

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

February 3, 2011

The Marlboro Township Council held its regularly scheduled meeting on February 3, 2011 at 7:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Marder opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of the regularly scheduled meetings of the Township Council of the Township of Marlboro was faxed and e-mailed to the Asbury Park Press, the Star Ledger and News Transcript on January 10, 2011; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building, filed in the office of the Municipal Clerk and placed on the township website and Channel 77.

The Clerk called the Roll.

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

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 President Marder opened the Public Hearing on Ordinance #2011-1 (Amending Certain Licensing & Permitting Fees - Land use). No one wished to speak. Motion to continue the public hearing and table Res. 2011-64/Ord. 2011-1 to February 17, 2011 was made by Councilman LaRocca, seconded by Councilwoman Mazzola and passed on a roll call vote of 4 - 0 in favor of tabling (Absent: Cantor).

The following Resolution #2011-65 (Bond Reduction Ambten Road Assoc.) was introduced by reference, offered by Councilman Metzger, seconded by Councilman LaRocca, and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2011-65

RESOLUTION AUTHORIZING REDUCTION OF PERFORMANCE
GUARANTEES FOR THE SITE KNOWN AS AMBTEN ROAD
ASSOCIATES, #316 TENNENT ROAD, BLOCK 172, LOT 41,
TOWNSHIP OF MARLBORO, NEW JERSEY

WHEREAS, in accordance with *N.J.S.A. 40:55D-53*, the Township of Marlboro has received a request from John J. Ploskonka, PE, for a reduction in the Township held Performance Guarantees in the form of a Bond and cash deposit for site improvements ("Public Improvements") on the Site known as "Ambten Road Associates" (the "Site"), property known as Block 172, Lot 41, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by Ambten Road Associates (the "Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed the Township Engineer's report dated January 12, 2011, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the aforesaid report recommends that a partial reduction be made in the current Bond and cash deposit amounts being held by the Township; and

WHEREAS, the Township Council desires to reduce the performance guarantee Bond and cash deposit amounts in accordance with the recommendation of the Township Engineer's report dated January 12, 2011.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the performance guarantees in the form of a Bond and cash deposit posted by the Developer, Ambten Road Associates, for the site known as Ambten Road Associates located on property known as Block 172, Lot 41, Township of Marlboro, New Jersey, shall be reduced as follows:

1. The Performance Guarantee Bond #1051 (Bondex Insurance Company), in the original and present amount of \$235,007.40, shall be reduced by \$164,505.18, so that the remaining amount shall be \$70,502.22.
2. The Performance Guarantee Bond #1052 (Bondex Insurance Company), in the original and present amount of \$40,424.83, shall be reduced by \$28,297.38, so that the remaining amount shall be \$12,127.45.
3. The Performance Guarantee Bond #1053 (Bondex Insurance Company), in the original and present amount of \$168,499.38, shall be reduced by \$61,745.77, so that the remaining amount shall be \$106,753.61.
4. The Cash Deposit, in the original and present amount of \$49,325.74 shall be reduced by \$28,283.15, so that the amount to remain shall be \$21,042.59; and

BE IT FURTHER RESOLVED, that the above reductions shall be subject to the posting of any and all outstanding review and/or inspections fees required by the Planning Board and/or Township and the resolution of any valid homeowners' complaints; and

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

- a. Sheldon Rogers
- b. Bondex Insurance Co.
- c. Mayor Jonathan L. Hornik
- d. Township Business Administrator
- e. Township Chief Financial Officer
- f. Township Engineer
- g. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2011-66 (Bond Release Gordons Corner Water Co.) was introduced by reference, offered by Councilwoman Mazzola, seconded by Councilman Metzger, and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2011-66

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES FOR THE SITE KNOWN AS Gordons Corner Water, #27 Vanderburg Road, BLOCK 214.07, LOT 64.01, TOWNSHIP OF MARLBORO, NEW JERSEY

WHEREAS, in accordance with *N.J.S.A. 40:55D-53*, the Township of Marlboro has received a request from Peter Licata, Esq. for release of the Township held Performance Guarantees in the form of a Bond and cash deposit for site improvements ("Public Improvements") on the Site known as "Gordons Corner Water" (the "Site"), property known as Block 214.07, Lot 64.01, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by Gordons Corner Water Co. (the "Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed the Township Engineer's report dated January 13, 2011, regarding the completion of the Public Improvements at the Site, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the aforesaid report recommends that the current Performance Guarantee in the form of a Bond, Bond No. B98808-016557 issued by American Southern Insurance Co. in the amount of \$302,849.50 and cash deposit in the amount of \$33,649.94 posted by the Developer and being held by the Township, be released in their entirety, conditioned upon the payment of any and all outstanding review and/or inspection fee charges to the time of the performance guarantee release and the posting of a two (2) year fifteen percent (15%) maintenance bond in the amount of \$42,062.43; and

WHEREAS, the Township Council now wishes to take the following action regarding the aforesaid Performance Guarantee.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the above-described Performance Guarantee in the form of a Bond, Bond No. B98808-016557 issued by American Southern Insurance Co. in the amount of \$302,849.50 and cash deposit in the amount of \$33,649.94 posted by the Developer and being held by the Township, be released in their entirety, conditioned upon the payment of any and all outstanding review and/or inspection fee charges to the time of the performance guarantee release and the posting of a two (2) year fifteen percent (15%) maintenance bond in the amount of \$42,062.43; and

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

- a. Gordons Corner Water Company
- b. American Southern Insurance Co.
- c. Mayor Jonathan L. Hornik
- d. Township Business Administrator
- e. Township Chief Financial Officer
- f. Township Engineer
- g. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2011-67 (Consenting to Mayor's Appointment to Ethics Board - Howard S. Wolfson) was introduced by reference, offered by Councilman LaRocca, seconded by Councilman Metzger, and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2011-67

A RESOLUTION CONSENTING TO THE MAYOR'S APPOINTMENT OF HOWARD S. WOLFSON TO THE MARLBORO TOWNSHIP ETHICS BOARD

WHEREAS, Section 4-102 of the Code of the Township of Marlboro establishes the Marlboro Township Ethics Board; and

WHEREAS, said Board shall consist of six (6) members who shall be appointed by the Mayor with the advice and consent of the Township Council; and

WHEREAS, the members of the Marlboro Township Ethics Board shall be chosen by virtue of their known and consistent reputation for integrity and their knowledge of local government affairs; and

WHEREAS, there is currently a vacancy on the Ethics Board for unexpired term of Robert R. Salman, such term expiring March 31, 2013; and

WHEREAS, Mayor Jonathan L. Hornik has appointed HOWARD S. WOLFSON to the Marlboro Township Ethics Board for such term effective immediately ending on March 31, 2013; and

WHEREAS, the Township Council desires to consent to the Mayor's appointment of HOWARD S. WOLFSON to the Marlboro Township Ethics Board for such term, effective immediately ending on March 31, 2013.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that it hereby consents to the Mayor's appointment of HOWARD S. WOLFSON to the Marlboro Township Ethics Board effective immediately with the term of the appointment ending on March 31, 2013; and

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

- a. Howard S. Wolfson
- b. Mayor Jonathan L. Hornik
- c. Township Business Administrator
- d. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2011-68 (Award of Bid - HVAC Services) was introduced by reference, offered by Councilman Metzger, seconded by Councilwoman Mazzola, and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2011-68

A RESOLUTION AWARDING CONTRACT TO AIR SYSTEMS
MAINTENANCE, INC. FOR THE MAINTENANCE AND SERVICE OF
THE HEATING, VENTILATION AND AIR CONDITIONING (HVAC)
SYSTEMS OF VARIOUS TOWNSHIP BUILDINGS FOR THE TOWNSHIP
OF MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the MAINTENANCE AND SERVICE OF THE HEATING, VENTILATION AND AIR CONDITIONING (HVAC) SYSTEMS OF VARIOUS TOWNSHIP BUILDINGS FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS, and on November 23, 2010, received four (4) bids therefor; and

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

COMPANY	LUMP SUM BID PRICE
Carrier Commercial Services	33,400.00
Air Systems Maintenance, Ir	34,060.00
Airhandlers Mechanical Serv Inc.	34,242.00
Core Mechanical, Inc.	70,911.00

WHEREAS, following a review of the bids, it has been determined that the submission of the lowest bidder is non-responsive relative to the specifications and bid documents as detailed in a January 13, 2011 memo drafted by the Director of Public Works; and

WHEREAS, it has been determined that the submission of the second lowest bidder is responsive as detailed in a January 13, 2011 memo drafted by the Director of Public Works; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation of the Township 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 Air Systems Maintenance, Inc. whose address is 718 Jefferson Avenue, Kenilworth, NJ 07033 for the maintenance and service of the heating, ventilation and air conditioning (HVAC) systems of various township buildings for the TOWNSHIP OF MARLBORO department of PUBLIC WORKS, for a contract amount not

to exceed \$34,060.00 for a term of one year, with an option for an additional one (1) year period on the same terms and conditions specified in the bid proposal; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, Contracts with Air Systems Maintenance, 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 are available for the aforesaid 2011 contract in 1-01- - 122-288- in the amount of \$ 34,060.00; and

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

- a. Air Systems Maintenance, Inc.
- b. Mayor Jonathan Hornik
- c. Township Business Administrator
- d. Township Director of Public Works
- e. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2011-69 (Award of Bid - Bus Service for Seniors Program) was introduced by reference, offered by Councilwoman Mazzola, seconded by Councilman Metzger, and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2011-69

A RESOLUTION AWARDING CONTRACT TO VILLANI BUS COMPANY FOR THE PROVISION OF COACH BUS TRANSPORTATION SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF RECREATION SENIOR PROGRAM

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the maintenance and service of the provision of coach bus transportation services for the TOWNSHIP OF MARLBORO DEPARTMENT OF RECREATION SENIOR PROGRAM, and on December 15, 2010, received two (2) bids therefor; and

WHEREAS, the two (2) bids received were as follows:

COMPANY	Per 48/p	Per 56/p
Villani Bus Company	\$14,703	\$16,680
Stout's Charter Service	No bid	\$20,773

WHEREAS, it has been determined that the submission of the lowest bidder, Villani Bus Company is responsive as detailed in a January 6, 2011 memo drafted by the Acting Superintendent of Recreation; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation of the Township Administration and Acting Superintendent of Recreation 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 Villani Bus Company whose address is 811 East Linden Avenue, Linden, NJ 07036 for the provision of COACH BUS transportation services for the TOWNSHIP OF MARLBORO DEPARTMENT OF RECREATION SENIOR PROGRAM, for a contract amount at the unit prices specified in the bid proposal not to exceed \$25,000.00 for a term of one year; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, Contracts with Villani Bus Company, in accordance with this resolution, the bid specifications, and in a form to be approved by the Township Attorney; and

BE IT FURTHER RESOLVED funds will be certified at the time user fees are collected and services are committed to from the Recreation Trust Account; and

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

- a. Villani Bus Company
- b. Mayor Jonathan Hornik
- c. Township Business Administrator
- d. Township Director of Recreation
- e. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2011-70 (Authorizing Temporary Emergency Appropriations) was introduced by reference, offered by Councilman Metzger, seconded by Councilman LaRocca, and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2011-70

EMERGENCY TEMPORARY APPROPRIATION
PRIOR TO ADOPTION OF THE BUDGET

WHEREAS, N.J.S.A. 40A:4-20 provides authorization for an emergency temporary appropriation after the first thirty days of the fiscal year and before the adoption of the 2011 Municipal budget; and

WHEREAS, this resolution authorizes appropriations representing 50% of the full 2010 appropriations with the exception of debt service and obligations associated with seasonal considerations; and

WHEREAS, the total emergency temporary resolutions adopted in the year CY 2011 pursuant to the provisions of N.J.C.A. 40A 4-20 (Chapter 96, P.L.1951 as amended) including this resolution total: \$17,223,901.08 for the municipal budget, \$553,125.00 for the operations of the swim utility and \$3,466,038.50 for the operations of the water utility; and

NOW THEREFORE, BE IT RESOLVED, that in accordance with the provisions of N.J.S.A. 40A:4-20:

1. An emergency temporary appropriation be and the same is hereby made for each of the accounts listed on the attached.
2. That each said emergency temporary appropriation will be provided for in the CY 2011 budget under the same title as appropriated above.
3. That one certified copy of this resolution be filed with the Director of Local Government Services.

	Adopted Budget	Temporary Emergency
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<u>Appropriations</u>		
Administration (30)		
Salary & Wages	265,000.00	132,500.00
Other Expenses	207,020.00	109,510.00
Office of the Mayor (10)		
Salary & Wages	60,000.00	30,000.00
Other Expenses	4,595.00	2,297.50
Ethics Commission		
Salary & Wages		
Other Expenses	2,500.00	1,250.00
Township Council (21)		
Salary & Wages	18,000.00	9,000.00
Other Expenses	1,000.00	500.00
Municipal Clerk (20)		
Salary & Wages	188,000.00	94,000.00
Other Expenses	54,890.00	27,445.00
Finance		
Salary & Wages	242,000.00	121,000.00
Other Expenses	22,665.00	11,332.50
Annual Audit	50,000.00	
Central Computer Services		
Salary & Wages	85,500.00	42,750.00
Other Expenses	42,565.00	21,282.50
Tax Collector		
Salary & Wages	152,000.00	76,000.00
Other Expenses	34,250.00	17,125.00
Tax Assessor		
Salary & Wages	150,000.00	75,000.00
Other Expenses	94,800.00	47,400.00
Legal Services		

Other Expenses	305,000.00	152,500.00
Engineering Services		
Salary & Wages	220,000.00	110,000.00
Other Expenses	150,390.00	105,195.00
Economic Development		
Salary & Wages	2,000.00	1,000.00
Other Expenses	10,000.00	5,000.00
Grant Administration		
Salary & Wages		
Other Expenses	12,000.00	0.00
Cable Studio		
Salary & Wages		
Other Expenses	32,200.00	16,100.00
Inter- Governmental Relations		
Other Expenses	1,000.00	500.00
Homeland Security		
Salary & Wages		
Other Expenses	28,500.00	0.00
Historic Sites Commission		
Other Expenses	1,000.00	500.00
Planning Board		
Salary & Wages	63,000.00	31,500.00
Other Expenses	64,205.00	32,102.50
Planning Board Contractual		
Other Expenses	93,525.00	71,762.50
Zoning Board		
Salary & Wages	152,000.00	76,000.00
Other Expenses	43,050.00	21,525.00
Liability Insurance	470,000.00	282,000.00
Workers Comp	570,000.00	342,000.00
Group Insurance	2,457,390.00	1,228,695.00

Unemployment Insurance	25,000.00	0.00
Police		
Salary & Wages	8,280,000.00	4,140,000.00
Other Expenses	339,000.00	190,700.00
Crime Prevention		
Other Expenses	20,700.00	0.00
School Educational Programs		
Other Expenses	13,900.00	0.00
Highway Safety		
Other Expenses	21,900.00	0.00
Emergency Management		
Salary & Wages	23,000.00	11,500.00
Other Expenses	16,500.00	8,250.00
Aid to Volunteer Ambulance Companies		
Other Expenses	60,000.00	0.00
Uniform Fire Safety Act		
Salary & Wages	157,000.00	78,500.00
Other Expenses	14,805.00	7,402.50
Municipal Prosecutors Office		
Salary & Wages	33,000.00	16,500.00
Streets and Road Maint		
Salary & Wages	1,425,000.00	712,500.00
Other Expenses	45,685.00	22,842.50
Snow Removal		
Salary & Wages	100,000.00	100,000.00
Other Expenses	770,190.00	500,000.00
Public Works - Other		
Salary & Wages	343,000.00	171,500.00
Other Expenses	66,020.00	33,010.00

Shade Tree Commission		
Salary & Wages		
Other Expenses	2,000.00	1,000.00
Solid Waste Collection		
Salary & Wages	15,350.00	7,675.00
Other Expenses	748,300.00	574,150.00
Buildings & Grounds		
Salary & Wages	438,000.00	219,000.00
Other Expenses	202,140.00	131,070.00
Vehicle Maintenance		
Salary & Wages	412,000.00	206,000.00
Other Expenses	129,800.00	94,900.00
Community Services Act		
Other Expenses	62,100.00	0.00
Open space Committee		
Other Expenses	2,000.00	1,000.00
Public Health Services - Registrar		
Salary & Wages	6,500.00	3,250.00
Other Expenses	1,985.00	992.50
Drug Abuse Control		
Salary & Wages	36,500.00	18,250.00
Other Expenses	7,550.00	3,775.00
Environmental Health Services		
Salary & Wages	2,000.00	1,000.00
Other Expenses	5,000.00	2,500.00
Animal Control Services		
Other Expenses	55,000.00	27,500.00
Recreation		
Salary & Wages	430,000.00	215,000.00
Other Expenses	126,940.00	63,470.00
Park Maintenance		
Salary & Wages	475,000.00	237,500.00
Other Expenses	45,600.00	22,800.00

Municipal Library Other Expenses	16,200.00	8,100.00
Prior Year Bills	94,000.00	23,500.00
Accumulated Leave Compensation	1,000.00	500.00
Postage Other Expenses	60,000.00	30,000.00
Electricity	427,200.00	213,600.00
Street Lighting	689,000.00	344,500.00
Telephone	165,000.00	82,500.00
Water	24,000.00	12,000.00
Natural Gas	95,000.00	47,500.00
Sewer	10,000.00	5,000.00
Gasoline	351,250.00	175,625.00
Landfill Disposal Costs	220,700.00	110,350.00
PERS	680,000.00	803,000.00
DCRP	500.00	500.00
FICA	1,050,000.00	525,000.00
Contingent	10,000.00	0.00
Municipal Court Salary & Wages Other Expenses	287,500.00 125,140.00	143,750.00 62,570.00
Public Defender Salary & Wages Other Expenses	17,000.00	8,500.00 0.00
Affordable Housing Salary & Wages	2,000.00	1,000.00

Other Expenses	4,300.00	2,150.00
Police Dispatch 911		
Salary & Wages	665,000.00	332,500.00
Other Expenses	294,250.00	147,125.00
LOSAP		
Other Expenses	85,000.00	0.00
PFRS		
Other Expenses	1,905,050.00	2,216,000.00
SFSP Fire District Payments		
Other Expenses	10,583.00	0.00
Clean Communities Act	24,134.34	66,350.11
Monmouth Drug & Alcohol		
Grant Share	28,547.00	28,547.00
Local Share	7,136.00	7,136.00
Recycling tonnage Grant	51,127.94	52,731.95
SmartGrowth Grant	5,000.00	0.00
Municipal Recycling Service Grant	0.00	7,500.00
Drunk Driving Enforcement Grant	0.00	4,213.43
Body Armor Grant	1,625.00	2,209.25
Click It or Ticket	4,000.00	0.00
NJ Forest Service Grant	6,967.00	0.00
Alcohol Rehab Grant	788.96	201.09
Capital Improvement Fund		
Other Expenses		150,000.00
Note Principal	21,800.00	0.00
Bond Principal	1,518,000.00	0.00
Bond Anticipation Notes		

Bond Interest	498,500.00	468,250.00
Note Interest	269,685.00	0.00
Green Acres Trust - P & I	28,865.00	14,432.25
Capital Lease program		
Principal	287,000.00	0.00
Interest	31,053.80	8,750.00
Deferred Charges Unfunded	305,000.00	0.00
Reserve for Uncollected Taxes	2,000,000.00	0.00
Totals	33,687,413.04	17,223,901.08
SWIM UTILITY		
Appropriations		
Salary & Wages	450,000.00	225,000.00
Other Expenses	596,250.00	298,125.00
Capital Outlay	60,000.00	30,000.00
Payment of Bond Principal		0.00
Payment of Bond Anticipation Notes		0.00
Payment of Bond Interest		0.00
Payment of Note Principal		0.00
Public Employees Retirement		
System		0.00
FICA		0.00
Totals	1,106,250.00	553,125.00
WATER UTILITY		
Appropriations		
Salary & Wages	877,300.00	438,650.00
Other Expenses	4,858,177.00	2,429,088.50
Capital Improvement fund	250,000.00	0.00
Capital Outlay	250,000.00	125,000.00

Payment of Bond Principal	3,204,287.51	0.00
Payment of Bond Anticipation Notes		
Payment of Bond Interest	630,877.15	375,800.00
Payment of Note Principal		
Public Employees Retirement System	0.00	97,500.00
FICA	0.00	0.00
Surplus (General Budget)	5,450,000.00	0.00
Totals	15,520,641.66	3,466,038.50

The following Resolution #2011-71 (Authorizing Amendment to Shared Services Agreement with Howell for Use of Firearms Range) was introduced by reference, offered by Councilman Metzger, seconded by Councilwoman Marder, and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2011-71

A RESOLUTION OF THE TOWNSHIP OF MARLBORO IN
MONMOUTH COUNTY, NEW JERSEY, AMENDING THE
SHARED SERVICES AGREEMENT WITH THE HOWELL
TOWNSHIP DEPARTMENT OF POLICE FOR THE USE OF
THE HOWELL FIREARMS RANGE

WHEREAS, the Township Council of the Township of Marlboro authorized the execution of a shared services agreement on December 9, 2010; and

WHEREAS, there is a need for the rates set forth in the shared services agreement to be updated in accordance with Howell's 2011 ordinance; and

WHEREAS, Marlboro desires to continue the utilization of the Howell Township's Firearms Range; and

WHEREAS, representatives of Marlboro and Howell have negotiated an amended Shared Services Agreement, a copy of which is annexed hereto as EXHIBIT A, and the terms of which are incorporated into this resolution as if set forth at length herein; and

WHEREAS, the Township Council of the Township of Marlboro has determined that the entry into the Shared Services Agreement is in the best interest of the residents and taxpayers of Marlboro,

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Marlboro as follows:

1. The above recitals are hereby incorporated into the body of this Resolution as if set forth at length herein.
2. The Mayor is hereby authorized to execute the Shared Services Agreement annexed hereto as EXHIBIT A.

The following Resolution #2011-72 (Authorizing Participation in NJ E-Procurement Pilot Program - Electrical Power Supplies) was introduced by reference, offered by Councilman Metzger and seconded by Councilman LaRocca. Peter Wersinger, Esq. was present and answered Council's questions. After discussion, the resolution was passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2011-72

A RESOLUTION AUTHORIZING PARTICIPATION IN THE
NEW JERSEY E-PROCUREMENT PILOT PROGRAM;
AUTHORIZING THE SUBMISSION OF A WRITTEN PLAN AND AN
APPLICATION FOR WAIVER REQUEST TO THE DIRECTOR OF THE
DIVISION OF LOCAL GOVERNMENT SERVICES
FOR THE PROCUREMENT OF ELECTRIC GENERATION SERVICE; AND
AUTHORIZING THE HIRING AND ENGAGEMENT OF AN ON-LINE
PURCHASING AGENT TO CONDUCT INTERNET-BASED REVERSE
AUCTIONS FOR THE PURCHASE OF ELECTRIC POWER SUPPLIES

WHEREAS, the Mayor and Township Council of the Township of Marlboro are committed to the pursuit of initiatives that will stabilize and even reduce the costs of local government operations and thereby relieve the ever increasing financial burdens that confront Marlboro Township and its municipal residents and property owners; and

WHEREAS, the Mayor and Township Council, upon the advice and recommendation of administrative personnel, have determined that meaningful cost reductions may be achieved through the competitive procurement of electric generation service from third party suppliers utilizing an internet-based reverse auction platform, rather than purchasing electric power supplies through regulated pricing offered by Jersey Central Power & Light Company, the local electric utility; and

WHEREAS, the Mayor and Township Council have further determined that even more favorable energy generation pricing may be achieved through a procurement aggregation process that combines the joint purchasing power of the Township of Marlboro and the Marlboro Township Board of Education; and

WHEREAS, the Marlboro Township Board of Education has agreed to join with the Township, in a shared services and cooperative purchasing approach, to procure electrical generation supplies, with the Township of Marlboro being designated as the Lead Agency to act on its own behalf, as well as on behalf of the Board of Education; and

WHEREAS, the State of New Jersey allows local government units, through participation in an *E-Procurement Pilot Program* in accordance with the provisions of the *Local Unit Electronic Technology Pilot Program and Study Act* (P. L. 2001, c. 30), to utilize on-line bidding services to purchase electric power supplies and to do so either alone, on a single agency basis, or in concert with other government contracting units through a cooperative purchasing arrangement; and

WHEREAS, pursuant to provisions of the *Local Unit Electronic Technology Pilot Program and Study Act* (P. L. 2001, c. 30), local contracting units are specifically authorized to engage, without competitive bidding, on-line purchasing agents for the purpose of conducting internet-based auctions to procure certain bulk commodities, including electric energy supplies; and

WHEREAS, World Energy Solutions, Inc., is a publicly-traded company that is recognized as a pre-

eminent leader in on-line purchasing for federal, state, and local governmental units, having completed more than 14,000 electronic procurement transactions in 46 states involving 197 utilities, including auctions purchases of more than 45 billion kilowatt hours of electricity; and

WHEREAS, World Energy Solutions, Inc., was recently awarded a five-year contract by the United States General Service Administration to serve as said entity's on-line procurement agent in connection with the purchasing of energy commodities, and, within the State of New Jersey, World Energy Solutions, Inc., has successfully provided electronic procurement services and internet-based auctions for the municipalities of Ocean Township, Jackson Township, the Township of Toms River, the Borough of Red Bank, Washington Township and the City of Millville, as well as for the Counties of Monmouth, Ocean, Camden, Burlington, Bergen, and Gloucester, and the University of Medicine and Dentistry of New Jersey; and

WHEREAS, World Energy Solutions, Inc., has offered to serve as Marlboro Township's on-line purchasing agent for the reasonable sum of \$0.001 per kilowatt-hour of procured electric generation service, payable by the successful vendor, a rate that is equal to that which was approved and paid by the County of Monmouth;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth, and State of New Jersey, that:

Section 1. Subject to the provisions of Section 2, below, the participation of Marlboro Township in the New Jersey *E-Procurement Pilot Program* pursuant to the provisions of the *Local Unit Electronic Technology Pilot Program and Study Act* (P. L. 2001, c. 30) is hereby authorized and approved for the purpose of purchasing electric generation service from third party suppliers utilizing on-line competitive bidding services and, in particular, an internet-based reverse auction platform.

Section 2. It is the intention of the Mayor and Township Council that the Township's procurement of electric power supplies be effected as part of a

cooperative purchasing arrangement with the Marlboro Township Board of Education and with the Township serving as the Lead Agency in connection therewith. Accordingly, the within authorization and approval for the Township of Marlboro to participate in the New Jersey *E-Procurement Pilot Program* is expressly subject to and conditioned upon the Marlboro Township Board of Education entering into a shared services agreement with the Township of Marlboro, which, to the extent necessary, provides for the participation of the Marlboro Township Board of Education in the New Jersey *E-Procurement Pilot Program*, approves a shared services or cooperative purchasing arrangement with Marlboro Township relative to the procurement of electric generation service, and designates the Township of Marlboro as the Lead Agency with respect thereto and with full power and authorization to bind the Board of Education in matters such as the hiring or engagement of an on-line purchasing agent, the preparation of an E-Procurement Application and Waiver Request, bid specifications, contract documents and related materials, and, ultimately, the acceptance of a bid from a third party supplier of electric energy; it being understood that the delegation of authority from the Board of Education to the Township shall be subject to certain limitations and parameters to be established by one or more pre-bid resolution(s) or agreement(s), and it being further understood that, following the acceptance of any such bid, the Township of Marlboro and the Marlboro Township Board of Education shall enter into separate contracts with the successful vendor so that each party shall have sole and singular responsibility for the payment of their respective electric generation service.

Section 3. Subject to the provisions of Section 2, above, the Township Administration, in furtherance of the Township's role as Lead Agency in the cooperative purchasing arrangement between the Township and Board of Education, is hereby authorized and directed to prepare and submit to the Director of the Division of Local Government Services a written Plan for the on-line purchase of electric power supplies, as well as a Waiver Request for exemption from applicable procedural requirements of the *Local Public Contracts Law* [N.J.S.A. 40A:11-1, *et seq.*] and the *Public School Contracts Law* [N.J.S.A. 18A:18A-1, *et*

seq.] in connection with such procurement, pursuant to the provisions of Section 5 and Section 9 of the *Local Unit Electronic Technology Pilot Program and Study Act* P. L. 2001, c. 30).

Section 4. Subject to the provisions of Section 2, above, the Township is hereby authorized to hire World Energy Solutions, Inc., with corporate offices located at 446 Main Street, Worcester, Massachusetts 01608, as an on-line purchasing agent, to conduct competitive reverse auctions utilizing an internet-based platform, as well as to perform related procurement services, in conjunction with the Township's planned purchase of electric energy supplies. The engagement of World Energy Solutions, Inc., shall be effected through the execution of an Exchange Agreement substantially in the form attached hereto and made a part hereof as Exhibit A, which said contract is hereby awarded, without competitive bidding, pursuant to the provisions of Section 7 of the *Local Unit Electronic Technology Pilot Program and Study Act* (P. L. 2001, c. 30).

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

- a. Mayor Jonathan L. Hornik;
- b. Marlboro Township Business Administrator;
- c. DeCotiis, FitzPatrick & Cole, LLP;
- d. Marlboro Township Chief Financial Officer
- e. Marlboro Township Director of Public Works
- f. Marlboro Township Board of Education;
- g. World Energy Solutions, Inc.,

Motion to table Resolution #2011-73 (Authorizing Shared Services Agreement Board of Ed - Electrical Power Supply) was made by Councilman LaRocca, seconded by Councilman Metzger and passed on a roll call vote of 4 - 0 in favor of tabling (Absent: Cantor).

The following Resolution #2011-74 (Authorizing Purchase of Auto/Truck Parts under State Contract) was introduced by reference, offered by Councilwoman Mazzola, seconded by Council President Marder, and

passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2011-74

RESOLUTION AUTHORIZING AWARD OF STATE
CONTRACTS TO VARIOUS VENDORS FOR PURCHASE OF
AUTO AND TRUCK PARTS FOR THE DEPARTMENT OF
PUBLIC WORKS DIVISION OF VEHICLE MAINTENANCE

WHEREAS, the Township of Marlboro Public Works Division of Vehicle Maintenance is in need of auto and truck parts in order to maintain the Township vehicle fleet; and

WHEREAS, the Division of Vehicle Maintenance has recommended that the Township purchase auto and truck parts under various State contracts as follows:

	State Contract ID	Not to Exceed Amount
Autozone Northeast Inc	71188	15,000.00
Mid Atlantic Truck Center	73939	7,000.00
Hudson County Motors Inc	73715	4,000.00
Greenfield Dodge	73709	1,000.00
F&C Automotive Supply	73733	3,000.00
Fleetsource LLC	76447	2,000.00
Normans Auto Services	77926	2,000.00
Edwards Tire Co Inc	71687, 71688	20,000.00
Perth Amboy Tire Inc	71687, 71688	20,000.00

WHEREAS, pursuant to N.J.S.A. 40A:11-12, a municipality may, without advertising for bids, purchase goods under any contract for such goods entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey for the Department of Public Works to obtain auto and truck parts under various State contracts in order to maintain the Township vehicle fleet; and

WHEREAS, funds will be available in Account 1-01-121-252 in the 2011 budget for an amount not to exceed

\$74,000.00 and will be certified by the Chief Financial Officer of the Township of Marlboro at the time of adoption; and

WHEREAS, the Township Council desires to approve the purchase of said auto and truck parts;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase auto and truck parts from the vendors and under the State Contracts identified above in an amount not to exceed \$74,000.00; and

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

- a. Township Administrator
- b. Township Director of Public Works
- c. Township Chief Financial Officer
- d. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2011-75 (Authorizing Sale of Plenary Retail Dist. License) was introduced by reference, offered by Councilman LaRocca, seconded by Council President Marder, and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2011-75

RESOLUTION OF THE TOWNSHIP OF MARLBORO
AUTHORIZING THE ISSUANCE OF ONE (1) ADDITIONAL
PLENARY RETAIL DISTRIBUTION LICENSE.

WHEREAS, pursuant to *N.J.S.A. 33:1-12.14*, a municipality is permitted to issue new plenary retail distribution licenses in ratio to a municipality's population; and

WHEREAS, in accordance with the information from the 2000 federal census counts, the Township of Marlboro has a population of 36,398; and

WHEREAS, in light of the such census information, the Township of Marlboro is permitted to issue up to

four (4) plenary retail distribution licenses, and three (3) have been issued; and

WHEREAS, the Mayor and Township Council, having considered the same, desire to authorize the issuance of one (1) additional plenary retail distribution license and the advertisement for the receipt of sealed bids therefor as set forth hereinbelow.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, in the County of Monmouth and State of New Jersey, that the issuance of one (1) plenary retail distribution license and the advertisement for the receipt of sealed bid(s) therefor is hereby authorized pursuant to *N.J.S.A. 33:1-19, et seq.*; and

BE IT FURTHER RESOLVED, that the Township of Marlboro shall hold a public sealed bid sale for the aforesaid plenary retail distribution license.

BE IT FURTHER RESOLVED, that the following requirements and conditions must be met by any and all prospective bidders:

1. Only the bids of bidders qualified to have an interest in a plenary retail distribution license under the standards set forth in the *Alcoholic Beverage Control Act*, the regulations promulgated thereunder and any applicable provisions of the Code of the Township of Marlboro will be opened.

2. To pre-qualify, a prospective bidder must submit the following to the Township Clerk at 1979 Township Drive in Marlboro, New Jersey:

(a) A full and complete twelve (12) page Alcoholic Beverage Control License Application form, including the required municipal license fee of \$1,285.00 (the municipal license fee of an unsuccessful bidder shall be returned after the award of the license, less an administrative fee of ten percent (10%) of such license fee), and the required State license fee of \$200.00;

(b) A separate signed Certification of Proof of Compliance by the prospective bidder that it/he/she

meets any and all conditions or requirements contained in this Resolution, and that the prospective bidder knows of no reason why it/he/she would be disqualified from having an interest in a plenary retail distribution license in New Jersey under the standards set forth in the *Alcoholic Beverage Control Act* and the rules and regulations promulgated thereunder; and

(c) a separately sealed envelope with the prospective bidder's deposit fee of \$50,000.00 (by bank check or certified check) which shall be non-refundable to the successful bidder after the award of bid.

3. The minimum bid for the plenary retail distribution license is \$500,000.00. The Mayor and Township Council reserve the right to reject all bids if the highest bid is not accepted.

4. Sealed bids shall be received at the office of the Marlboro Township Clerk, 1979 Township Drive, Marlboro, New Jersey. The outside of the sealed envelope shall state:

- (a) "2011 Liquor Distribution License bid"; and
- (b) Name of the Bidder.

5. The Township Clerk shall publicly announce those prospective bidders who have pre-qualified on a date that is at least twenty five (25) days after the second publication of the Notice advertising the Township of Marlboro's intention to issue an additional plenary retail distribution license. A list of such pre-qualified bidders shall also be posted on the public announcements bulletin board in the Municipal Building.

6. The Clerk of the Township of Marlboro will open any and all sealed bids received from pre-qualified bidders on 10 AM on a date that is at least thirty (30) days after the second publication of the Notice advertising the Township of Marlboro's intention to issue an additional plenary retail distribution license, at the office of the Marlboro Township Clerk, 1979 Township Drive, Marlboro, New Jersey. No bid will be opened from or on behalf of any bidder who does not pre-qualify or has not submitted proof of qualification. Immediately after opening the sealed

bids of the pre-qualified bidders, the Township Clerk shall publicly announce the amount of each bid received and the name of each bidder.

7. The Township Council, shall, by written Resolution, adopted at a public meeting, either award the license to the highest qualified bidder or reject all bids. If the award is made to the highest qualified bidder, the ultimate issuance of the license shall be subject to each of the following terms and conditions:

(a) Payment of the balance of the bid by certified check made payable to the "Township of Marlboro" on a date to be established by the Administration and contained in the Notice of advertising the Township of Marlboro's intention an additional plenary retail distribution license. Failure to make timely payment of such balance shall, at the option of the Township, result in voiding of the license award and forfeiture of the successful bidder's deposit whereupon the Township may award the license to the remaining highest qualified bidder or determine to take no action;

(b) Payment of the State License Application Fee;

(c) Payment of the annual municipal plenary retail distribution license fee;

(d) Satisfactory outcome of further municipal background checks to investigate the source of funds used to purchase the plenary retail distribution license;

(e) Receipt of favorable State and/or Federal criminal background checks; and

(f) Compliance with the publication, hearing and Resolution requirements under *N.J.A.C. 13:2-2.1 et seq.*

The deposit(s) of all unsuccessful bidders shall be returned within ten (10) days of the date of the award.

8. The Township hereby reserves the right to reject all bids when the highest qualified bid is not accepted.

9. The sale of the plenary retail distribution license may be postponed or canceled at any time prior to the opening of the bids.

10. Prospective bidders shall also comply with all other provisions of *N.J.A.C. 13:2-2.1 et seq.*, including, but not limited to, publication of the Notice of Application.

11. If no new plenary retail distribution license has been issued pursuant to this Resolution by a date that is six (6) months from the date that the sealed bids are received and opened pursuant to Paragraph 4 hereof, no new plenary retail distribution license shall thereafter be issued without a further Resolution of the Township Council determining to issue a new plenary retail distribution license.

BE IT FURTHER RESOLVED, that notice of the public sale of the plenary retail distribution license shall be in conformance with *N.J.S.A. 33:1-19.4*; and

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

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

NOTICE OF INTENT TO ISSUE A NEW
ALCOHOLIC BEVERAGE DISTRIBUTION LICENSE
IN THE TOWNSHIP OF MARLBORO

The Mayor and Township Council of the Township of Marlboro, New Jersey, by Resolution #2011-75 have determined to consider the issuance of one (1) additional plenary retail distribution license by public sealed bid to the highest qualified bidder and hereby invites bids therefor. All prospective bidders for the license shall apply by submitting to the Township Clerk:

1. A full and complete twelve (12) page Alcoholic Beverage Control License Application form, including the required municipal license fee of \$1,285.00 (the municipal license fee of an unsuccessful bidder shall be returned after the award of the license, less an administrative fee of ten percent (10%) of such license fee), and the required State license fee of \$200.00;

2. A separate Certification of Proof of Compliance by the prospective bidder that it/he/she meets any and all conditions or requirements contained in Resolution #2011-75 and that the prospective bidder knows of no reason why it/he/she would be disqualified from having an interest in a plenary retail distribution license in New Jersey under the standards set forth in the *Alcoholic Beverage Control Act* and the rules and regulations promulgated thereunder; and

3. A separately sealed envelope with the prospective bidder's deposit fee of \$ 50,000.00 (by bank check or certified check) which shall be non-refundable to the successful bidder after the award of bid.

4. Bid proposal.

The minimum bid for the plenary retail distribution license shall be \$ 500,000.00.

The Mayor and Township Council reserve the right to reject all bids if the highest bid is not accepted. The award of the subject license may be postponed or canceled at any time prior to the opening of the bids.

The period of acceptance of bids shall end on March 15, 2011 at 10 A.M., prevailing time. The Clerk of the Township of Marlboro will, on March 15, 2011, at 3:00 P.M., prevailing time, publicly announce a list of those applicants who presumptively meet with qualifications for bidding as determined by applicable State law and regulation and the enabling Resolution #2011-00 and this Notice.

The Clerk of the Township of Marlboro will, on March 22, 2011 at 10 A.M., prevailing time, publicly announce the amount of each bid received and the name

of each bidder and shall announce the successful bidder.

Full payment of the remaining balance for the license must be made to the Township by June 30, 2011.

As the consent agenda, the following resolutions were introduced by reference, offered by Councilman LaRocca, seconded by Councilwoman Mazzola, and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor): Res. #2011-76 (Raffle License Marlboro Educational Foundation), Res. #2011-77 Redemption Tax Sale Certs - Various), and Res. #2011-78 (Refunds for Overpayments - Various).

RESOLUTION # 2011-76

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 02-11 (Calendar Raffle) be and it is hereby granted to Marlboro Educational Foundation, 1980 Township Drive, Marlboro, New Jersey 07746.

BE IT FURTHER RESOLVED that winning numbers will be drawn on the following dates and time:

June 1, 2011	8 PM
July 1, 2011	8 PM
August 1, 2011	8 PM

at the Marlboro Board of Education Office,
1980 Township Dr., Marlboro, NJ 07746

RESOLUTION # 2011-77

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$79,881.80 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 \$79,881.80

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>
10-57 22 Evan Dr.	193.13/87	Edison Tax Services, LLC 1290 Wall St. West Suite 301 Lyndhurst, NJ 07071	\$4,327.47
10-135 21-23 School Road West	351/5	Royal Tax Lien Services LLC 115 West Avenue Suite 300 Jenkintown, PA 19046	17,106.95
10-151 3 Breton Ct.	214.01/30	Brian Walsh 11 Sandalwood Drive Marlboro, NJ 07746	674.68
10-102 72 Edgewood Rd.	180/83.54	US Bank Cust for CCTS Capital, LLC 2 Liberty 50S 16 th St. Suite 1950 Philadelphia, PA 19102	41,210.76
10-106 32 Regina Rd.	301/2	US Bank Cust for CCTS Capital, LLC 2 Liberty 50S 16 th St. Philadelphia, PA 19102	16,561.94
		TOTAL:	<u>\$79,881.80</u>

RESOLUTION # 2011-78

WHEREAS, the attached list in the amount of \$6,111.87 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>
176.02	47	Steven E. & Elizabeth S. Quaranta 67 Enclosure Drive Morganville, NJ 07751	\$3,119.31
206.01	27	Michael Tsyurulnic & Debora Eliram 14 Cape May Drive Marlboro, NJ 07746	2,992.56
TOTAL:			\$6,111.87

At 7:55PM, Councilman LaRocca moved that the meeting be adjourned. This was seconded by Councilwoman Mazzola and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

MINUTES APPROVED: March 24, 2011

OFFERED BY: Metzger AYES: 3
SECONDED BY: La Rocca NAYS: 1 (Mazzola)
ABSENT: Cantor

ALIDA MANCO,
MUNICIPAL CLERK

RANDI MARDER,
COUNCIL PRESIDENT