

MARLBORO TOWNSHIP COUNCIL MEETING

December 8, 2011

The Marlboro Township Council held its regularly scheduled meeting on December 8, 2011 at 8:00 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. Notice of the time change was faxed to the above, placed on the township website and Channel 77 on December 1, 2011.

The Clerk called the Roll.

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

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

The following Resolution #2011-385/Ordinance #2011-23 (Authorizing Extension of Deadline for Filing of Claims for Sinkholes - Bolling Brook) was introduced by reference, offered by Councilman LaRocca, seconded by Councilwoman Mazzola and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2011-385

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

ORDINANCE # 2011-23

AN ORDINANCE AMENDING AND SUPPLEMENTING  
ORDINANCES # 2004-23 AND 2009-26 WHICH  
PROVIDED FOR REMEDIATION OF SINK HOLES IN THE  
BOLLING BROOK/COUNTRY HILLS SUBDIVISION LOCATED  
IN THE TOWNSHIP AND APPROPRIATED \$83,877.53  
THEREFOR FROM THE PORTION OF THE TOWNSHIP'S  
CAPITAL ACCOUNT EARMARKED AS THE "GROUP  
CONSTRUCTION ACCOUNT(S)"

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 December 19, 2011 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 # 2011-23

AN ORDINANCE AMENDING AND SUPPLEMENTING  
ORDINANCES # 2004-23 AND 2009-26 WHICH  
PROVIDED FOR REMEDIATION OF SINK HOLES IN THE  
BOLLING BROOK/COUNTRY HILLS SUBDIVISION LOCATED  
IN THE TOWNSHIP AND APPROPRIATED \$83,877.53  
THEREFOR FROM THE PORTION OF THE TOWNSHIP'S  
CAPITAL ACCOUNT EARMARKED AS THE "GROUP  
CONSTRUCTION ACCOUNT(S)"

WHEREAS, Ordinance #2004-23 the Township of Marlboro was  
authorized to appropriate the amount of \$83,877.53 ("Sink Hole  
Remediation Funds") from the portion of the Township's Capital  
Account earmarked as the "Group Construction Account(s)" (which  
amount was derived from certain cash bonds with respect to  
"Bolling Brook Section 2" and "Bolling Brook Section 3") for the  
purpose of providing funds to be used for the investigation and  
remediation of sink holes in the respective subdivision lots of  
Bolling Brook Section 2 and Bolling Brook Section 3 (each a  
"Subdivision Lot") in the manner set forth in Ordinance #2004-23;  
and

WHEREAS, Ordinance #2009-26 authorized an additional time period  
to receive and process claims for Sink Hole Remediation Funds;  
and

WHEREAS, the Township Engineer has recommended that the time period for the filing of claims with the Township of Marlboro for Sink Hole Remediation Funds be extended through June 30, 2012; and

WHEREAS, there is a balance of \$14,884.13 remaining in Sink Hole Remediation Funds; and

WHEREAS, the Township of Marlboro desires to amend Ordinance #2009-26 to further extend the time period to receive claims for Sink Hole Remediation Funds through June 30, 2012.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that Ordinance 2009-26, be and is hereby amended and supplemented to extend the deadline for the filing of Claims for Sink Hole Remediation Funds through June 30, 2012.

BE IT FURTHER ORDAINED THAT after passage upon first reading of this Ordinance, the Clerk of the Township is hereby directed to publish the summary of the Ordinance, together with the notice set forth below entitled: "NOTICE OF PENDING ORDINANCE" (with appropriate completions, insertions and corrections), at least once in a newspaper qualified under N.J.S.A. 40A:2-19, at least seven days prior to the date set for public hearing and further consideration for final passage (which date shall be at least ten days after introduction and first reading). The Clerk is further directed to comply with the all provisions of N.J.S.A. 40A:2-17(b) regarding postings, publications and the provision of copies of this Ordinance.

BE IT FURTHER ORDAINED THAT

(1) after final adoption of this Ordinance, the Clerk is hereby directed to publish the summary of this Ordinance, as finally adopted, together with the notice set forth below entitled: "NOTICE OF ADOPTION OF ORDINANCE" (with appropriate completions, insertions and corrections), at least once in a newspaper qualified under N.J.S.A. 40A:2-19.

(2) 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 provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

(3) if any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

(4) this Ordinance shall take effect upon passage and publication in accordance with applicable law.

The following Resolution #2011-386/Ordinance #2011-24 (Authorizing Execution of Easement & Right-of-way Agreement to JCP&L) was introduced by reference, offered by Councilman Metzger, seconded by Councilman LaRocca and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2011-386

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

ORDINANCE # 2011-24

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN EASEMENT AND RIGHT-OF-WAY AGREEMENT FROM THE TOWNSHIP OF MARLBORO AS SUCCESSOR-IN-INTEREST TO THE MARLBORO TOWNSHIP MUNICIPAL UTILITIES AUTHORITY TO JERSEY CENTRAL POWER & LIGHT AND NEW CINGULAR WIRELESS PCS, LLC FOR THE INSTALLATION, OPERATION AND MAINTENANCE OF ELECTRICAL SERVICE

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 December 19, 2011 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 # 2011-24

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN EASEMENT AND RIGHT-OF-WAY AGREEMENT FROM THE TOWNSHIP OF MARLBORO AS SUCCESSOR-IN-INTEREST TO THE MARLBORO TOWNSHIP MUNICIPAL UTILITIES AUTHORITY TO JERSEY CENTRAL POWER & LIGHT AND NEW CINGULAR WIRELESS PCS, LLC FOR THE INSTALLATION, OPERATION AND MAINTENANCE OF ELECTRICAL SERVICE

WHEREAS, the Township of Marlboro ("Township") is successor to the Marlboro Township Municipal Utilities Authority ("MTMUA"); and

WHEREAS, the Township, as successor-in-interest to the MTMUA, is the owner of properties known as: Block 132, Lot 19, on the Official Tax Map of the Township of Marlboro, and commonly known as the Beacon Hill Road Water Storage Tank ("The Property") located at or near Beacon Hill Road and Haven Way; and

WHEREAS, New Cingular Wireless PCS, LLC ("Cingular") has entered into a Lease Agreement with the MTMUA dated November 3, 2008 to install and operate a wireless telecommunications antenna and related facilities on a portion of the Property; and

WHEREAS, Jersey Central Power & Light ("JCP&L"), a public utility regulated by the New Jersey Board of Public Utilities, requires an amendment to the easement and right of way over, under and through a portion of the Property for the purpose of the routing of electrical service, specifically the construction of a new utility pole and extension of 30 feet of overhead service, and construction of a transformer to provide electrical service to accommodate the wireless telecommunications facilities pursuant to the recommendation of a minor change in same by the Township Engineer; and

WHEREAS, Pursuant to the Local Land and Buildings Law, NJSA 40A: 12-1 et seq., the Township of Marlboro has the power to convey an easement upon any real property; and

WHEREAS, the Township Council of the Township of Marlboro finds that it would be in the best interest of the Township of Marlboro to convey the necessary easements and rights of way to New Cingular Wireless PCS, LLC and JCP&L.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that:

(1) an Easement and Right-of-Way to Jersey Central Power and Light and New Cingular Wireless PCS, LLC over, under and through a portion of the property known as Block 132, Lot 19 on the Official Tax Map of the Township of Marlboro, and commonly known as the Beacon Hill Road Water Storage Tank located at or near Beacon Hill Road and Haven Way for the purpose of the installation of electrical service, the construction of a new utility pole and extension of 30 feet of overhead service, and the construction of the transformer to provide electrical service to accommodate the wireless telecommunications facilities at the property pursuant to the recommendation of the Township Engineer as further described on the Easement and Right Of Way Agreement attached hereto and made a

part hereof as Exhibit "A", for minimal compensation, be and is hereby authorized and approved; and

(2) the Mayor and Township Clerk are hereby authorized to execute and witness an Easement and Right-of-Way Agreement, in a form substantially similar to that attached hereto and made a part hereof as Exhibit "A", conveying the aforescribed Easement and Right-of-Way over a portion of the Property from the Township of Marlboro to New Cingular Wireless PCS, LLC and JCP&L; and

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; and

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; and

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

Exhibit "A" on file in Clerk's office.

The following Resolution #2011-387/Ordinance #2011-25 (Appropriating Funds from Capital Surplus for Emergency Repair of Storm Drain Headwall) was introduced by reference, offered by Councilman Metzger, seconded by Councilman LaRocca and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2011-387

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

ORDINANCE # 2011-25

AN ORDINANCE APPROPRIATING \$105,000.00 FROM CAPITAL SURPLUS TO FULLY FUND COSTS ASSOCIATED WITH EMERGENCY REPAIRS AND IMPROVEMENTS AT THE SITE OF A TOWNSHIP STORM DRAIN SYSTEM ON TAYLOR ROAD IN THE TOWNSHIP OF MARLBORO

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 December 19, 2011 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 # 2011-25

AN ORDINANCE APPROPRIATING \$105,000.00 FROM CAPITAL SURPLUS TO FULLY FUND COSTS ASSOCIATED WITH EMERGENCY REPAIRS AND IMPROVEMENTS AT THE SITE OF A TOWNSHIP STORM DRAIN SYSTEM ON TAYLOR ROAD IN THE TOWNSHIP OF MARLBORO

WHEREAS, the Governor of the State of New Jersey declared a State of Emergency on August 25, 2011 in anticipation of the Hurricane Irene; and

WHEREAS, Monmouth County was subsequently declared a Federal Disaster Area by the President of the United States; and

WHEREAS, the Township authorized emergency contracts totaling \$101,500.00 to address the condition which 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 is attempting to recover all expenses incurred as a result of Hurricane Irene from the Federal Emergency Management Agency (FEMA); and

WHEREAS, the required funds needed for this purpose are currently available in the Capital Surplus Account in the General Capital Fund of the Township of Marlboro; and

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey that a sum of \$105,000.00 is hereby appropriated for the aforementioned work from the Township Capital Surplus account; and

BE IT FURTHER ORDAINED that the Chief Financial Officer has executed a Certification of Funds and determined that sufficient funds are available for this purpose in the Capital Surplus Account; and

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

The following Resolution #2011-388/Ordinance #2011-26 (Authorizing Acquisition of a permanent Storm Sewer Easement Block 255, Lot 42) 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 # 2011-388

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

ORDINANCE # 2011-26

AN ORDINANCE AUTHORIZING THE ACQUISITION OF A PERMANENT STORM SEWER EASEMENT OVER A PORTION OF PROPERTY KNOWN AS BLOCK 225, LOT 42 ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF MARLBORO, MONMOUTH COUNTY, STATE OF NEW JERSEY, ALSO KNOWN AS 28 TAYLOR ROAD, MARLBORO, NEW JERSEY

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 December 19, 2011 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 # 2011-26

AN ORDINANCE AUTHORIZING THE ACQUISITION OF A PERMANENT STORM SEWER EASEMENT OVER A PORTION OF PROPERTY KNOWN AS BLOCK 225, LOT 42 ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF MARLBORO, MONMOUTH COUNTY, STATE OF NEW JERSEY, ALSO KNOWN AS 28 TAYLOR ROAD, MARLBORO, NEW JERSEY

WHEREAS, pursuant to The Local Lands and Buildings Law, N.J.S.A. 40A:12-1 et seq., a municipality has the power to acquire and/or sell any real property or interests therein for a public purpose; and

WHEREAS, THE Easter Seal Society of New Jersey, Inc., is the owner ("Owner") of property known as 28 Taylor Road, Marlboro, New

Jersey, also known and designated as Block 225, Lot 42 on the official tax map of the Township of Marlboro, Monmouth County, State of New Jersey (the "Property"); and

WHEREAS, the Township of Marlboro requires a storm sewer easement over a portion of the Property for the purposes of installing and maintaining a storm sewer line; and

WHEREAS, the Owner of the Property has agreed to grant a storm sewer easement to the Township of Marlboro for the aforesaid purposes for nominal compensation therefore.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey that:

1. The acceptance of a Storm Sewer Easement over a portion of the Property known as Block 225, Lot 48, Township of Marlboro, Monmouth County, New Jersey, (as more fully described on the legal description attached hereto and made a part hereof as Exhibit "A" and the "Sketch of Storm Sewer Easement, Part of Tax Lot 42, Block 225, Marlboro Township, Monmouth County, New Jersey", prepared by CME Associates, dated November 17, 2011 with no revisions, attached hereto as Exhibit "B"), for the purposes of installing and maintaining a storm sewer line, be and hereby is authorized for nominal compensation; and

2. The Mayor and Township Clerk are hereby authorized and directed execute and witness, respectively, a Deed of Easement in substantially the same form as that attached hereto and made a part hereof as Exhibit "C" and any other documents which may be required to effectuate the conveyance of the Storm Sewer Easement; and

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; and

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; and

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

Exhibit "A" and "B" and "C" on file in Clerk's office.

The following Resolution #2011-389 (Bond Release Soil Removal Activities - Harrington Estates, Block 133, Lot 19, Darryl Drive) was introduced by reference, offered by Councilwoman Mazzola, seconded by Councilman LaRocca, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2011-389

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES  
FOR THE SOIL REMOVAL ACTIVITIES AT THE SITE KNOWN AS  
HARRINGTON ESTATES, BLOCK 133, LOT 19, DARRYL DRIVE,  
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 Caitlin Buckley for release of the Township held Performance Guarantees in the form of a Bond for soil removal on the Site known as "Harrington Estates" (the "Site"), property known as Block 133, Lot 19, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by Pantheon Homes (the "Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed the Township Engineer's report dated October 10, 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. FP0016174 issued by First Indemnity America Insurance Company in the amount of \$15,000.00 and being held by the Township, be released in its entirety, conditioned upon the payment of any and all outstanding review and/or inspection fee charges to the time of the performance guarantee release.

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. FP0016174 issued by First Indemnity America Insurance Company in the amount of \$15,000.00 and being held by the Township, be released in its 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

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

- a. Pantheon Homes
- b. First Indemnity America Insurance Company
- 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 #2011-390 (Authorizing Award of Bid - Water Meters) was introduced by reference, offered by Councilwoman Mazzola, seconded by Councilman LaRocca and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2011-390

A RESOLUTION AWARDING CONTRACT TO HD SUPPLY WATERWORKS FOR THE PROVISION OF WATER METERS FOR THE MARLBORO TOWNSHIP DEPARTMENT OF PUBLIC WORKS WATER UTILITY DIVISION

WHEREAS, the Marlboro Township Department of Public Works Water Utility Division requires water meters for monitoring water use by its customers; and

WHEREAS, the Township of Marlboro authorized the continuation of the annual water meter replacement program in its 2011 capital program (500-02); and

WHEREAS, on October 26, 2011, bids were opened for the PROVISION OF WATER METERS FOR THE MARLBORO TOWNSHIP DEPARTMENT OF PUBLIC WORKS WATER UTILITY DIVISION; and

WHEREAS, the Township received one (1) bid as follows:

COMPANY	2 years
HD SUPPLY WATERWORKS Edison, NJ	437,930.00*

\*Reflecting correction of arithmetic error in bid total.

; and

WHEREAS, the bid submission of the apparent low bidder, HD SUPPLY WATERWORKS, 61 Gross Avenue, Edison, NJ 08817 has been determined to be responsive as detailed in a November 28, 2011 memo transmitted by the Department of Public Works; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation of the 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 HD SUPPLY WATERWORKS whose address is 61 Gross Avenue, Edison, NJ 08817 in an amount not to exceed \$420,000.00 for THE PROVISION OF WATER METERS FOR THE MARLBORO TOWNSHIP DEPARTMENT OF PUBLIC WORKS WATER UTILITY DIVISION for a two (2) year period beginning January 1, 2012 and ending December 31, 2013 in an amount not to exceed \$420,000.00; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, a contract with HD SUPPLY WATERWORKS 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 in the amount of \$210,000.00 are available and have been certified by the Chief Financial Officer in account X-06-55-901-901.

BE IT FURTHER RESOLVED funds in the amount of \$210,000.00 will be made available and certified in 2012 upon adoption of the 2012 capital program.

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

- a. HD SUPPLY WATERWORKS
- b. Mayor Jonathan Hornik
- c. Township Business Administrator
- d. Director of Public Works
- e. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2011-391 (Emergency Budget Amendment - Hurricane Irene - 2011 Budget) was introduced by reference, offered by Councilman LaRocca, seconded by Councilwoman Mazzola and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2011-391

RESOLUTION AUTHORIZING EMERGENCY APPROPRIATION  
PURSUANT TO NJS 40A:4-48

WHEREAS, an emergency has arisen with respect to the arrival of Hurricane Irene on August 27, 2011; and

WHEREAS, the Governor issued Executive Order No. 73 on August 25, 2011 and declared a state of emergency in anticipation of the storm; and

WHEREAS, New Jersey was subsequently declared a Federal Disaster Area by the President of the United States; and

WHEREAS, the Township incurred labor costs for emergency response and clean-up, and other expenses including repairs to public buildings and infrastructure and disposal of debris for which no adequate provision was made in the 2011 Municipal budget; and

WHEREAS, the occurrence of said storm could not have been foreseen at the time the 2011 Municipal Budget for the Township of Marlboro was prepared, and

WHEREAS, NJS 40A:4-46 provides for the creation on an emergency appropriation for the purpose mentioned above; and

WHEREAS, the total amount of the emergency appropriations created, including the appropriation to be created by this resolution is \$140,000.00 and three (3) percent of the total operating appropriations in the budget for 2011 is \$1,025,570.36; and

WHEREAS, the foregoing appropriation together with prior appropriations does not exceed three (3) percent of the total operating appropriations (including utility operation appropriations) in the budget for 2011; and

NOW, THEREFORE, BE IT RESOLVED, by not less than 2/3 of all governing body members affirmatively concurring that in accordance with NJS 40A:4-48:

1. An emergency appropriation is hereby made for 2011 Hurricane Irene Costs AS TO SALARIES AND WAGES AND/OR OTHER EXPENSES in the amount of \$140,000.00.
2. That said emergency appropriation shall be provided for in full in the 2012 budget, and is requested to be excluded from

both the spending and tax levy CAP, pursuant to NJS 40A:4-53.3c(1).

3. That two (2) certified copies of this resolution be filed with the Director of the Division of Local Government Services.

The following Resolution #2011-392 (Emergency Budget Amendment - Pre-Halloween Snow Storm) was introduced by reference, offered by Councilman Metzger, seconded by Councilman LaRocca and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2011-392

RESOLUTION AUTHORIZING EMERGENCY  
APPROPRIATION PURSUANT TO NJS 40A:4-48

WHEREAS, an emergency has arisen with respect to an early "Pre-Halloween" snow storm on October 29, 2011; and

WHEREAS, the Governor issued Executive Order No. 80 and declared a state of emergency for the entire state to respond to the "Nor'easter" snowstorm; and

WHEREAS, the Township incurred labor costs for preparation and de-icing activities as well contract labor expense for snow removal for which no adequate provision was made in the 2011 Municipal budget; and

WHEREAS, the occurrence of said storm could not have been foreseen at the time the 2011 Municipal Budget for the Township of Marlboro was prepared, and

WHEREAS, NJS 40A:4-46 provides for the creation on an emergency appropriation for the purpose mentioned above; and

WHEREAS, the total amount of the emergency appropriations created, including the appropriation to be created by this resolution is \$60,000.00 and three (3) percent of the total operating appropriations in the budget for 2011 is \$1,025,570.36; and

WHEREAS, the foregoing appropriation together with prior appropriations does not exceed three (3) percent of the total operating appropriations (including utility operation appropriations) in the budget for 2011; and

NOW, THEREFORE, BE IT RESOLVED, by not less than 2/3 of all governing body members affirmatively concurring that in accordance with NJS 40A:4-48:

1. An emergency appropriation is here by made for "2011 Pre-Halloween Snow Storm Emergency" AS TO SALARIES AND WAGES AND/OR OTHER EXPENSES in the amount of \$60,000.00.
2. That said emergency appropriation shall be provided for in full in the 2012 budget, and is requested to be excluded from both the spending and tax levy CAP, pursuant to NJS 40A:4-53.3c(1).
3. That two (2) certified copies of this resolution be filed with the Director of the Division of Local Government Services.

The following Resolution #2011-393 (Budget Transfers) was introduced by reference, offered by Councilman Metzger, seconded by Councilman LaRocca and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2011-393

RESOLUTION AUTHORIZING 2011 BUDGET TRANSFERS

WHEREAS, N.J.S.A. 40A: 4-58 provides for appropriation transfers during the last two (2) months of the fiscal year, when it has been determined that it is necessary to expend for any of the purposes specified in the budget an amount in excess of the sum appropriated therefore and where it has been further determined that there is an excess in any appropriation over the above the amount deemed to be necessary to fulfill the purpose of such appropriation,

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Marlboro does hereby authorize the transfers among the Calendar Year 2011 Municipal Budget as follows:

FROM

Group Health

Insurance	1-01-	-100-202	60,000.00
Municipal Court	1-01-	-307-287	20,000.00
Municipal Clerk	1-01-	-020-288	750.00
Drug Abuse	1-01-	-134-101	4,500.00

			85,250.00
TO			
Zoning	1-01-	-075-226	7,000.00
Water	1-01-	-164-234	7,000.00
Bond Interest	1-01-45-	930-290	16,000.00
LOSAP	1-01-	-178-218	5,000.00
Fleet			
Maintenance	1-01-	-121-281	5,000.00
Condominium			
Services	1-01-	-126-233	20,000.00
Municipal Court	1-01-	-307-193	20,000.00
Municipal			
Council	1-01-	-021-101	750.00
Drug Abuse	1-01-	-134-209	4,500.00
			85,250.00

The following Resolution #2011-394 (Award of Bid - Solar Salt - Water Utility) was introduced by reference, offered by Councilman Metzger, seconded by Councilman LaRocca and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2011-394

A RESOLUTION AWARDING CONTRACT TO OCEANPORT, LLC FOR THE PROVISION OF SODIUM CHLORIDE (SOLAR SALT) FOR THE MARLBORO TOWNSHIP DEPARTMENT OF PUBLIC WORKS WATER UTILITY DIVISION

WHEREAS, the Marlboro Township Department of Public Works Water Utility Division is in need of solar salt for use in the water purification process; and

WHEREAS, on August 30, 2011, bids were opened for the PROVISION OF SODIUM CHLORIDE (SOLAR SALT) FOR THE MARLBORO TOWNSHIP DEPARTMENT OF PUBLIC WORKS WATER UTILITY; and

WHEREAS, pursuant to N.J.S.A. 40A:11-13.2(a), the Township rejected the sole response from East Coast Salt Distributors which exceeded the Township's budgeted cost by more than 27% (R. 2011-340); and

WHEREAS, the Township re-advertised for the acceptance of bids and on October 12, 2011, bids were opened for the PROVISION OF SODIUM CHLORIDE (SOLAR SALT) FOR THE MARLBORO TOWNSHIP DEPARTMENT OF PUBLIC WORKS WATER UTILITY; and

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

COMPANY		Price/ Ton	Min Delivery (20 tons)	2 year Est (600 tons)
OCEANPORT, LLC	Claymont, DE	91.15	1,823.00	54,690.00
EAST COAST SALT DISTRIBUTORS, INC.	Clarksburg, NJ	104.50	2,090.00	62,700.00

; and

WHEREAS, the bid submission of the apparent low bidder, OCEANPORT, LLC has been determined to be responsive as detailed in an October 17, 2011 memo transmitted by the Department of Public Works; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation of the 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 OCEANPORT, LLC whose address is 6200 Philadelphia Pike, Claymont, DE 19703 in an amount not to exceed \$54,690.00 for THE PROVISION OF SODIUM CHLORIDE (SOLAR SALT) FOR THE MARLBORO TOWNSHIP DEPARTMENT OF PUBLIC WORKS WATER UTILITY DIVISION for a two (2) year period beginning January 1, 2012 and ending December 31, 2013 in an amount not to exceed \$54,690.00; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, a contract with OCEANPORT, LLC 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 in the amount of \$27,345.00 will be made available and certified in 2012 upon adoption of the 2012 budget in account 2-05- -500-293.

BE IT FURTHER RESOLVED funds in the amount of \$27,345.00 will be made available and certified in 2013 upon adoption of the 2013 budget in account 3-05- -500-293.

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

- a. OCEANPORT, LLC
- b. Mayor Jonathan Hornik
- c. Township Business Administrator

- d. Director of Public Works
- e. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2011-395 (Award of Bid - Printing Services) was introduced by reference, offered by Council Vice President Cantor, seconded by Councilwoman Mazzola and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2011-395

A RESOLUTION AWARDING CONTRACTS TO PREMIER PRINTING SOLUTIONS, LLC and CRAFTMASTER PRINTING, INC. FOR PRINTING SERVICES FOR THE TOWNSHIP OF MARLBORO

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for PRINTING SERVICES and on September 20, 2011, received four (4) bids, as follows:

	Premier Printing Solutions, LLC, Sayreville, NJ	Craftmaster Printing, Inc., Neptune City, NJ	Urner Barry Publications, Inc., Bayville, NJ	Parkway Printing, Marlboro, NJ
SECTION A:				
ENVELOPES	6,562.00	4,749.50	11,790.00	<i>No Bid</i>
SECTION B:				
BUSINESS CARDS	1,616.00	1,577.00	1,855.00	1,290.00
SECTION C:				
LETTERHEAD	344.00	316.00	394.00	<i>No Bid</i>
SECTION D: FORMS	7,626.00	32,465.90	<i>No Bid</i>	7,884.18
SECTION E:				
BOOKLETS/BROCHURES	240.00	6,600.00	<i>No Bid</i>	1,000.00
SECTION F:				
POSTERS/SIGNS	200.00	1,048.00	4,144.00	120.00
SECTION G:				
STICKERS	312.00	1,115.50	1,450.00	1,250.00
SECTION H: COPIES	1,567.00	1,690.00	4,060.00	290.00
SECTION I:				
MISCELLANEOUS	12,687.00	7,228.10	<i>No Bid</i>	4,167.00
	31,154.00	56,790.00	23,693.00	16,001.18

WHEREAS, the Department of Administration has reviewed the bids received and reports that all of the respondents were non-responsive in that they took a variety of different exceptions to individual print job items, and/or did not offer a bid; and

WHEREAS, as a result of all of the respondents being non-responsive, not all of the bid items are recommended for award; and

WHEREAS, the Department of Administration also reports that the bid submissions of Urner Barry Publications and Parkway Printing were materially deficient in failing to include a bid bond and consent of surety, rendering both bids non-responsive; and

WHEREAS, the Department of Administration has advised that the Township would be best served by awarding contracts to Premier Printing Solutions, LLC, 508 Raritan Street, Sayreville, NJ 08872 and Craftmaster Printing, Inc., 2024 Corlies Avenue, Neptune City, NJ 07753, summarized as follows:

	Premier Printing Solutions, LLC, Sayreville , NJ	Craftmaster Printing, Inc., Neptune City, NJ
SECTION A: ENVELOPES (ALL DEPTS EXCEPT COURT)	6,346.00	4,593.50
SECTION B: BUSINESS CARDS	1,616.00	1,577.00
SECTION C: LETTERHEAD	344.00	316.00
SECTION D: FORMS (ALL DEPTS EXCEPT COURT & ZONING)	6,844.00	11,153.15
SECTION D: FORMS (ZONING)	566.00	691.00
SECTION E: BOOKLETS/BROCHURES (ALL DEPTS EXCEPT FOR RECREATION ITEM E3)	240.00	6,320.00
SECTION F: POSTERS/SIGNS	200.00	1,048.00
SECTION G: STICKERS	312.00	1,115.50
SECTION H: COPIES (ALL DEPTS EXCEPT ALLIANCE)	507.00	970.00
SECTION H: COPIES (ALLIANCE)	1,060.00	720.00
SECTION I: MISCELLANEOUS (ALL EXCEPT CLERK)	12,591.00	7,048.10
	1,073.00	33,891.25

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation of the Department of Administration 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 Premier Printing Solutions, LLC, 508 Raritan Street, Sayreville, NJ 08872 in an amount not to exceed \$1,073.00 and Craftmaster

Printing, Inc., 2024 Corlies Avenue, Neptune City, NJ 07753 in an amount not to exceed \$33,891.25 for PRINTING SERVICES for the period January 1, 2012 - December 31, 2012; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, a contract with Premier Printing Solutions, LLC and Craftmaster Printing, 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 funds will be certified by the Chief Financial Officer in the 2012 upon adoption of the 2012 budget; and

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

- a. Premier Printing Solutions, LLC
- b. Craftmaster Printing, Inc.
- c. Mayor Jonathan Hornik
- d. Township Business Administrator
- e. DeCotiis, FitzPatrick & Cole, LLP

As the consent agenda, the following Resolutions were introduced by reference, offered by Councilman LaRocca, seconded by Councilman Metzger, and passed on a roll call vote of 5 - 0 in favor: Res. #2011-396 (Authorizing Year 2 of Contract - Police Uniforms), Res. #2011-397 (Confirming Emergency Contract CME - Emergency Repair of Storm Drain Headwall), Res. #2011-398 (Confirming Emergency Contract Lucas Constr. Group - Repair and Improvements to Storm Drain Headwall), Res. #2011-399 (Confirming Emergency Amendment to Contract with Montecalvo for Disposal of Type 13 Bulky Waste), Res. #2011-400 (Authorizing Application to State of NJ - Safe Streets to Schools Program), Res. #2011-401 (Confirming Emergency Contract with Premium Growers and Triple CC for Contract Snow Plow Service), Res. #2011-402 (Authorizing Year 2 of Contract - Snow Removal Services), Res. #2011-403 (Authorizing Contract Amendment CME - Phase II Env. Report Smith Farm), Res. #2011-404 (Authorizing Contract Amendment for Defense of Tax Appeals - Cleary, Giacobbe), Res. #2011-405 (Authorizing the Execution and Recording of a Deed Notice for the Property Encompassed by Burnt Fly Bog Superfund Site), Res. #2011-406 (Authorizing Contract Amendment CME - H & L Turf Soccer Field), Res. #2011-407 (Authorizing Agreement with Marlboro Soccer Boosters for Contribution to H & L Turf Soccer Field), Res. #2011-408 (Award of State Contract #A73992 for purchase of replacement firearms for Marlboro Twp. Police Dept.), Res. #2011-409 (Authorizing Purchase of Wireless Services from

Verizon Communications under State Contract #A64428), Res. #2011-410 (Authorizing CDBG Consortium Requalification Cooperative Agreement fy2012-fy2014), Res. #2011-411 (Renewal Liquor License - Brooks Edge Plaza), Res. #2011-412 (Authorizing Contract Amendment - Auto and Truck Parts under State Contract), Res. #2011-413 (Authorizing Amendment to Emergency Contract for Improvements to Well #1 - Layne Christenson), Res. #2011-414 (Authorizing Amendment to Contract with Mon. County for De-Icing Materials), Res. #2011-415 (Authorizing Amendment to Contract with Mon. County Reclam. Center for Disposal of Debris - Hur. Irene), Res. #2011-416 (Authorizing Developer Agreement - M & M - 483 Route 79, LLC - B. 222, Lots 27.01 and 27.02), Res. #2011-417 (Authorizing Contract Amendment Birdsall - Env. Eng. Services - Mun. Complex/DiMeo Property), Res. #2011-418 (Cancelling Balance 2010 Snow Emergency Appropriation ), Res. #2011-419 (Auth. Chapter 159 - Hwy. Safety/Safe Corridors Grant), Res. #2011-420 (Auth. Chapter 159 - DDEF), Res. #2011-421 (Auth. Chapter 159 - Secure our Schools), Res. #2011-422 (Auth. Chapter 159 - 2011 Drive Sober Grant), Res. #2011-423 (Auth. Application for FY 11 State Body Armor Replacement Grant Funding), Res. #2011-424 (Cancelling Mun. Open Space Grant Progrma Grant), Res. #2011-425 (Cancelling Reserve for Tax Maps), Res. #2011-426 (Auth. Water Installment Payment Agreement - Granat), Res. #2011-427 (Auth. Water Installment Payment Agreement - Foley/Tobia), Res. #2011-428 (Auth. Water Installment Payment Agreement - Gentile), Res. #2011-429 (Auth. Water Installment Payment Agreement - Corman), Res. #2011-430 (Raffle License MCEA Philanthropic Fund, Inc. - Off Permise Merch.), Res. #2011-431 (Cancellation Balance 2010 Taxes - B. 214, L 42 Qual. X), Res. #2011-432 (Cancellation Balance 2011 Taxes - B. 119.02, L. 68.07), Res. #2011-433 (Cancellation Balance 2011 Taxes - B. 180, L. 9), Res. #2011-434 (Disabled Veteran Exemption - B. 299, L. 146.01), Res. #2011-435 (Redemption Tax Sale Certs. - Various), Res. #2011-436 (Refund of Overpayment for 2011 Taxes - Reed), and Res. #2011-437 (Refund to WMUA - Various).

RESOLUTION # 2011-396

RESOLUTION APPROVING A ONE-YEAR RENEWAL OF THE CONTRACT  
BETWEEN THE TOWNSHIP OF MARLBORO AND THIS & THAT  
UNIFORMS, LLC FOR THE PROVISION OF UNIFORMS FOR  
THE TOWNSHIP OF MARLBORO POLICE DEPARTMENT

WHEREAS, by Resolution #2010-366, dated September 30, 2010, the Township of Marlboro awarded a one-year contract to This & That Uniforms, LLC, 1500 South New Road, Pleasantville, NJ 08232 to provide Uniforms for the Township of Marlboro Police Department, as set forth in the bid proposal on file with the Township; and

WHEREAS, pursuant to the authorization provided by Resolution #2010-366, the parties entered into a contract for the provision of Uniforms dated October 18, 2010 (the "Contract"), which is attached hereto and made a part hereof; and

WHEREAS, in accordance with the bid specifications and the terms and conditions of the Contract, the Township of Marlboro reserved the exclusive option to renew any components of the Contract for an additional one-year period on the same terms and conditions specified in the bid proposal submitted by This & That Uniforms, LLC; and

WHEREAS, Administration and the Township of Marlboro Police Department have recommended that the Township Council approve the renewal of the Contract for a period of one year upon the same terms and conditions specified in the bid proposal submitted by This & That Uniforms, LLC; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds in the amount of \$15,000.00 are available for the aforesaid 2011 contract in 1-01- -106-266, the balance of \$30,000.00 to be certified upon adoption of the 2012 budget; and

WHEREAS, the Township Council desires to approve said renewal of the Contract.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to renew the Contract between the Township of Marlboro and This & That Uniforms, LLC, 1500 South New Road, Pleasantville, NJ 08232 for a period of one year upon the same terms and conditions specified in the bid proposal submitted by This & That Uniforms, LLC and authorized by Resolution #2010-366; and

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

- a. This & That Uniforms, LLC
- b. Township Administrator
- c. Police Department
- d. Chief Financial Officer
- e. DeCotiis, FitzPatrick & Cole, LLP

RESOLUTION # 2011-397

A RESOLUTION CONFIRMING AWARD OF A PROFESSIONAL SERVICES CONTRACT BETWEEN CME ASSOCIATES AND THE TOWNSHIP OF MARLBORO FOR PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH

EMERGENCY IMPROVEMENTS AT THE SITE OF A TOWNSHIP STORM  
DRAIN SYSTEM ON TAYLOR ROAD PURSUANT TO N.J.S.A. 40A:11-6

WHEREAS, the Governor of the State of New Jersey declared a State of Emergency on August 25, 2011 in anticipation of the Hurricane Irene; and

WHEREAS, Monmouth County was subsequently declared a Federal Disaster Area by the President of the United States; and

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 notified the Township Administration and Department of Public Works of an emergent situation involving significant erosion at the site of a Township storm drain system on Taylor Road following Hurricane Irene; and

WHEREAS, the 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, pursuant to N.J.S.A. 40A:11-6, the Township requested a proposal and awarded a contract to CME Associates to immediately prepare the submission of an emergency permit application to the New Jersey Department of Environmental Protection and design a remediation solution (the "Project"); and

WHEREAS, the Township of Marlboro 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 \$22,000.00 for such Professional Services, as further described and set forth in CME's Proposal, attached hereto and made a part hereof; 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.

WHEREAS, the Chief Financial Officer will certify the availability of funds upon adoption of a capital ordinance for such purpose; and

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

WHEREAS, the Township is attempting to recover all expenses incurred as a result of Hurricane Irene from the Federal Emergency Management Agency (FEMA).

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the amendment to the Professional Services Contract between CME Associates and the Township of Marlboro, to expand the scope of services to provide engineering design and construction management services ("Professional Services"), at a fee not to exceed \$22,000.00 for such Professional Services, as further described and set forth in CME's Proposal dated September 1, 2011 ("Proposal"), be and is hereby confirmed; 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 amendment is awarded without competitive bidding pursuant to N.J.S.A. 40A:11-6 and shall provide for compensation in an amount not to exceed \$22,000.00 for such additional Professional Services for the Project as described in the Proposal; 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, that 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

RESOLUTION # 2011-398

A RESOLUTION CONFIRMING AWARD OF AN EMERGENCY CONTRACT WITH LUCAS CONSTRUCTION GROUP, INC. FOR EMERGENCY REPAIRS AND IMPROVEMENTS AT THE SITE OF A TOWNSHIP STORM DRAIN SYSTEM ON TAYLOR ROAD PURSUANT TO N.J.S.A. 40A:11-6

WHEREAS, the Governor of the State of New Jersey declared a State of Emergency on August 25, 2011 in anticipation of the Hurricane Irene; and

WHEREAS, Monmouth County was subsequently declared a Federal Disaster Area by the President of the United States; and

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 notified the Township Administration and Department of Public Works of an emergent situation involving significant erosion at the site of a Township storm drain system on Taylor Road following Hurricane Irene; and

WHEREAS, the 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 Engineer solicited quotes from four (4) vendors and obtained one (1) proposal from Lucas Construction Group, Inc., 173 Amboy Rd, Morganville, NJ 07751, at a cost of \$79,500.00; and

WHEREAS, the Township Engineer recommended award of the emergency contract to Lucas Construction Group, Inc. and the vendor was subsequently given authorization to proceed; and

WHEREAS, the Township is attempting to recover all expenses incurred as a result of Hurricane Irene from the Federal Emergency Management Agency (FEMA); and

WHEREAS, the Chief Financial Officer will certify the availability of funds upon adoption of a capital ordinance for such purpose.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, being the governing body thereof, that a contract award for EMERGENCY REPAIRS AND IMPROVEMENTS AT THE SITE OF A TOWNSHIP STORM DRAIN SYSTEM ON TAYLOR ROAD by Lucas Construction Group, Inc., 173 Amboy Rd, Morganville, NJ 07751 for the amount of \$79,500.00 be and is hereby confirmed 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. LUCAS CONSTRUCTION GROUP, INC.
- b. Department of Public Works
- c. Township Administrator
- d. Township Chief Financial Officer
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

RESOLUTION # 2011-399

A RESOLUTION CONFIRMING AMENDMENT TO CONTRACT WITH MONTECALVO DISPOSAL FOR DISPOSAL OF TYPE 13 BULKY WASTE PURSUANT TO N.J.S.A. 40A:11-6 FOR THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Governor of the State of New Jersey declared a State of Emergency on August 25, 2011 in anticipation of the Hurricane Irene; and

WHEREAS, Monmouth County was subsequently declared a Federal Disaster Area by the President of the United States; and

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, a substantial amount of water-damaged debris was collected following Hurricane Irene posing 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 Council of the Township of Marlboro previously awarded a contract to MONTECALVO DISPOSAL whose address is 75 Crows Mill Road, PO Box 290, Keasbey, NJ 07732 in an amount not to exceed \$54,600.00 for DISPOSAL OF TYPE 13 BULKY WASTE FOR THE DEPARTMENT OF PUBLIC WORKS for the period September 1, 2011 - August 31, 2012 (R. 2011-292); and

WHEREAS, pursuant to N.J.S.A. 40A:11-6, the Township authorized MONTECALVO DISPOSAL to dispose of the water-damaged debris at its contract pricing, estimated at a total not to exceed \$15,000.00; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the Township of Marlboro to confirm the amendment to its contract with MONTECALVO DISPOSAL to provide the required additional Disposal Services in accordance with its contract; and

WHEREAS, the Township is attempting to recover all expenses incurred as a result of Hurricane Irene from the Federal Emergency Management Agency (FEMA); and

WHEREAS, the Chief Financial Officer will certify the availability of funds upon adoption of a 2011 emergency budget appropriation.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the amendment to the contract with MONTECALVO DISPOSAL whose address is 75 Crows Mill Road, PO Box 290, Keasbey, NJ 07732 in an amount not to exceed \$15,000.00 for DISPOSAL OF TYPE 13 BULKY WASTE FOR THE DEPARTMENT OF PUBLIC WORKS, be and is hereby confirmed; and

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

- a. MONTECALVO DISPOSAL
- b. Mayor Jonathan Hornik
- c. Township Business Administrator
- d. Director of Public Works
- e. DeCotiis, FitzPatrick & Cole, LLP

Resolution # 2011-400

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Topanemus Sidewalk Improvement project.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Township of Marlboro formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as SRS - I - 2012 - Marlboro Township - 00052 to the New Jersey Department of Transportation on behalf of the Township of Marlboro.

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

RESOLUTION # 2011-401

A RESOLUTION CONFIRMING EMERGENCY CONTRACT WITH TRIPLE C  
NURSERIES AND PREMIUM GROWERS, INC. FOR THE SUPPLY OF  
CONTRACT SNOW REMOVAL SERVICES PURUSANT TO N.J.S.A.  
40A:11-6 FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Governor issued Executive Order No. 80 and declared a state of emergency for the entire state State of New Jersey to respond to the "Nor'easter" snowstorm which reached New Jersey on October 29, 2011; and

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, a substantial amount of snow accumulated on the roadways posing 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 Department of Public Works advised that contract snow plow services would be required in order to remove the snow from the roadways prior to temperatures falling below the freezing mark; and

WHEREAS, the Township of Marlboro accepted bids for the Supply of Contract Snow Removal Services for the Township of Marlboro Department of Public Works, and on September 16, 2010 (R. 2010-341) authorized the award of one year contracts with an option to extend an additional year to the lowest responsible bidders as follows:

LJ Pesce	28,900.00
Lucas Bros	26,550.00
Lucas Construction Group	52,150.00
Premium Growers	79,137.60
Triple C Nurseries	67,476.00

WHEREAS, prior to the October 29, 2011 storm, the Department of Public Works had recommended that the Township extend the contracts for an additional year through the 2011-12 winter at 2010 pricing; and

WHEREAS, pursuant to N.J.S.A. 40A:11-6, the Township authorized two (2) of the Township vendors, TRIPLE C NURSERIES AND PREMIUM GROWERS, INC. to perform snow removal services at their contract pricing, estimated at an amount not to exceed \$20,000.00 for TRIPLE C NURSERIES, PO Box 306, 915 B Holmdel Rd, Holmdel, NJ 0773 and \$8,500.00 for PREMIUM GROWERS, INC., 178 Highway 34, Holmdel, NJ 07733; and

WHEREAS, the Township is attempting to recover all expenses incurred as a result of the October 29 "Nor'easter" snowstorm from the Federal Emergency Management Agency (FEMA); and

WHEREAS, the Chief Financial Officer will certify the availability of funds upon adoption of a 2011 emergency budget appropriation.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that emergency contract awards pursuant to N.J.S.A. 40A:11-6 be confirmed for snow plowing services for the snow storm of October 29, 2011as follows:

Premium Growers	8,500.00
Triple C Nurseries	20,000.00

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

- a. Premium Growers, Inc.
- b. Triple C Nurseries
- c. Mayor Jonathan Hornik
- d. Township Business Administrator
- e. Township Chief Financial Officer
- f. Township Director of Public Works
- g. DeCotiis, FitzPatrick & Cole, LLP

RESOLUTION # 2011-402

A RESOLUTION AWARDED YEAR 2 OF CONTRACT TO TRIPLE C NURSERIES, L.J. PESCE, INC., PREMIUM GROWERS, INC., LUCAS CONSTRUCTION GROUP, INC. AND LUCAS BROTHERS, INC. FOR THE SUPPLY OF CONTRACT SNOW REMOVAL SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro authorized the acceptance of bids for the Supply of Contract Snow Removal Services for the Township of Marlboro Department of Public Works ("services"), and on September 16, 2010 (R. 2010-341) authorized the award of contracts to the lowest responsible bidders as follows:

2010-11

LJ Pesce	28,900.00
Lucas Bros	26,550.00
Lucas Construction Group	52,150.00
Premium Growers	79,137.60
Triple C	67,476.00

254,213.60

WHEREAS, the Department of Public Works recommends that the Township extend the contracts for an additional year for the period of September 1, 2011 through August 31, 2012 at the 2010 bid unit prices, as follows:

	2011	2012	TOTAL
LJ Pesce	12,100.00	21,000.00	33,100.00
Lucas Bros	11,070.00	19,350.00	30,420.00
Lucas Construction Group	21,910.00	54,000.00	75,910.00
Premium Growers	33,035.04	77,293.20	110,328.24
Triple C	28,130.40	49,182.00	77,312.40

106,245.44 220,825.20 327,070.64

WHEREAS, the Chief Financial Officer has certified that funds in the amount of \$106,245.44 are available in Account No. 1-01- - 119-288 for the services estimated for 2011; and

WHEREAS, funds for the 2012 contract amount will be certified by the Chief Financial Officer at the time the 2012 budget is adopted.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that contracts be awarded for 2011-2012 contract snow plowing services for an additional term of one year through August 31, 2012 as follows:

2011-12	
LJ Pesce	33,100.00
Lucas Bros	30,420.00
Lucas Construction Group	75,910.00
Premium Growers	110,328.24
Triple C	77,312.40

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, contracts with the L.J. Pesce Inc., PO Box 88, 19 Windswept Rd., Holmdel, NJ 07733, Lucas Brothers, Inc., 80 Amboy Road, Morganville, NJ 07751, Lucas Construction Group, Inc., 173 Amboy Road, Morganville, NJ 07751, Premium Growers, Inc., 178 Highway 34, Holmdel, NJ 07733 and Triple C Nurseries, PO Box 306, 915 B Holmdel Rd, Holmdel, NJ 07733, 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 a certified copy of this Resolution shall be provided to each of the following:

- a. L.J. Pesce Inc.
- b. Lucas Brothers, Inc.
- c. Lucas Construction Group, Inc.
- d. Premium Growers, Inc.
- e. Triple C Nurseries
- f. Mayor Jonathan Hornik
- g. Township Business Administrator
- h. Township Chief Financial Officer
- i. Township Director of Public Works
- j. DeCotiis, FitzPatrick & Cole, LLP

RESOLUTION # 2011-403

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES CONTRACT BETWEEN CME ASSOCIATES AND THE TOWNSHIP OF MARLBORO FOR PREPARATION OF A PHASE II ENVIRONMENTAL SITE ASSESSMENT REPORT IN CONNECTION WITH THE ACQUISITION OF THE PROPERTY KNOWN AS "SMITH FARM", BLOCK 267, LOTS 41 & 42

WHEREAS, the Township received a \$250,000.00 grant from the Monmouth County Open Space Program towards the purchase of the property known as "Smith Farm", Block 267, Lots 41 and 42 ("the Project"); and

WHEREAS, the Township has applied for New Jersey Green Acres funding for the project which will provide up to 50% of the certified market value and eligible professional costs; and

WHEREAS, a Phase II Environmental Site Assessment (or "Site Investigation") will provide the Township with critical information necessary in order to pursue the acquisition, and is also a condition of receiving outside funding for the Project; and

WHEREAS, CME Associates has provided a proposal dated May 10, 2011 (the "Proposal") for such Professional Services in connection with the Project; and

WHEREAS, the Township of Marlboro 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 \$34,200.00 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 # X-04-55-969-801; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the Township of Marlboro 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, to expand the scope of services to include PREPARATION OF A PHASE II PRELIMINARY ASSESSMENT REPORT IN CONNECTION WITH THE ACQUISITION OF THE PROPERTY KNOWN AS "SMITH FARM", BLOCK 267, LOTS 41 & 42 by way of its Township Engineers ("Professional Services"), at a fee not to exceed \$34,200.00 for such Professional Services, as further described and set forth in CME's Proposal dated May 9, 2011 ("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 \$34,200.00 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

RESOLUTION # 2011-404

A RESOLUTION AUTHORIZING AMENDMENT TO A PROFESSIONAL SERVICES  
CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO AND CLEARY,  
GIACOBBE, ALFIERI, JACOBS, LLC FOR SPECIAL TAX COUNSEL  
SERVICES

WHEREAS, the Township entered into an agreement with CLEARY,  
GIACOBBE, ALFIERI, JACOBS, LLC to provide special tax counsel  
services, awarded pursuant to a fair and open process in  
accordance with the provisions of N.J.S.A 19:44A-20.5 (R. 2011-  
013); and

WHEREAS, in a letter dated November 10, 2011, the Tax  
Assessor has reported that an additional \$7,500.00 is required in  
order provide for the proper defense of tax appeals through the  
end of 2011; and

WHEREAS, payment for services associated with the defense of  
2011 appeals requires an amendment to the 2011 agreement; 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  
in the amount of \$7,500.00 are available for this purpose from  
Account # 1-01- -050-226; and

WHEREAS, the Business Entity has completed and submitted a  
Business Entity Disclosure Certification certifying that the  
Business Entity has not made any reportable contributions that  
would bar the award of a contract pursuant to Marlboro Township  
Code Chapter 18, and that no reportable contributions that would  
violate Marlboro Township Code Chapter 18 will be made during the  
term of the Business Entity's contract; and

WHEREAS, the Township has been provided with the Business  
Entity's Disclosure of Campaign Contributions at least ten (10)  
days prior hereto, as required by P.L. 2005, c.271.

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

1. The Township Council of the Township of Marlboro hereby  
authorizes and approves the award of a Professional Services  
Contract to CLEARY, GIACOBBE, ALFIERI, JACOBS, LLC pursuant to a  
fair and open process in accordance with the provisions of  
N.J.S.A. 19:44A-20.4; and

2. The Professional Services Contract amendment is awarded without competitive public bidding pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-5(1)(a)(i) and shall provide for compensation at the rates set forth in a proposal dated November 29, 2010, in an additional amount not to exceed \$7,500.00; and

3. The Mayor and Town Clerk are hereby authorized and directed to execute, seal and deliver said Contract for Professional Services on behalf of and in the name of the Township of Marlboro; and

4. The Business Disclosure Entity Certification, Business Entity Disclosure of Campaign Contributions, and the Determination of Value shall be placed on file with this Resolution; and

5. That notice of the award of this contract shall be published in accordance with law.

6. That a certified copy of this Resolution shall be provided to each of the following:

- a. CLEARY, GIACOBBE, ALFIERI, JACOBS, LLC
- b. Mayor Jonathan Hornik
- c. Township Administrator
- d. Tax Assessor
- e. DeCotiis, FitzPatrick & Cole, LLP

RESOLUTION # 2011-405

RESOLUTION AUTHORIZING THE EXECUTION AND RECORDING OF A DEED NOTICE FOR THE PROPERTY ENCOMPASSED BY THE BURNT FLY BOG SUPERFUND SITE, KNOWN AS BLOCK 146, LOTS 1, 3, 4, 47 AND 49 ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF MARLBORO, MONMOUTH COUNTY, NEW JERSEY

WHEREAS, the Township of Marlboro ("Township") is the owner of property encompassed by the Burnt Fly Bog Superfund Site, known as Block 146, Lots 1, 3, 4, 47 and 49 on the Official Tax Map of the Township of Marlboro, Monmouth County, New Jersey (the "Property") as more particularly described in the site maps and metes and bounds descriptions contained in a Deed Notice prepared by the New Jersey Department of Environmental Protection ("NJDEP"); and

WHEREAS, due to the presence of contaminants on the Property, the NJDEP designated the Property as a superfund site, Case No G000004397 and remediated the Property; and

WHEREAS, pursuant to a September 30, 1998 Record of Decision issued by the NJDEP and the United States Environmental Protection Agency, it is necessary to record a Deed Notice for the property,

to set in place engineering controls in accordance with N.J.S.A.  
58:10B-13; and

WHEREAS, in accordance with the NJDEP's completion of the remediation of the Property and the terms of the Record of Decision, the Township has agreed to subject the Property to certain statutory and regulatory requirements which impose restrictions upon the use of the Property and to provide notice to subsequent owners, lessees and operators of the Property of the restrictions, monitoring, maintenance, certification requirements and preservation of engineering and institutional controls at the Property, requiring the recording, in the Monmouth County Clerk's Office, of a Deed Notice prepared by the NJDEP.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that it hereby authorizes the execution of a Deed Notice setting forth the restrictions upon the use of the lands encompassed by the Burnt Fly Bog Superfund Site, known as Block 146, Lots 1, 3, 4, 47 and 49 on the Official Tax Map of the Township of Marlboro, Monmouth County, New Jersey (the "Property") as more particularly described in the site maps and metes and bounds descriptions in a Deed Notice attached hereto and made a part hereof, such Deed Notice to be recorded in the Monmouth County Clerk's Office; and

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to execute and witness the aforesaid Deed Notice and any and all other instruments necessary to effectuate the required engineering and institutional controls described herein.

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

- a. New Jersey Department of Environmental Protection
- b. Mayor Jonathan L. Hornik
- c. Township Business Administrator
- d. Township Engineer
- e. DeCotiis, FitzPatrick & Cole, LLP

RESOLUTION # 2011-406

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES CONTRACT BETWEEN CME ASSOCIATES AND THE TOWNSHIP OF MARLBORO FOR PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH THE CONSTRUCTION OF A TURF SOCCER FIELD AT THE TOWNSHIP OF MARLBORO MUNICIPAL PARK

WHEREAS, the Township of Marlboro is looking to improve and expand recreational opportunities for its residents; and

WHEREAS, there are approximately 2,000 participants in the Marlboro soccer program; and

WHEREAS, the Township's capital program as well as the 2009 Report of the Master Recreation Plan Committee call for the upgrade of soccer facilities; and

WHEREAS, the Township has multiple funding commitments for the construction of a turf soccer field at the Marlboro Municipal Complex ("Project"), including a 25% reimbursement grant from New Jersey Green Acres and \$100,000 from the Marlboro Soccer Boosters; and

WHEREAS, the Township is pursuing additional outside funding sources for the project including a \$200,000.00 grant from the United States Soccer Foundation; and

WHEREAS, in order to take advantage of the available funding and embark on this project, the Township requires survey, design, bid phase and construction management services; and

WHEREAS, the Township of Marlboro wishes to pursue the construction of a turf soccer field at the Marlboro Municipal Complex; and

WHEREAS, CME Associates has provided a proposal dated October 20, 2011 (the "Proposal") for such Professional Services in connection with the Project; and

WHEREAS, the Township of Marlboro 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 \$76,000.00 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 # G-07-41-306-399; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the Township of Marlboro 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, to expand the scope of services to include professional engineering services Township by way of its Township Engineers IN CONNECTION WITH THE CONSTRUCTION OF A TURF SOCCER FIELD AT THE TOWNSHIP OF MARLBORO MUNICIPAL PARK ("Professional Services"), at a fee not to exceed \$76,000.00 for such Professional Services, as further described and set forth in CME's Proposal dated October 20, 2011 ("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 \$76,000.00 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

RESOLUTION # 2011-407

A RESOLUTION AUTHORIZING ACCEPTANCE OF A FINANCIAL CONTRIBUTION OF \$150,000.00 FROM THE MARLBORO SOCCER BOOSTERS TOWARDS THE CONSTRUCTION OF A TURF SOCCER FIELD AT THE MARLBORO MUNICIPAL PARK COMPLEX

WHEREAS, the Township of Marlboro is looking to improve and expand recreational opportunities for its residents; and

WHEREAS, there are approximately 2,000 participants in the Marlboro soccer program; and

WHEREAS, the Township's capital program as well as the 2009 Report of the Master Recreation Plan Committee call for the upgrade of soccer facilities; and

WHEREAS, the Township has received a 25% reimbursement grant from New Jersey Green Acres towards the construction of a turf soccer field at the Marlboro Municipal Park Complex ("project"); and

WHEREAS, the Township is pursuing additional outside funding sources for the project including a \$200,000.00 grant from the United States Soccer Foundation; and

WHEREAS, the Marlboro Soccer Boosters, a local 501 c 3 corporation has pledged to contribute a sum of \$150,000.00 to the project, \$100,000.00 in the year 2012 and \$10,000.00 per year over five years, beginning January 1, 2013 and ending January 1, 2017; and

WHEREAS, the Township wishes to accept this pledge of financial support from the Marlboro Soccer Boosters for the project.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that Mayor Hornik and the Township Clerk are hereby authorized to accept \$150,000.00 from the Marlboro Soccer Boosters for purposes of constructing a turf soccer field at the Marlboro Municipal Park Complex.

RESOLUTION # 2011-408

RESOLUTION AUTHORIZING AWARD OF STATE CONTRACT #A73992 TO LAWREN SUPPLY COMPANY OF NEW JERSEY, INC FOR THE PURCHASE OF

REPLACEMENT FIREARMS FOR THE TOWNSHIP OF MARLBORO POLICE  
DEPARTMENT

WHEREAS, the Township of Marlboro Police Department is in need of replacement firearms; and

WHEREAS, the Township of Marlboro as part of its 2011 capital program (106-13) authorized the REPLACEMENT OF WEAPONS for the Marlboro Police Department; and

WHEREAS, the Police Department has recommended that the Township purchase the replacement firearms from Lawmen Supply Company of New Jersey, Inc 5521 Whitehorse Pike, Egg Harbor City, New Jersey 08215-9510 under State Contract #A73992 in an amount not to exceed \$15,214.44; and

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 Police Department to obtain the replacement firearms from Lawmen Supply Company of New Jersey, Inc; and

WHEREAS, funds are available in Account X-04-55-968-913 for an amount not to exceed \$15,214.44 and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Township Council desires to approve the purchase of said replacement firearms;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase of replacement firearms from Lawmen Supply Company of New Jersey, Inc, 5521 Whitehorse Pike, Egg Harbor City, New Jersey 08215-9510 under State Contract #A73992 in an amount not to exceed \$15,214.44; and

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

- a. Lawmen Supply Company of New Jersey, Inc
- b. Township Administrator
- c. Township Police Department
- d. Township Chief Financial Officer
- e. DeCotiis, FitzPatrick & Cole, LLP

RESOLUTION # 2011-409

RESOLUTION AUTHORIZING THE PURCHASE OF WIRELESS SERVICES  
FROM VERIZON COMMUNICATIONS FOR THE MARLBORO TOWNSHIP OF  
MARLBORO UNDER STATE CONTRACT A64428

WHEREAS, the Township of Marlboro is in need of wireless service for use by certain personnel including those who require wireless voice and/or mobile data for their operational functions; and

WHEREAS, the Township of Marlboro currently utilizes Verizon Wireless for cellular telephone service; and

WHEREAS, the Township of Marlboro received a proposal from Verizon Wireless in accordance with State Contract A64428 to consolidate and restructure its phone service plan to achieve a savings of approximately \$560.00 per month; and

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, funds in the amount of \$40,000.00 will be certified to by the Chief Financial Officer in account # 2-01- -162-232 at the time the 2012 budget is adopted; and

WHEREAS, the Township Council desires to approve the purchase of said wireless services.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase wireless services from Verizon Wireless Celco Partnership, 502 First State Blvd, Newport, Delaware 19804, under State Contract A64428 in an amount not to exceed \$40,000.00; 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 Police Department
- c. Township Chief Financial Officer
- d. DeCotiis, FitzPatrick, & Cole, LLP

RESOLUTION # 2011-410

RESOLUTION AUTHORIZING THE MAYOR AND MUNICIPAL CLERK TO EXECUTE AN AGREEMENT WITH MONMOUTH COUNTY FOR COOPERATIVE PARTICIPATION IN THE COMMUNITY DEVELOPMENT PROGRAM PURSUANT TO THE INTERLOCAL SERVICES ACT

WHEREAS, certain federal funds are potentially available to Monmouth County under Title 1 of the Housing and Community Development

Act of 1974, as amended, commonly known as the Community Development Block Grant Program; and

WHEREAS, it is necessary to establish a legal basis for the County and its people to benefit from this program; and

WHEREAS, an Agreement has been proposed under which the and the County of Monmouth in cooperation with other municipalities will establish an Interlocal Services Program pursuant to N.J.S.A. 40:8B-1; and

WHEREAS, it is in the best interest of the Township of Marlboro to enter into such an agreement.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Governing Body of the Township of Marlboro, that the agreement entitled "AGREEMENT BETWEEN THE COUNTY OF MONMOUTH AND CERTAIN MUNICIPALITIES LOCATED HEREIN FOR THE ESTABLISHMENT OF A COOPERATIVE MEANS OF CONDUCTING CERTAIN COMMUNITY DEVELOPMENT ACTIVITIES", a copy of which is attached hereto, be executed by the Mayor and Municipal Clerk in accordance with the provisions of law; and

BE IT FURTHER ORDAINED that this resolution shall take effect immediately upon its enactment.

RESOLUTION # 2011-411

BE IT RESOLVED by the Township Council of the Township of Marlboro that the following Liquor License be and it is hereby renewed for the period beginning July 1, 2011 through June 30, 2012.

Brooks Edge Plaza LLC  
(Pocket License)

1328 33 019 001

RESOLUTION # 2011-412

RESOLUTION AUTHORIZING AMENDMENT TO AWARD OF STATE CONTRACT TO AUTOZONE NORTHEAST, MIDATLANTIC TRUCK CENTER, HUDSON COUNTY MOTORS, F&C AUTOMOTIVE SUPPLY, AND EDWARDS TIRE CO. INC. FOR PURCHASE OF AUTO AND TRUCK PARTS FOR THE DEPARTMENT OF PUBLIC WORKS DIVISION OF VEHICLE MAINTENANCE

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, on February 3, 2011, the Township authorized the purchase of auto and truck parts from various vendors in order to

maintain the Township vehicle fleet through bids obtained and contracts awarded by the State of New Jersey Division of Purchase and Property in the Department of Treasury (R.2011-074); and

WHEREAS, the Township has been advised that AutoZone Northeast's State Contract has not been renewed by the State of New Jersey; and

WHEREAS, due to the fact that AutoZone Northeast can no longer service the Township, the Department of Public Works Division of Vehicle Maintenance has recommended a reduction in the original authorization for AutoZone Northeast by \$4,723.63; and

WHEREAS, the Department of Public Works Division of Vehicle Maintenance has also recommended a reduction in the original authorization for Edwards Tire Co, Inc. by \$7,000.00;

WHEREAS, the Department of Public Works Division of Vehicle Maintenance desires to purchase additional auto and truck parts from MidAtlantic Truck Center for \$3,000.00, Hudson County Motors for \$3,000.00, and F&C Automotive Supply for \$3,000.00, in order to maintain the Township vehicle fleet for the remainder of 2011; and

WHEREAS, the Township Council desires to approve the recommendation of the Department of Public Works and purchase the needed auto and truck parts from MidAtlantic Truck Center, Hudson County Motors, and F&C Automotive Supply.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to reduce the authorization for AutoZone Northeast and Edwards Tire Co., Inc. and increase the authorization to purchase auto and truck parts from Mid Atlantic Truck Center under State Contract #73939, Hudson County Motors under #73715, and F&C Automotive Supply under #73733, resulting in a net decrease of \$2,723.63; 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

RESOLUTION # 2011-413

A RESOLUTION CONFIRMING AN AMENDMENT TO THE EMERGENCY CONTRACT WITH LAYNE CHRISTENSON COMPANY PURUSANT TO N.J.S.A. 40A:11-6, AUTHORIZING FINAL PAYMENT AND ACCEPTANCE OF THE IMPROVEMENTS TO

WELL NO. 1 FOR THE TOWNSHIP DEPARTMENT OF PUBLIC WORKS, WATER  
UTILITY DIVISION

WHEREAS, on July 7, 2010 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, pursuant to N.J.S.A. 40A:11-6 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 was from Layne Christenson Company, 719 Mt Holly Road, Beverly, NJ 08010 at a cost of \$93,250.00; and

WHEREAS, a contract with Layne Christenson Company was authorized pursuant to N.J.S.A. 40A:11-6 and the Township affirmed the contract award to Layne Christenson Company (R.2010-226) for the emergency redevelopment of Well No. 1 in the amount of \$93,250.00; and

WHEREAS, due to the drought conditions and subsequent interruption of water delivery from Middlesex Water Company during the summer of 2010, the Water Utility Engineer authorized certain field changes to ensure that sufficient water supply was available to customers; and

WHEREAS, in a letter dated November 4, 2011, the Water Utility Engineer has recommended approval of the contract amendment in the amount of \$10,587.40, acceptance of the Project improvements, and issuance of final payment in the amount of \$10,587.40; 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 Council of the Township of Marlboro has reviewed the Township Engineer's November 4, 2011 letter and is amenable to affirming the contract amendment, accepting the Project improvements and issuing a final payment to Layne Christenson Company in the amount of \$10,587.40 in order that the Project be completed, such Project being in the interests of the public health, safety and welfare; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose from Account # X-06-55-900-901; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that an amendment to the existing emergency contract with Layne Christenson Company, be and is hereby confirmed, increasing the contract total of \$93,250.00 to an adjusted contract total in an amount not to exceed \$103,837.40, a net increase of \$10,587.40.

BE IT FURTHER RESOLVED, by the Township Council of the Township of Marlboro, that the Project improvements be and are hereby accepted, and that final payment in the amount of \$10,587.40 for work completed by Layne Christenson Company is hereby approved.

BE IT FURTHER RESOLVED, by the Township Council of the Township of Marlboro, being the governing body thereof, that the amendment to the emergency contract for the redevelopment of Well No. 1 by Layne Christenson Company be affirmed in the amount of \$10,587.40 pursuant to N.J.S.A. 40A:11-6(b).

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

- a. Layne Christenson Company
- b. Department of Public Works
- c. Township Administrator
- d. Township Chief Financial Officer
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

RESOLUTION # 2011-414

RESOLUTION AUTHORIZING AN AMENDMENT TO THE CONTRACT FOR THE PROVISION OF DE-ICING MATERIAL (SODIUM CHLORIDE) THROUGH BIDS OBTAINED BY THE MONMOUTH COUNTY COOPERATIVE PURCHASING PROGRAM

WHEREAS, on January 6, 2011, the Township authorized the purchase of de-icing material (sodium chloride) for use by the Township through the use of bids obtained by the Monmouth County Cooperative Purchasing Program (R.2011-048); and

WHEREAS, on February 17, 2011, the Township authorized the purchase of additional de-icing material (sodium chloride) for use by the Township through the use of bids obtained by the Monmouth County Cooperative Purchasing Program (R.2011-099); and

WHEREAS, following the snow and ice storm events during the month of October and use of approximately 250 tons of materials, the Marlboro Township Public Works Department has recommended that the Township purchase additional de-icing material (sodium chloride) for use by the Township through the use of bids obtained by the Monmouth County Cooperative Purchasing Program; and

WHEREAS, the Township is authorized to purchase de-icing material (sodium chloride) from bids obtained from a cooperative pricing system such as the Monmouth County Cooperative Purchasing Program pursuant to the authority provided by N.J.S.A. 40A:11-11(6); and

WHEREAS, the Monmouth County Cooperative Purchasing Program conducted a public bidding process and awarded a contract to International Salt Company of Clarks Summit, PA, for the provision of de-icing material (sodium chloride) at a price of \$54.60 per ton; and

WHEREAS, the Public Works Department has indicated that International Salt Company has agreed to extend the pricing provided to Monmouth County to Marlboro Township through the Monmouth County Cooperative Purchasing Program; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to purchase de-icing material (sodium chloride); and

WHEREAS, funds in the amount of \$11,500.00 will be certified by the Chief Financial Officer for this purpose upon adoption of a 2011 emergency budget appropriation; and

WHEREAS, funds in the amount of \$43,100.00 have been certified by the Chief Financial Officer for this purpose in Account # 1-01-119-292; and

WHEREAS, the Marlboro Township Council, having considered the same, desires to authorize the purchase of 1,000 tons of de-icing material (sodium chloride) from the International Salt Company, at a price of \$54.60 per ton, pursuant to the bid obtained by the Monmouth County Cooperative Purchasing Program, for a total amount not to exceed \$54,600.00.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase 1,000 tons of de-icing material (sodium chloride) from the International Salt Company, at a price of \$54.60 per ton, pursuant to the bid obtained by the Monmouth County Cooperative Purchasing Program, for a total amount not to exceed \$54,600.00; and

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

- a. International Salt Company, Clarks Summit, PA
- b. Township Administrator
- c. Township Public Works Department

- d. Township Chief Financial Officer
- e. DeCotiis, FitzPatrick & Cole, LLP

RESOLUTION # 2011-415

AUTHORIZING AMENDMENT TO SHARED SERVICES AGREEMENT WITH THE COUNTY OF MONMOUTH RECLAMATION CENTER FOR THE DISPOSAL OF DEBRIS FOR 2011 PURSUANT TO N.J.S.A. 40A:11-6 FOR THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Governor of the State of New Jersey declared a State of Emergency on August 25, 2011 in anticipation of the Hurricane Irene; and

WHEREAS, Monmouth County was subsequently declared a Federal Disaster Area by the President of the United States; and

WHEREAS, a substantial amount of water-damaged debris was collected following Hurricane Irene posing 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 had previously authorized a shared services agreement for the disposal of debris with the Monmouth County Reclamation Center, 6000 Asbury Avenue, Tinton Falls, NJ 07753 (R. 2011-286); and

WHEREAS, pursuant to N.J.S.A. 40A:11-6, the Township authorized the disposal of water-damaged debris at the Monmouth County Reclamation Center at its contract pricing, estimated at a total not to exceed \$10,000.00; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the Township of Marlboro to confirm the amendment to its shared services agreement with MONTECALVO DISPOSAL to provide the required additional Disposal Services in accordance with its contract; and

WHEREAS, the Township is attempting to recover all expenses incurred as a result of Hurricane Irene from the Federal Emergency Management Agency (FEMA); and

WHEREAS, the Chief Financial Officer will certify the availability of funds upon adoption of a 2011 emergency budget appropriation.

BE IT FURTHER RESOLVED, that a copy of the shared services agreement authorized herein shall be open to the public for inspection in the Township Clerk's Office; and

BE IT FURTHER RESOLVED that a duly certified copy of this resolution be forwarded to:

- a. Monmouth County Reclamation Center
- b. Mayor Jonathan L. Hornik
- c. Township Business Administrator
- d. DeCotiis, FitzPatrick & Cole, LLP

RESOLUTION # 2011-416

A RESOLUTION AUTHORIZING THE EXECUTION OF A DEVELOPER AGREEMENT BETWEEN THE TOWNSHIP OF MARLBORO, AND M & M AT 483 ROUTE 79, LLC IN CONNECTION WITH SITE PLAN APPROVAL FOR THE SITE LOCATED ON BLOCK 122, LOTS 27.01 AND 27.02 LOCATED AT 439 NEW JERSEY STATE HIGHWAY ROUTE 79 TOWNSHIP OF MARLBORO, MONMOUTH COUNTY, NEW JERSEY,

WHEREAS, On November 23, 2009, the Planning Board of the Township of Marlboro ("Planning Board") adopted a resolution for Minor Subdivision and Preliminary and Partial Final Major Site Plan Approval to Dallenbach Sand Company (the "Applicant") for the development of property known as Block 122, Lots 27.01 and 27.02 on the Official Tax Map of the Township of Marlboro, Monmouth County New Jersey, which is located at 439 New Jersey State Highway Route 79 at the intersection of Lloyd Road the ("Site"); and

WHEREAS, the approval was granted for the applicants proposal to construct and 11,880 square foot general retail building and a 3,000 square foot bank building with four (4) drive thru lanes and to demolish the existing single family dwelling and construct a 12,900 square foot CVS Pharmacy with a 1,668 square feet mezzanine and two (2) drive thru lanes all of which are situated in the C-2 (neighborhood commercial)zone district; and

WHEREAS, Dallenbach Sand Company, Inc has conveyed its interest in the property and the approvals to M & M at 483 Route 79, LLC (the "Developer"; and

WHEREAS, the Planning Board Resolution conditioned the approval upon the Developer/Applicant entering into a Developer Agreement with the Township of Marlboro and posting all necessary Performance Guarantees; and

WHEREAS, the Developer's Agreement has been negotiated by the parties and the negotiation and preparation of same shall be paid for from Developer's escrow account held by the Township of Marlboro ; and

WHEREAS, the necessary Performance Guarantees, cash deposits and insurance certificates shall be subject to the review and approval of the Township Attorney.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, that the Mayor and Township Clerk be and are

hereby authorized to execute the Developer Agreement with M & M At 483 Route 79, LLC, the successor in interest to Dallenbach Sand Company, Inc for the property located at 439 New Jersey State Highway Route 79, known as Block 122 Lots 27.01 & 27.02 located on Route 79 at its intersection with Lloyd Road, the negotiation and preparation of which shall be paid for from the Developer's escrow account held by the Township of Marlboro; and

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

- a. M & M At 483 Route 79, LLC
- b. Mayor Jonathan L. Hornik
- c. Township Business Administrator
- d. Township Engineer
- e. Township Chief Financial Officer
- f. DeCotiis, FitzPatrick & Cole, LLP

RESOLUTION # 2011-417

A RESOLUTION AUTHORIZING AN AMENDMENT TO A PROFESSIONAL SERVICES CONTRACT BETWEEN BIRDSALL SERVICES GROUP AND THE TOWNSHIP OF MARLBORO FOR THE PROVISION OF ENVIRONMENTAL ENGINEERING SERVICES IN CONNECTION WITH BLOCK 253, LOT 36.02 (MUNICIPAL COMPLEX) LOCATED AT 1979 TOWNSHIP DRIVE AND BLOCK 159 LOT 1.01 (DIMEO PROPERTY) LOCATED AT 133 CONOVER ROAD

WHEREAS, by Resolution 2008-134, the Township of Marlboro authorized a Professional Services agreement with Birdsall Services Group for the provision of environmental engineering services in connection with remediation work AT THE MUNICIPAL COMPLEX IN THE TOWNSHIP OF MARLBORO located at 1979 Township Drive in Marlboro, Block 253, Lot 36.02; and

WHEREAS, by Resolution 2008-231, the Township of Marlboro authorized a contract with Enterprise Network Resolutions (ENR) Contracting LLC for the SITE REMEDIATION PROJECT AT THE MARLBORO MUNICIPAL COMPLEX located at 1979 Township Drive in Marlboro, Block 253, Lot 36.02; and

WHEREAS, by Resolution 2007-329, the Township of Marlboro authorized a Professional Services agreement with Birdsall Services Group for a remedial investigation of the DIMEO PROPERTY located at 133 Conover Road in Marlboro, Block 159, LOT 1.01; and

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) is requiring that the Township address any outstanding deficiencies associated with the Notices dated May 20 and June 2, 2011; and

WHEREAS, Birdsall Services Group has provided a proposal dated October 20, 2011 (the "Proposal") for such Professional Services in connection with the Project; and

WHEREAS, the Township of Marlboro and Birdsall Services Group 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 \$13,850.00 for such Professional Services, as further described and set forth in Birdsall'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 # X-04-55-963-901 and Account # X-04-55-969-801; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the Township of Marlboro to amend its contract with Birdsall Services Group 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, Birdsall has previously completed and submitted a Business Entity Disclosure Certificate certifying that Birdsall Services Group 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 Birdsall Services Group and the Township of

Marlboro, to expand the scope of services to include THE PROVISION OF ENVIRONMENTAL ENGINEERING SERVICES IN CONNECTION WITH BLOCK 253, LOT 36.02 (MUNICIPAL COMPLEX) LOCATED AT 1979 TOWNSHIP DRIVE AND BLOCK 159 LOT 1.01 (DIMEO PROPERTY) LOCATED AT 133 CONOVER ROAD ("Professional Services"), at a fee not to exceed \$13,850.00 for such Professional Services, as further described and set forth in Birdsall's Proposal dated October 20, 2011, 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 \$13,850.00 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. Birdsall Services Group, 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

RESOLUTION # 2011-418

RESOLUTION CANCELLING BALANCE OF 2010 EMERGENCY APPROPRIATION

WHEREAS, an emergency appropriation was created for the December 2010 snow storm which has a current unencumbered balance of \$57,248.73, and

WHEREAS, all costs and invoices have been processed against such emergency.

NOW, THEREFORE, BE IT RESOLVED, by not less than 2/3 of all governing body members affirmatively concurring that the remaining unencumbered balance of \$57,248.73 pertaining to the 2010 snow emergency appropriation is hereby cancelled.

RESOLUTION # 2011-419

RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE  
AND APPROPRIATION (N.J.S.A. 40A:4-87)

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

Section 1

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro, in the County of Monmouth, New Jersey, hereby requests the Director of Local Government Services to approve the insertion of an revenue in the budget of the year 2011 in the sum of \$42,817.31, which items are now available as a revenue from the New Jersey Department of Transportation as the "Highway Safety Fund".

Section 2

BE IT FURTHER RESOLVED that the amount of \$42,817.31 be hereby appropriated under the caption "Highway Safety Fund".

RESOLUTION # 2011-420

RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND  
APPROPRIATION (N.J.S.A. 40A:4-87)

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

Section 1

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro, in the County of Monmouth, New Jersey, hereby requests the Director of Local Government Services to approve the insertion of an revenue in the budget of the year 2011 in the sum of

\$3,421.34, which items are now available as a revenue from the New Jersey Department of Law and Public Safety as the "Drunk Driving Enforcement Fund".

Section 2

BE IT FURTHER RESOLVED that the amount of \$3,421.34 be hereby appropriated under the caption "Drunk Driving Enforcement Fund".

RESOLUTION # 2011-421

RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND  
APPROPRIATION (N.J.S.A. 40A:4-87)

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

Section 1

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro, in the County of Monmouth, New Jersey, hereby requests the Director of Local Government Services to approve the insertion of an revenue in the budget of the year 2011 in the sum of \$37,500.00, which items are now available as a revenue from the United States Department of Justice as "COPS Secure our Schools".

Section 2

BE IT FURTHER RESOLVED that the amount of \$37,500.00 be hereby appropriated under the caption "COPS Secure our Schools".

RESOLUTION # 2011-422

RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND  
APPROPRIATION (N.J.S.A. 40A:4-87)

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

Section 1

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro, in the County of Monmouth, New Jersey, hereby requests the Director of Local Government Services to approve the insertion of an revenue in the budget of the year 2011 in the sum of \$5,000.00, which items are now available as a revenue from the New Jersey Department of Transportation Division of Highway Traffic Safety as "DRIVE SOBER OR GET PULLED OVER".

Section 2

BE IT FURTHER RESOLVED that the amount of \$5,000.00 be hereby appropriated under the caption "DRIVE SOBER OR GET PULLED OVER".

RESOLUTION # 2011-423

RESOLUTION AUTHORIZING THE TOWNSHIP OF MARLBORO TO APPLY FOR FY11 BODY ARMOR REPLACEMENT PROGRAM FUNDING FROM THE NEW JERSEY DEPARTMENT OF CRIMINAL JUSTICE FOR THE MARLBORO TOWNSHIP POLICE

WHEREAS, the State Body Armor Replacement Fund Program is provided to assist all eligible law enforcement agencies in offsetting costs of purchasing body vests for their officer; and.

WHEREAS, the funds are dedicated funds and cannot be used for any other purpose; and

WHEREAS, \$6,208.90 in funds are currently available to the Township; and

WHEREAS, the Township wishes to apply for the maximum amount of funding available.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that the Township is hereby authorized to submit an application to the New Jersey Department of Criminal Justice and execute an agreement for funding from the FY 11 Body Armor Replacement Fund.

RESOLUTION # 2011-424

RESOLUTION CANCELLING MUNICIPAL OPEN SPACE GRANT PROGRAM GRANT

WHEREAS, The Township received notice from the Monmouth County Park System on November 4, 2010 that the award of \$100,000.00 for the Municipal Open Space Grant Program was being cancelled, and

WHEREAS, the Township of Marlboro 12/31/10 financial records contained both a receivable and offsetting appropriation of \$100,000.00 for the Municipal Open Space Grant Program;

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro, in the County of Monmouth, New Jersey, hereby authorizes the Township Chief Financial Officer to cancel these balances and make the appropriate entries in the Township financial records.

RESOLUTION # 2011-425

WHEREAS, the Township of Marlboro Annual Financial Statement dated 12/31/10 reflects an amount of \$302,502.00 in a Reserve for Tax Map, and

WHEREAS, the annual maintenance of the tax map has been funded through budget appropriations in recent years, and

WHEREAS, the Reserve for Tax Map has been dormant and is no longer required.

NOW, THEREFORE, BE IT RESOLVED that the amount of \$302,502.00 remaining in the Reserve for Tax Map account in the Current Fund is hereby cancelled into the Current Fund Balance account.

RESOLUTION # 2011-426

RESOLUTION AUTHORIZING THE TAX COLLECTOR OF THE TOWNSHIP OF MARLBORO TO ENTER INTO AN INSTALLMENT PAYMENT AGREEMENT FOR THE COLLECTION/PAYMENT OF DELINQUENT WATER SERVICE CHARGES

WHEREAS, the provisions of *N.J.S.A. 40A:31-12* empower the governing body of a local municipal unit to authorize the payment and liquidation of delinquent water service charges on an installment basis in accordance with the provisions of *N.J.S.A. 54:5-19*; and

WHEREAS, the provisions of *N.J.S.A. 54:5-19* authorize installment payment agreements to be entered into between a municipal tax collector and the owner or owners of real property for the payment of property tax arrears and other charges that would constitute a lien against real property, including delinquent water service charges, provided that any such agreement is authorized by a general or special resolution, duly adopted by the municipal governing body, and provided, further, that the terms of any such agreement comply with the requirements and limitations set forth in *N.J.S.A. 54:5-19*; and

WHEREAS, Darren Granat and Kim Granat, the owners of 3 Sherbrooke Lane, which is designated as Block 267, Lot 15 on the Official Tax Map of the Township of Marlboro (hereinafter referred to as "Customer"), is a customer of the Marlboro Township Water

Utility Division, receiving water service under Account Number B04824 and Account ID Number 11299; and

WHEREAS, Customer has a delinquent Account balance of \$1,426.60 (exclusive of accrued interest), which is attributable to water service for the quarterly period ended July 31, 2011, and which was due for payment by August 31, 2011; and

WHEREAS, Customer has asserted a financial hardship with respect to the payment of the aforementioned past due water charges and has made a request for an installment payment plan in order to retire and fully pay said obligation; and

WHEREAS, Kelly A. Hahn, the Marlboro Township Tax Collector has requested approval from the Township Council of the Township of Marlboro to enter into an installment payment agreement with Customer and has presented a proposed form of agreement to the Township Council for review and consideration; and

WHEREAS, the aforesaid installment payment agreement, a copy of which is attached hereto as Exhibit A, complies with the provisions of *N.J.S.A. 54:5-19*, in that the agreement makes adequate provision for:

- The complete payment of all arrearages within the maximum period of time specified in the statute;
- The accrual, assessment, and payment of all statutory interest, as well as all administrative and delinquent charges, to which the Township of Marlboro is entitled;
- The prompt payment of all installments of arrears, as well as the prompt payment of future water service charges as same become due and owing;
- The termination of the installment payment arrangement in the event of any default by the Customer in complying with the terms of the agreement, including failure to remit all payments promptly, in which event the lien for outstanding water service charges shall be enforced as provided by law; and
- The right and entitlement of the Township of Marlboro to pursue all statutory and lawful remedies against the Customer in the event of a default, including, without limitation, the discontinuance of water service to the Customer's real property; and

WHEREAS, the Township of Marlboro wishes to acknowledge and accept the Customer's declaration of financial hardship, with the goal of collecting 100% of the amount due and owing to the Township in a reasonable, practical, and efficient manner;

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Marlboro that authorization is hereby given to Kelly A. Hahn, the Tax Collector of Marlboro Township, to enter into an installment payment agreement with Customer for the payment of past due water service charges totaling \$703.09 (exclusive of accrued interest), with the form of the agreement being substantially similar to that attached hereto and made a part hereof as Exhibit A; and

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

- a. Jonathan L. Hornik, Mayor
- b. Randi Marder, Council President
- c. Jonathan A. Capp, Business Administrator
- d. Alida Manco, Township Clerk
- e. Kelly A. Hahn, Tax Collector
- f. Darren & Kim Granat (Customer)
- g. DeCotiis, Fitzpatrick & Cole, LLP

RESOLUTION # 2011-427

RESOLUTION AUTHORIZING THE TAX COLLECTOR OF THE TOWNSHIP OF  
MARLBORO TO ENTER INTO AN INSTALLMENT PAYMENT AGREEMENT FOR THE  
COLLECTION/PAYMENT OF DELINQUENT WATER SERVICE CHARGES

WHEREAS, the provisions of *N.J.S.A. 40A:31-12* empower the governing body of a local municipal unit to authorize the payment and liquidation of delinquent water service charges on an installment basis in accordance with the provisions of *N.J.S.A. 54:5-19*; and

WHEREAS, the provisions of *N.J.S.A. 54:5-19* authorize installment payment agreements to be entered into between a municipal tax collector and the owner or owners of real property for the payment of property tax arrears and other charges that would constitute a lien against real property, including delinquent water service charges, provided that any such agreement is authorized by a general or special resolution, duly adopted by the municipal governing body, and provided, further, that the terms of any such agreement comply with the requirements and limitations set forth in *N.J.S.A. 54:5-19*; and

WHEREAS, NANCY FOLEY and MARIA-ELENA TOBIA, the owners of 6 Harvey Road, which is designated as Block 287, Lot 8 on the

Official Tax Map of the Township of Marlboro (hereinafter referred to as "Customer"), is a customer of the Marlboro Township Water Utility Division, receiving water service under Account Number A04133 and Account ID Number 3280; and

WHEREAS, Customer has a delinquent Account balance of \$899.65 exclusive of accrued interest), which is attributable to water service for the quarterly period ended September 30, 2011, and which was due for payment by October 31, 2011; and

WHEREAS, Customer has asserted a financial hardship with respect to the payment of the aforementioned past due water charges and has made a request for an installment payment plan in order to retire and fully pay said obligation; and

WHEREAS, Kelly A. Hahn, the Marlboro Township Tax Collector has requested approval from the Township Council of the Township of Marlboro to enter into an installment payment agreement with Customer and has presented a proposed form of agreement to the Township Council for review and consideration; and

WHEREAS, the aforesaid installment payment agreement, a copy of which is attached hereto as Exhibit A, complies with the provisions of *N.J.S.A. 54:5-19*, in that the agreement makes adequate provision for:

- The complete payment of all arrearages within the maximum period of time specified in the statute;
- The accrual, assessment, and payment of all statutory interest, as well as all administrative and delinquent charges, to which the Township of Marlboro is entitled;
- The prompt payment of all installments of arrears, as well as the prompt payment of future water service charges as same become due and owing;
- The termination of the installment payment arrangement in the event of any default by the Customer in complying with the terms of the agreement, including failure to remit all payments promptly, in which event the lien for outstanding water service charges shall be enforced as provided by law; and
- The right and entitlement of the Township of Marlboro to pursue all statutory and lawful remedies against the Customer in the event of a default, including, without limitation, the discontinuance of water service to the Customer's real property; and

WHEREAS, the Township of Marlboro wishes to acknowledge and accept the Customer's declaration of financial hardship, with the goal of collecting 100% of the amount due and owing to the Township in a reasonable, practical, and efficient manner;

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Marlboro that authorization is hereby given to Kelly A. Hahn, the Tax Collector of Marlboro Township, to enter into an installment payment agreement with Customer for the payment of past due water service charges totaling \$899.65 (exclusive of accrued interest), with the form of the agreement being substantially similar to that attached hereto and made a part hereof as Exhibit A; and

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

- a. Jonathan L. Hornik, Mayor
- b. Randi Marder, Council President
- c. Jonathan A. Capp, Business Administrator
- d. Alida Manco, Township Clerk
- e. Kelly A. Hahn, Tax Collector
- f. Nancy Foley (Customer)
- g. Maria-Elena Tobia Customer)
- h. DeCotiis, Fitzpatrick & Cole, LLP

RESOLUTION # 2011-428

RESOLUTION AUTHORIZING THE TAX COLLECTOR OF THE TOWNSHIP OF MARLBORO TO ENTER INTO AN INSTALLMENT PAYMENT AGREEMENT FOR THE COLLECTION/PAYMENT OF DELINQUENT WATER SERVICE CHARGES

WHEREAS, the provisions of *N.J.S.A. 40A:31-12* empower the governing body of a local municipal unit to authorize the payment and liquidation of delinquent water service charges on an installment basis in accordance with the provisions of *N.J.S.A. 54:5-19*; and

WHEREAS, the provisions of *N.J.S.A. 54:5-19* authorize installment payment agreements to be entered into between a municipal tax collector and the owner or owners of real property for the payment of property tax arrears and other charges that would constitute a lien against real property, including delinquent water service charges, provided that any such agreement is authorized by a general or special resolution, duly adopted by the municipal governing body, and provided, further, that the terms of any such agreement comply with the requirements and limitations set forth in *N.J.S.A. 54:5-19*; and

WHEREAS, Richard Gentile, the owner of 15 Brookside Circle, which is designated as Block 337, Lot 14 on the Official Tax Map of the Township of Marlboro (hereinafter referred to as "Customer"), is a customer of the Marlboro Township Water Utility Division, receiving water service under Account Number C05249 and Account ID Number 17798; and

WHEREAS, Customer has a delinquent Account balance of \$638.25 (exclusive of accrued interest), which is attributable to water service for the quarterly period ended September 30, 2011, and which was due for payment by October 31, 2011; and

WHEREAS, Customer has asserted a financial hardship with respect to the payment of the aforementioned past due water charges and has made a request for an installment payment plan in order to retire and fully pay said obligation; and

WHEREAS, Kelly A. Hahn, the Marlboro Township Tax Collector has requested approval from the Township Council of the Township of Marlboro to enter into an installment payment agreement with Customer and has presented a proposed form of agreement to the Township Council for review and consideration; and

WHEREAS, the aforesaid installment payment agreement, a copy of which is attached hereto as Exhibit A, complies with the provisions of *N.J.S.A. 54:5-19*, in that the agreement makes adequate provision for:

- The complete payment of all arrearages within the maximum period of time specified in the statute;
- The accrual, assessment, and payment of all statutory interest, as well as all administrative and delinquent charges, to which the Township of Marlboro is entitled;
- The prompt payment of all installments of arrears, as well as the prompt payment of future water service charges as same become due and owing;
- The termination of the installment payment arrangement in the event of any default by the Customer in complying with the terms of the agreement, including failure to remit all payments promptly, in which event the lien for outstanding water service charges shall be enforced as provided by law; and
- The right and entitlement of the Township of Marlboro to pursue all statutory and lawful remedies against the Customer in the event of a default, including, without

limitation, the discontinuance of water service to the Customer's real property; and

WHEREAS, the Township of Marlboro wishes to acknowledge and accept the Customer's declaration of financial hardship, with the goal of collecting 100% of the amount due and owing to the Township in a reasonable, practical, and efficient manner;

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Marlboro that authorization is hereby given to Kelly A. Hahn, the Tax Collector of Marlboro Township, to enter into an installment payment agreement with Customer for the payment of past due water service charges totaling \$638.25 (exclusive of accrued interest), with the form of the agreement being substantially similar to that attached hereto and made a part hereof as Exhibit A; and

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

- a. Jonathan L. Hornik, Mayor
- b. Randi Marder, Council President
- c. Jonathan A. Capp, Business Administrator
- d. Alida Manco, Township Clerk
- e. Kelly A. Hahn, Tax Collector
- f. Richard Gentile (Customer)
- g. DeCotiis, Fitzpatrick & Cole, LLP

RESOLUTION # 2011-429

RESOLUTION AUTHORIZING THE TAX COLLECTOR OF THE TOWNSHIP OF MARLBORO TO ENTER INTO AN INSTALLMENT PAYMENT AGREEMENT FOR THE COLLECTION/PAYMENT OF DELINQUENT WATER SERVICE CHARGES

WHEREAS, the provisions of *N.J.S.A. 40A:31-12* empower the governing body of a local municipal unit to authorize the payment and liquidation of delinquent water service charges on an installment basis in accordance with the provisions of *N.J.S.A. 54:5-19*; and

WHEREAS, the provisions of *N.J.S.A. 54:5-19* authorize installment payment agreements to be entered into between a municipal tax collector and the owner or owners of real property for the payment of property tax arrears and other charges that would constitute a lien against real property, including delinquent water service charges, provided that any such agreement is authorized by a general or special resolution, duly adopted by the municipal governing body, and provided, further, that the terms of

any such agreement comply with the requirements and limitations set forth in *N.J.S.A. 54:5-19*; and

WHEREAS, JEFFREY CORMAN and JENNIFER CORMAN, the owners of 67 Devonshire Drive, which is designated as Block 171, Lot 100 on the Official Tax Map of the Township of Marlboro (hereinafter referred to as "Customer"), is a customer of the Marlboro Township Water Utility Division, receiving water service under Account Number D03084 and Account ID Number 31312; and

WHEREAS, Customer has a delinquent Account balance of \$1802.79 exclusive of accrued interest), which is attributable to water service for the quarterly period ended September 30, 2011, and which was due for payment by October 31, 2011; and

WHEREAS, Customer has asserted a financial hardship with respect to the payment of the aforementioned past due water charges and has made a request for an installment payment plan in order to retire and fully pay said obligation; and

WHEREAS, Kelly A. Hahn, the Marlboro Township Tax Collector has requested approval from the Township Council of the Township of Marlboro to enter into an installment payment agreement with Customer and has presented a proposed form of agreement to the Township Council for review and consideration; and

WHEREAS, the aforesaid installment payment agreement, a copy of which is attached hereto as Exhibit A, complies with the provisions of *N.J.S.A. 54:5-19*, in that the agreement makes adequate provision for:

- The complete payment of all arrearages within the maximum period of time specified in the statute;
- The accrual, assessment, and payment of all statutory interest, as well as all administrative and delinquent charges, to which the Township of Marlboro is entitled;
- The prompt payment of all installments of arrears, as well as the prompt payment of future water service charges as same become due and owing;
- The termination of the installment payment arrangement in the event of any default by the Customer in complying with the terms of the agreement, including failure to remit all payments promptly, in which event the lien for outstanding water service charges shall be enforced as provided by law; and

- The right and entitlement of the Township of Marlboro to pursue all statutory and lawful remedies against the Customer in the event of a default, including, without limitation, the discontinuance of water service to the Customer's real property; and

WHEREAS, the Township of Marlboro wishes to acknowledge and accept the Customer's declaration of financial hardship, with the goal of collecting 100% of the amount due and owing to the Township in a reasonable, practical, and efficient manner;

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Marlboro that authorization is hereby given to Kelly A. Hahn, the Tax Collector of Marlboro Township, to enter into an installment payment agreement with Customer for the payment of past due water service charges totaling \$1802.79 (exclusive of accrued interest), with the form of the agreement being substantially similar to that attached hereto and made a part hereof as Exhibit A; and

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

- a. Jonathan L. Hornik, Mayor
- b. Randi Marder, Council President
- c. Jonathan A. Capp, Business Administrator
- d. Alida Manco, Township Clerk
- e. Kelly A. Hahn, Tax Collector
- f. Jeffrey Corman (Customer)
- g. Jennifer Corman (Customer)
- h. DeCotiis, Fitzpatrick & Cole, LLP

RESOLUTION # 2011-430

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 33-2011/12 (Off-Premise Merchandise) be and it is hereby granted to Monmouth County Education Association Philanthropic Fund, 28 Buckley Road, Marlboro, NJ 07746.

BE IT FURTHER RESOLVED that said Raffle will be held on April 19, 2012 at 5:00PM at Monmouth County Education Association Philanthropic Fund, 28 Buckley Road, Marlboro, NJ 07746.

RESOLUTION # 2011-431

WHEREAS, there are taxes for the year 2011 that remain outstanding on the following property as designated on the Marlboro

Township Tax Map: Block 214 Lot 42 Qualifier X, located on 521 Route 520,

WHEREAS, the aforementioned property was purchased by Monmouth County, and the Township Tax Collector has therefore recommended that taxes be cancelled being Monmouth County is tax exempt.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to cancel the balance of the 2010 taxes totaling \$1,709.84 as stated above.

RESOLUTION # 2011-432

WHEREAS, there are taxes for the year 2011 that remain outstanding on the following property as designated on the Marlboro Township Tax Map: Block 119.02 Lot 68.07, located on Tennent Road,

WHEREAS, the aforementioned property was conveyed to the Township of Marlboro, and the Township Tax Collector has therefore recommended that the same be cancelled.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to cancel the balance of the 2011 taxes totaling \$1,410.81 as stated above.

RESOLUTION # 2011-433

WHEREAS, there are taxes for the year 2011 that remain outstanding on the following property as designated on the Marlboro Township Tax Map: Block 180 Lot 9, located on Tennent Road,

WHEREAS, the aforementioned property was conveyed to the Township of Marlboro, and the Township Tax Collector has therefore recommended that the same be cancelled.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to cancel the balance of the 2011 taxes totaling \$6,492.15 as stated above.

RESOLUTION # 2011-434

WHEREAS, the Tax Assessor has granted a disabled veteran exemption for Mc Intosh, Raymond G., Block 299 Lot 146.01, located at 17 Bauers Lane,

WHEREAS, taxes were billed for the year 2011 in the amount of \$9,915.11, and

WHEREAS, this exemption became effective April 15, 2011 and taxes were paid for the second and third quarter of 2011, the above mentioned taxpayer is due a refund of \$ 3,736.91 and,

WHEREAS, the remaining 2011 taxes of \$ 6,253.21 need to be cancelled,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$3,736.91 to Mc Intosh, Raymond G. and cancel the remaining taxes of \$6,253.21.

RESOLUTION # 2011-435

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$10,594.23 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 \$10,594.23 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>
10-112 457 Route 79	150/1	Nithi Services LLC. 20 Almadera Drive Wayne, NJ 07470 Assessed Owner: NJ Home Funding Group, LLC	\$ 1,916.61
11-02 26 Rockwell Cir.	206/10	Josef Hoffmann 326 Shady Lane Trenton, NJ 08619 Assessed Owners: Daniel & Shari Miller	289.43
11-42 0 271 Stratford Pl.	178/2 C0271	BJI Financial Group, Inc. 111 Sandalwood Drive Marlboro, NJ 07746 Assessed Owner: Yong Zhao Yan	1,608.16
10-2 493 Texas Rd.	172/26	US Bank Cust for Pro Capital I, LLC  50 S 16 <sup>th</sup> St., Ste. 1950 Philadelphia, PA 19102	5,719.79



11-68	147	32.18		24824	Alvero Acquisition Corp.	197.32
20 Ellis Court						
10-40	178		2 c0147	13411	Nasdom, LLC	6.54
147 Tanglewood Place						
08-2	107		7	9592	Nasdom, LLC	9.66
13 Wicker Place						
11-6	176		7 C0719	16980	Nasdom, LLC	11.78
719 Snowdrop Court						
11-95	176		7 C0492	17393	Changsheng Lu	608.06
492 Tivoli Court						
11-96	176		7 C0713	17204	Changsheng Lu	577.52
713 Snowdrop Court						
11-98	178		2 C0253	12341	Changsheng Lu	418.77
253 Colby Place						
11-101	178	290	C0003	21784	Changsheng Lu	602.76
3 Westlake Court						
11-102	178	290	C0112	21877	Changsheng Lu	11.72
112 Nathan Drive						
11-104	192		4	13251	Changsheng Lu	413.90
35 Stony Hill Drive						
11-110	407	26		9823	Changsheng Lu	486.49
6 Swan Court						
TOTAL:						\$3,718.98

At 8:57 PM, Councilwoman Mazzola moved that the meeting be adjourned. This was seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: January 19, 2012

OFFERED BY: METZGER AYES: 5

SECONDED BY: MAZZOLA NAYS: 0

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ALIDA MANCO,  
MUNICIPAL CLERK

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RANDI MARDER,  
COUNCIL PRESIDENT