division of Local Government Services (LFN 2009-9) interprets that "all government water, wastewater and electric utilities are explicitly covered under these rules"; and

WHEREAS, there are approximately 400 Marlboro taxpayers who remit payment via automatic withdrawal from their bank accounts; and

WHEREAS, the Township can no longer host this service and must contract with a 3rd party provider which offers the highest level of security in payment transaction processing as required under the new FTC regulations; and

WHEREAS, the Township additionally desires to expand the current service to give taxpayers the ability to remit payment on-line via credit card or e-check, or over the phone via a toll-free number; and

WHEREAS, fees for this service are paid directly by the taxpayer and there is no charge to the Township; and

WHEREAS, the Township solicited and received three (3) competitive quotations in order to achieve the lowest fee for taxpayers; and

WHEREAS, Point & Pay, 6335 Falcon Point Lane, Indianapolis, IN 46237 provided the lowest quotation, as follows:

WHEREAS, the fees to be charged by Point & Pay are:

Electronic Check for taxes:	\$2.00 service fee
Electronic Check for water:	\$2.75 per \$100.00
Credit Card transactions:	2.69% service fee;

and

WHEREAS, the Department of Finance recommends award of contract to Point and Pay.

NOW THEREFORE BE IT RESOLVED that a contract between the Township of Marlboro and Point & Pay to provide secure 3<sup>rd</sup> party payment processing as described and set forth in its proposal be, and is hereby authorized; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Clerk to witness, in a form legally acceptable to the Township Attorney a service agreement between the Township of Marlboro and Point & Pay.

BE IT FURTHER RESOLVED that a copy of the service agreement and this resolution shall be available for public inspection in the office of the Municipal Clerk. The following Res. # 2010-219 (Renewal Liquor Licenses July 1, 2010 - June 30, 2011) was introduced as amended by reference, offered by Councilwoman Mazzola and seconded by Council President LaRocca. After discussion, Councilman Cantor moved to amend the resolution to strike out Wickatunk Holdings, place their renewal on the agenda for June 21<sup>st</sup> and adopt the resolution as amended. Motion was seconded by Council President La Rocca and the resolution as amended was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-219

BE IT RESOLVED by the Township Council of the Township of Marlboro that the following Liquor Licenses be and they are hereby renewed for the period beginning July 1, 2010 through June 30, 2011.

- |  |                 |
|--|-----------------|
| 1. S & A Route 79, Inc.<br>T/A Crown Palace            | 1328 33 005 008 |
| 2. I.R Restaurant Corp.                                | 1328 33 007 004 |
| 3. M. S. D. Enterprise, Inc.<br>T/A Martucci's Deli    | 1328 44 009 003 |
| 4. Bella Vista Country Club                            | 1328 33 004 004 |
| 5. Worthwhile, Inc.<br>T/A Cambridge Spirits Unlimited | 1328 44 016 002 |
| 6. Briad Restaurant Group,L.L.C.<br>T/A TGI Fridays    | 1328 33 017 002 |
| 7. J.R.J. Hospitality Inc.<br>T/A Nonna's              | 1328 33 015 012 |
| 8. A.J.R. Restaurant Group<br>T/A Damon's Grill        | 1328 33 018 001 |
| 9. Hituja Corp.<br>T/A Marlboro Buy Rite Liquors       | 1328 44 001 006 |
| 10. Modern Star  | 1328 33 020 001 |
| 11. B.T.A., LLC<br>T/A Pino's La Forchetta             | 1328 33 008 008 |
| 12. Morganville Ind. Vol. Fire Co. NC                  | 1328 31 012 001 |

BE IT FURTHER RESOLVED that pursuant to NJAC 13: 2-19.1, renewal of the aforementioned licenses shall not bar or abate any pending or anticipated disciplinary proceeding against any licensed establishment.

The following Res. # 2010-220 (Cancelling Grant Balances) was introduced by reference, offered by Council Vice President Marder, seconded by Councilwoman Mazzola and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-220

WHEREAS, the Township of Marlboro Annual Financial Statement dated 12/31/09 reflects certain grant balances, and

WHEREAS, the following grants have balances but are no longer active; and

WHEREAS, these adjustments are necessary to update the grant records maintained by the Township of Marlboro.

NOW, THEREFORE, BE IT RESOLVED that the following adjustments and cancellations are hereby approved, and the Chief Financial Officer is authorized to make the appropriate entries to reflect this action.

	<b>Cancellation Amount</b>	
<b><u>Receivables</u></b>		
Child Passenger Safety Grant	\$	10,217.17
Homeland Rebuilding Grant		40,000.00
COPS - Fingerprint ID / Mobile Data		2.90
Click it or Ticket		180.00
Highway Safety Fund - Safe Corridors		
.05		
Child Passenger Safety Grant		1,656.00
Click It or Ticket Grant		50.00
<b>Total</b>	<b>\$</b>	<b>52,106.12</b>

<b><u>Appropriated Reserves</u></b>		
Child Passenger Safety Grant	\$	3,463.13
COPS - Fingerprint ID / Mobile Data		2.90
Homeland Rebuilding Grant		40,000.00
Child Passenger Safety Grant		5,800.00
Statewide Local Domestic Prep Equipment		1,360.12
Statewide Livable Communities - Woodcliff Park		17,012.00
NJ Special Purpose Grant		15.36
911 Equipment Grant		1,792.09
911 General Assistance grant		3.96
Highway Safety Fund - Safe Corridors		.10
Child Passenger Safety Grant		1,656.00
<b>Total</b>	<b>\$</b>	<b>71,105.66</b>

The following Res. # 2010-221 (Recycling Tonnage Grant) was introduced by reference, offered by Councilman Cantor and seconded by Councilman Metzger and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-221

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and indicate the assent of the Marlboro Township Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure that the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that Marlboro Township hereby endorses the submission of a Municipal Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection and Energy and designates the Recycling Coordinator to ensure that the said Application is properly filed.

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

The following Res. # 2010-222 (Authorizing Application Sustainable Jersey Grant) was introduced by reference, offered by Council President LaRocca and seconded by Council Vice President Marder and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-222

A RESOLUTION AUTHORIZING A GRANT APPLICATION  
FROM THE SUSTAINABLE JERSEY SMALL GRANTS PROGRAM

WHEREAS, the Sustainable Jersey program is the product of a coalition of New Jersey public and private organizations working to identify actions municipalities need take to become green and sustainable, and to develop guidance material and resources municipalities need to make progress in such areas; and

WHEREAS, in an effort to promote sustainability, education, and public/private partnerships, Wal-Mart Stores Inc. ("Wal-Mart"), the New Jersey League of Municipalities Education Foundation (the "NJLM"), and the NJLM Mayors' Committee for a Green Future (the "MCGF") have established the Sustainable Jersey Small Grants Program (the "Program"), which provides grants intended to support New Jersey municipalities that participate in the Sustainable Jersey Certification Program to institute greening and sustainability initiatives within their communities and to improve the quality of life for their residents; and

WHEREAS, the Program will award ten (10) \$10,000.00 grants and four (4) \$25,000.00 grants, and twenty (20) capacity building grants; and

WHEREAS, the Township Council of the Township of Marlboro has determined that it would be in the best interests of the Township to apply for a Sustainable Jersey Small Grant.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, Monmouth County, New Jersey, that the Mayor and Township Clerk are hereby authorized to submit a grant application to the Sustainable New Jersey Small Grants Program for grant funds in the amount of \$25,000 to support the Township of

Marlboro's efforts to institute greening and sustainability initiatives within the community, specifically, for use in the development of sustainable land use planning and transportation under the guidelines of Form Based Code which has been supported by DEP smart growth themes and is in co-ordination with the Township's Visioning statement, the Township Green Team and planned Town Center in the Village Commercial Zone; and

BE IT FURTHER RESOLVED, that the Mayor and Township Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Marlboro and that their signatures constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement; and

BE IT FURTHER RESOLVED that the Township Clerk is hereby authorized and directed to send copies of this resolution to the following:

1. Sustainable Jersey
2. Mayor Jonathan L. Hornik
3. Township Business Administrator.
4. DeCotiis, FitzPatrick, Cole & Wisler, LLP
5. Patriot Consulting

The following Res. # 2010-223 (Authorizing Issuance of Fireworks Display Grant) was introduced by reference, offered by Councilman Cantor and seconded by Councilwoman Mazzola and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-223

RESOLUTION AUTHORIZING THE ISSUANCE OF  
A FIREWORKS DISPLAY PERMIT TO PYRO  
ENGINEERING, INC., D/B/A BAY FIREWORKS

WHEREAS, N.J.S.A. 21:3-1, *et seq.* regulates the sale, exposure for sale, use, distribution or possession of fireworks or pyrotechnics in the State of New Jersey so as to advance the interests of public health, safety and welfare of the people of the State of New Jersey; and

WHEREAS, upon satisfaction of the conditions set forth in N.J.S.A. 21:3-1, *et seq.*, and more particularly those set forth in N.J.S.A. 21:3-3, the governing body of any

municipality may, by resolution, approve the granting of a permit for said purposes to a qualified organization, when such display is to be handled by a competent operator in the manner approved by the Chief of the Police and the Fire Department of the municipality so as not to be hazardous to property or endanger any person or persons; and

WHEREAS, Pyro Engineering, Inc., doing business as Bay Fireworks ("Pyro"), has applied for a permit to conduct a fireworks display within the Township of Marlboro on July 11, 2010 (with a rain date of July 25, 2010) upon satisfaction of the conditions set forth in N.J.S.A. 21:3-1, *et seq.* and in accordance with all applicable New Jersey Administrative Code regulations promulgated in accordance therewith, as amended from time to time.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED that the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey does hereby grant approval to Pyro to conduct a fireworks display on July 11, 2010 (with a rain date of July 25, 2010) within the Township of Marlboro pursuant to N.J.S.A. 21:3-1, *et. seq.*, and more particularly N.J.S.A. 21:3-3, subject to:

1. Receipt of approval by the Chief of the Police and Fire Department in accordance with the above;

2. The posting of adequate surety which may be cash, government bonds, personal bond, or other form of insurance in a sum of not less than Two Thousand Five Hundred Dollars (\$2,500.00), N.J.S.A. 21:3-5; and

3. The furnishing of the necessary Certificates of Insurance to the Township in a form acceptable to the Township Attorney.

BE IT FURTHER RESOLVED that the Township Clerk is hereby authorized and directed to send copies of this resolution to the following:

1. Pyro Engineering, Inc.
2. Mayor Jonathan L. Hornik
3. Chief of the Police and Fire Department.
4. Fire Prevention Bureau.
5. Township Business Administrator.
6. DeCotiis, FitzPatrick & Cole, LLP

The following Res. # 2010-224 (Establishing Estimated Tax Rate) was introduced by reference, offered by Councilman Cantor, seconded by Council Vice President Marder and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-224

WHEREAS, there is an anticipated delay in the State Budget process for the upcoming fiscal year, and

WHEREAS, it is anticipated that the tax rate will not be certified in time for the printing and distribution of the third quarter billing, and

WHEREAS, a delay in receiving the revenue derived from the processing of the third quarter tax bills will cause operational cash flow issues, and

WHEREAS, the Chief Financial Officer and the Tax Collector have reviewed and computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3,

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of Township of Marlboro, County of Monmouth, State of New Jersey, hereby authorizes that:

1. The Tax Collector is directed to prepare and issue estimated tax bills for the Municipality of Marlboro for the third quarter of 2010, in accordance with provisions of N.J.S.A. 54:4-66.2et seq.
2. The entire estimated tax levy for 2010 is hereby set at \$137,087,389.67
3. The Tax Collector takes any additional steps necessary to immediately implement this resolution.

The following Res. # 2010-225 (Authorizing Contract Amendment CME - Temporary Transformer Repairs, Tennent Road Pump Station Emergent Basis) was introduced by reference, offered by Council Vice President Marder, seconded by Councilman Metzger and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-225

A RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES  
CONTRACT BETWEEN CME ASSOCIATES AND THE TOWNSHIP OF  
MARLBORO WATER UTILITY DIVISION FOR PROFESSIONAL  
ENGINEERING SERVICES IN CONNECTION WITH IMPROVEMENTS  
AT THE TENNENT ROAD PUMP STATION FACILITY

WHEREAS, the Township Water Utility Division requires professional engineering services including design, preparation of contract bid documents and construction phase services in connection with required improvements at the Tennent Road Pump Station facility (the "Project"); and

WHEREAS, CME Associates has provided a proposal dated May 28, 2010 (the "Proposal") for such Professional Services in connection with the Project; and

WHEREAS, the Township of Marlboro Water Utility Division and CME Associates have entered into a Professional Services Contract, awarded under a fair and open process, and seeks to amend such Contract to expand the scope of services to include the Professional Services (as defined hereinabove) for the Project at a fee not to exceed \$34,325.00 for such Professional Services, as further described and set forth in CME's Proposal, attached hereto and made a part hereof; and

WHEREAS, the value of the Professional Services Contract will exceed \$17,500.00 in the aggregate; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose from Account # 0-05- -500-501; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the Township Water Utility Division to amend its contract with CME Associates to provide the required additional Professional Services for the Project in accordance with the Proposal; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the

contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality; and

WHEREAS, CME has previously completed and submitted a Business Entity Disclosure Certificate certifying that CME Associates has not made any reportable contributions that would bar the award of a contract pursuant to Marlboro Township Code Chapter 18 or N.J.S.A. 19:44A-20.5, and that no reportable contributions that would violate the law will be made during the term of the contract.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a Professional Services Contract between CME Associates and the Township of Marlboro Water Utility Division, to expand the scope of services to include professional engineering services including design, preparation of contract bid documents and construction phase services ("Professional Services"), in connection with required improvements at the Tennent Road Pump Station facility (the "Project"), at a fee not to exceed \$34,325.00 for such Professional Services, as further described and set forth in CME's Proposal dated May 28, 2010 ("Proposal"), be and is hereby authorized; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Clerk to witness, in a form legally acceptable to the Township Attorney, the Professional Services Contract described herein; and

BE IT FURTHER RESOLVED, that this Professional Services Contract is awarded without competitive bidding pursuant to N.J.S.A. 40A:11-5(1)(a)(i) and shall provide for compensation in an amount not to exceed \$34,325.00 for such additional Professional Services for the Project as described in the Proposal; and

BE IT FURTHER RESOLVED, that the Business Entity Disclosure Certification shall be placed on file with this Resolution; and

BE IT FURTHER RESOLVED, that a copy of the Professional Services Contract and this Resolution shall be available for public inspection in the office of the Municipal Clerk; and

BE IT FURTHER RESOLVED, notice of award of the Professional Services Contract shall be published pursuant to law, and a certified copy of this Resolution shall be provided to each of the following:

- a. CME Associates, 1460 Route 9 South, Howell, NJ 07731
- b. Mayor Jonathan L. Hornik
- c. Township Administrator
- d. Township Chief Financial Officer
- e. DeCotiis, FitzPatrick & Cole, LLP

The following Res. # 2010-226 (Authorizing Emergency Contract Redevelop Well #1, Harbor Road Filtration Plant) was introduced by reference, offered by Council Vice President Marder, seconded by Councilwoman Mazzola and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-226

A RESOLUTION AUTHORIZING AN EMERGENCY CONTRACT WITH LAYNE CHRISTENSON COMPANY FOR THE EMERGENCY REDEVELOPMENT OF WELL NO. 1 WHICH SUPPLIES GROUNDWATER TO THE HARBOR ROAD WATER TREATMENT PLANT AS AN EMERGENCY CONTRACT PURSUANT TO N.J.S.A. 40A:11-6

WHEREAS, N.J.S.A. 40A:11-6 states that "Any contract may be ... awarded for a contracting unit without public advertising for bids and bidding therefor ... when an emergency affecting the public health, safety or welfare requires the immediate ... performance of services ... ."; and

WHEREAS, N.J.S.A. 40A:11-6(b) states that "Upon the furnishing of such goods or services ... the contractor furnishing such goods or services shall be entitled to be paid therefor and the contracting unit shall be obligated for said payment ..."; and

WHEREAS, the Township Engineer reported that Well No. 1 which supplies groundwater to the Harbor Road Treatment Plant was out of commission; and

WHEREAS, the Township Engineer further reported that all four (4) wells must be operable during peak months in order to meet the water demands of the system's customers; and

WHEREAS, the current condition poses a serious threat to the public health, safety and welfare, constituting an emergency under the terms of N.J.S.A. 40A:11-6; and

WHEREAS, the Township's Department of Public Works solicited quotes from three (3) vendors and obtained two (2) proposals to make the necessary repair, the lowest proposal of which is from Layne Christenson Company, 719 Mt. Holly Road, Beverly, NJ 08010 at a cost of \$93,250.00; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, being the governing body thereof, that a contract for the redevelopment of Well No. 1 by Layne Christenson Company for the amount of \$93,250.00 be and is hereby authorized and ratified pursuant to N.J.S.A. 40A:11-6(b); and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Layne Christenson Company
- b. Township Administrator
- c. Township Chief Financial Officer
- d. DeCotiis, FitzPatrick & Cole, LLP

The following Res. # 2010-227 (Authorizing Emergency Contract Electrical Repairs Tennent Road Pump Station - High Energy Electrical Testing, Inc.) was introduced by reference, offered by Council Vice President Marder, seconded by Councilman Metzger and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-227

A RESOLUTION AUTHORIZING AN EMERGENCY CONTRACT WITH HIGH ENERGY ELECTRICAL TESTING, INC. FOR EMERGENCY ELECTRICAL REPAIRS AT THE TENNENT ROAD PUMP STATION AS AN EMERGENCY CONTRACT PURSUANT TO N.J.S.A. 40A:11-6

WHEREAS, N.J.S.A. 40A:11-6 states that "Any contract may be ... awarded for a contracting unit without public advertising for bids and bidding therefor ... when an emergency affecting the public health, safety or welfare requires the immediate ... performance of services ... ."; and

WHEREAS, N.J.S.A. 40A:11-6(b) states that "Upon the furnishing of such goods or services ... the contractor furnishing such goods or services shall be entitled to be paid therefor and the contracting unit shall be obligated for said payment ..."; and

WHEREAS, the Township Engineer reported an electrical system failure at the Tennent Road Pump Station; and

WHEREAS, the Township Engineer further reported that the pump station must be operable at all times in order to supply potable water to the system's customers; and

WHEREAS, the current condition poses a serious threat to the public health, safety and welfare, constituting an emergency under the terms of N.J.S.A. 40A:11-6; and

WHEREAS, the Township's Department of Public Works solicited quotes from three (3) vendors and obtained one (1) proposal to make the necessary repair from High Energy Electrical Testing, Inc., 2119 Orient Rd, Toms River, NJ 08755, at a cost of \$21,334.00; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, being the governing body thereof, that a contract for electrical repairs at the Tennent Road Pump Station by High Energy Electrical Testing, Inc. for the amount of \$21,334.00 be and is hereby authorized and ratified pursuant to N.J.S.A. 40A:11-6(b); and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. High Energy Electrical Testing, Inc.
- b. Township Administrator
- c. Township Chief Financial Officer
- d. DeCotiis, FitzPatrick & Cole, LLP

The following Res. # 2010-228 (Award of Bid - Chemicals, Water Utility Division) was introduced by reference, offered by Council Vice President Marder, seconded by Councilman Metzger and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-228

A RESOLUTION AWARDING CONTRACTS TO GEORGE S. COYNE  
CHEMICALS, CO. INC., AND UNIVAR USA, INC., FOR THE  
SUPPLY OF SPECIFIED CHEMICALS FOR THE TOWNSHIP OF  
MARLBORO WATER UTILITY DIVISION

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the Supply of Chemicals for the Township of Marlboro Water Utility Division, and on June 3, 2010, received four (4) bids therefor; and

WHEREAS, the bid specifications indicated that the Township reserved the right to award each item separately to the lowest responsible bidder meeting the specifications; and

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

Company	Liquid Chlorine	Hydrated Lyme	Zinc Orthophosphate
George S. Coyne Chemical Co, Inc.	2.06/lb	.3540/lb	1.09/lb
Univar USA, Inc.	1.444/lb	No bid	No bid
Carus Corporation	No bid	No bid	.51/lb
Shannon Chemical	No bid	No bid	.537/lb

WHEREAS, the Township Administration and the Department of Public Works have reviewed the said bids received and have recommended that a split award be made, and recommending that George S. Coyne Chemical Co, Inc. be awarded the contract for the following items as the lowest responsible bidder for same:

Type	Quantity: <b>UP TO</b>	Unit Price (\$)	Total Price (\$): <b>NOT TO EXCEED</b>
Hydrated Lime	175,000 lbs	.3540/lb.	61,950.00

WHEREAS, the Township Administration and the Department of Public Works have further recommended that Univar USA, Inc. be awarded the contract for the following items as the lowest responsible bidder for same:

Type	Quantity: <b>UP TO</b>	Unit Price (\$)	Total Price (\$): <b>NOT TO EXCEED</b>
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Liquid Chlorine	17,500 lbs	1.444/lb.	25,270.00
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WHEREAS, the Township Administration and Department of Public Works have also recommended that the disposition of a contract award for zinc orthophosphate be deferred to a later date to facilitate the further review, comparison, and evaluation of bids for compliance with published specifications and other relevant and appropriate criteria; and

WHEREAS, funds are available and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation of the Town Administration and Department of Public Works as set forth herein;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract be awarded to George S. Coyne Chemical Co, Inc. whose address is 3015 State Road, Croydon, PA 19021-6997 for the Supply of Hydrated Lyme for the Township of Marlboro Water Utility Division, for a contract amount not to exceed \$61,950.00; and

BE IT FURTHER RESOLVED, by the Township Council of the Township of Marlboro, that a contract be awarded to Univar USA, Inc. whose address is 532 Emaus Street, Middletown, PA 17057 for the Supply of Liquid Chlorine for the Township of Marlboro Water Utility Division, for a contract amount not to exceed \$25,270.00; and

BE IT FURTHER RESOLVED, by the Township Council of the Township of Marlboro, that consideration of a contract award for zinc orthophosphate is hereby deferred pending the receipt of final recommendations from the Township Administration and Department of Public Works regarding same; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, Contracts with George S. Coyne Chemical Co, Inc. and Univar USA, Inc., in accordance with this resolution, the bid

specifications, and in a form to be approved by the Township Attorney; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that sufficient funds will be made available for the aforesaid contracts from the following Operating Accounts:

0-05-	-500-402	\$	61,950.00
0-05-	-500-402	\$	25,270.00; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. George S. Coyne Chemical Co, Inc.
- b. Univar USA, Inc.
- c. Mayor Jonathan Hornik
- d. Township Business Administrator
- e. Township Chief Financial Officer
- f. Township Director of Public Works
- g. DeCotiis, FitzPatrick, & Cole, LLP

The following Res. # 2010-229 (Setting Special Meeting - June 21, 2010 - 7 PM - Budget Introduction) was introduced by reference, offered by Councilwoman Mazzola, seconded by Councilman Metzger and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-229

BE IT RESOLVED by the Marlboro Township Council that a "Special" Council Meeting will be held on June 21, 2010 at 7:00 PM at the Marlboro Municipal Complex ,1979 Township Drive, Marlboro, N. J. 07746. The purpose of this special meeting is to take action on a CAP rate ordinance, introduce the 2010 Municipal Budget and any other business that may come before the Township Council.

Action will be taken and Citizen's Voice will be limited to 15 minutes.

The following Res. # 2010-230 (Authorizing Contract Amendment Birdsall - HVAC Upgrades (Dept. of Energy Project)) was introduced by reference, offered by

Councilman Cantor, seconded by Councilman Metzger and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-230

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES CONTRACT BETWEEN BIRDSALL ENGINEERING, INC. AND THE TOWNSHIP OF MARLBORO FOR ENGINEERING SERVICES FOR HEATING, VENTILATION AND AIR-CONDITIONING (HVAC) SYSTEM UPGRADES AT THE MARLBORO TOWNSHIP MUNICIPAL BUILDING

WHEREAS, the Township was awarded a \$162,300 grant from the United States Department of Energy for upgrades to the HVAC System at the Township Municipal Building; and

WHEREAS, the Township requires professional engineering services for design, development of contract documents and bid support, construction administration and measurement and verification of the upgrades in connection with the HVAC project grant award; and

WHEREAS, Birdsall Engineering, Inc. has provided a proposal dated May 7, 2010 (the "Proposal") describing the Professional Services required in detail; and

WHEREAS, the Township of Marlboro and Birdsall Engineering, Inc. have previously entered into a Professional Services Contract, awarded under a fair and open process, and seeks to amend such Contract to expand the scope of services to include the additional Professional Services for a fee not to exceed \$42,650.00; and

WHEREAS, the value of the Professional Services Contract will exceed \$17,500.00 in the aggregate; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose from Account # G-07-41-809-301; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the municipality to hire Birdsall Engineering, Inc. to provide the required additional Professional Services; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality; and

WHEREAS, Birdsall Engineering, Inc. has previously completed and submitted a Business Entity Disclosure Certificate certifying that Birdsall Engineering, Inc. has not made any reportable contributions that would bar the award of a contract pursuant to Marlboro Township Code Chapter 18 or N.J.S.A. 19:44A-20.5, and that no reportable contributions that would violate the law will be made during the term of the contract.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that an Amendment to the Professional Services Contract between Birdsall Engineering, Inc. and the Township of Marlboro, to provide the additional Professional Services (as described and defined hereinabove) for the Site (as described and defined hereinabove), for an amount not to exceed \$42,650.00 be and is hereby authorized; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Clerk to witness, in a form legally acceptable to the Township Attorney, the Amendment to the Professional Services Contract described herein; and

BE IT FURTHER RESOLVED, that this Amendment to the Professional Services Contract is awarded without competitive bidding pursuant to N.J.S.A. 40A:11-5(1)(a)(i) and shall provide for compensation in an amount not to exceed \$42,650.00; and

BE IT FURTHER RESOLVED, that the Business Entity Disclosure Certification shall be placed on file with this Resolution; and

BE IT FURTHER RESOLVED, that a copy of the Amendment to the Professional Services Contract and this Resolution shall be available for public inspection in the office of the Municipal Clerk; and

BE IT FURTHER RESOLVED, notice of award of this Amendment to the Professional Services Contract shall be published pursuant to law, and a certified copy of this Resolution shall be provided to each of the following:

- a. Birdsall Engineering, Inc.  
611 Industrial Way West  
Eatontown NJ 07724
- b. Mayor Jonathan L. Hornik
- c. Township Administrator
- d. Township Chief Financial Officer
- e. DeCotiis, FitzPatrick & Cole, LLP

As the consent agenda, the following Resolutions were introduced by reference, offered by Councilwoman Mazzola, seconded by Councilman Cantor and passed on a roll call vote of 5 - 0 in favor: Res. # 2010-231 (Redemption Tax Sale Certs - Various) and Res. # 2010-232 (Refunds for Overpayments - Various).

RESOLUTION # 2010-231

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$44,370.43 as per Schedule "A",

WHEREAS, the holders of the above-mentioned tax sale certificates are entitled to the amount of the sale plus interest and costs,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the amount of \$44,370.43 to be refunded to the certificate holders as per Schedule "A",

SCHEDULE "A"

<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>LIENHOLDER</u>	<u>AMOUNT</u>
10-24	263/3	US Bank TLSG	\$487.68
6 Bruce Rd.		50 S 16 <sup>th</sup> Street Suite 1950 Philadelphia, PA 19102	

10-42	214.05/11	Nasdom, LLC	874.92
	22 Graversham Dr.	1527 E 35 <sup>th</sup> Street	
		Brooklyn, NY 11234	
10-71	396/1 C0295	Marc Markowitz	1,077.76
	295 Plum Dr.	238 Yellowknife Rd.	
		Morganville, NJ 07751	
10-118	396/1 C0252	Nithi Services, LLC	374.07
	252 Plum Dr.	20 Almadera Drive	
		Wayne, NJ 07470	
10-157	107/17	Vasyl or Maria	2,358.09
	10 Thomas Ln.	Kavatsiuk	
		449 Mountain Avenue	
		Berkeley Heights, NJ	
		07922	
10-132	199/10	Royal Tax Lien	16,586.31
	2 Apple Tree Ct.	Services, LLC	
		179 Washington Lane	
		Jenkintown, PA 19046	
10-58	223/2	Edison Tax Services,	2,271.54
	12 School Road West	LLC	
		1290 Wall St West	
		Suite 301	
		Lyndhurst, NJ 07071	
08-62	359.01/19	CCTS Capital LLC	\$2,117.09
	28 Witherspoon Way	1415 Route 70 East	
		Suite 504	
		Cherry Hill, NJ	
		08034	
10-117	359.01/19	Nithi Services, LLC	505.62
	28 Witherspoon Way	20 Almadera Drive	
		Wayne, NJ 07470	
09-86	271/1	US Bank Corp. Trust	10,903.60
	22 Riley Rd.	Services	
		2 Liberty Place	
		50 S. 16 <sup>th</sup> St.	
		Suite 1950	
		Philadelphia, PA 19102	

10-54	327/47	Stuart Lasher	6,813.75
3 Hudson Bay Terr.		P.O. Box 83	
		Milltown, NJ 08850-0083	
		TOTAL:	<u>\$44,370.43</u>

RESOLUTION # 2010-232

WHEREAS, the attached list in the amount of \$3,823.47 known as Schedule "A", is comprised of amounts representing overpayments for 2010 taxes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund the above-mentioned overpaid amounts as per the attached Schedule "A",

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNER</u>	<u>2010 REFUND</u>
257	18	BAC Tax Services Corp.	\$1,933.36
7 Chesley Ct.		Mail Stop CA6-913-LB-01	
		P.O. Box 10211	
		Van Nuys, CA 91449-6089	
		Assessed Owners:	
		Robert & Emily Mastromarino	
264	14	Citi Mortgage	1,890.11
29 Floyd Wyckoff Dr		P.O. Box 23689	
		Rochester, NY 14692	
		Assessed Owner:	
		William B. Welch	<u>                    </u>
		TOTAL:	\$3,823.47

At 8:55PM, Councilman Cantor moved that the meeting be adjourned. This was seconded by Council Vice President Marder and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: JULY 15, 2010

OFFERED BY: MAZZOLA

AYES: 4

SECONDED BY: METZGER

NAYS: 0

ABSENT: CANTOR

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ALIDA MANCO  
MUNICIPAL CLERK

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FRANK LaROCCA  
COUNCIL PRESIDENT