

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

July 12, 2012

The Marlboro Township Council held its regularly scheduled meeting on July 12, 2012 at 7:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Cantor 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 to the Asbury Park Press, the Star Ledger and News Transcript on January 9, 2012; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building, filed in the office of the Municipal Clerk and placed on the township website and Channel 77.

The Clerk called the Roll.

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

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

Councilman La Rocca moved that the minutes of June 7, 2012 be approved. This was seconded by Councilwoman Marder and passed on a roll call vote of 4 - 0 in favor with Council President Cantor abstaining.

Council President Cantor opened the Public Hearing on Ord. #2012-19 (Amend Chapter 337 - Trees). As there was no one who wished to speak, the Public Hearing was closed. The following Res. #2012-252/Ord. #2012-19 was introduced by reference, offered by Councilwoman Marder, seconded by Council Vice President Metzger and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-252

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

ORDINANCE # 2012-19

AN ORDINANCE AMENDING CHAPTER 337 OF THE CODE
OF THE TOWNSHIP OF MARLBORO ENTITLED "TREES"

which was introduced on June 7, 2012, public hearing held July 12, 2012, be adopted on second and final reading this 12th day of July, 2012.

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

Resolution #2012-254 (Zoning Board Appointment) was introduced by reference, offered by Councilman LaRocca and seconded by Council Vice President Metzger. Discussion followed, after which Councilwoman Mazzola motioned to table Resolution #2012-254. Appointment). This was seconded by Councilman LaRocca and passed on a roll call vote of 4 - 1 in favor of tabling, with Council President Cantor voting no.

The following Resolution #2012-255 (Bond Release Vintage Design) was introduced by reference, offered by Councilman LaRocca, seconded by Councilwoman Marder, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-255

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE
GUARANTEES FOR THE SITE KNOWN AS Vintage Design,
BLOCK 214.07, LOT 58, 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 Scott Carbone for release of the Township held Performance Guarantees in the form of a Bond and cash deposit for Site Improvements ("Public Improvements") on the Site known as "Vintage Design" (the "Site"), property known as Block 214.07, Lot 58, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by Monmouth Worship Center (the "Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed the Township Engineer's report dated June 4, 2012, 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. S03002509 issued by Grand Bank in the original amount of \$192,301.45, with a present value of \$57,690.43, and original cash deposit in the amount of \$21,366.83, with a present value of 6,410.05 plus

accrued interest, posted by the Developer and being held by the Township, be released in their entirety, conditioned upon the payment of any and all outstanding review and/or inspection fee charges to the time of the performance guarantee release and the posting of a two (2) year fifteen percent (15%) maintenance bond in the amount of \$26,708.54; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the above-described Performance Guarantee in the form of a Bond, Bond No. 503002509 issued by Grand Bank in the original amount of \$192,301.45, with a present value of \$57,690.43, and original cash deposit in the amount of \$21,366.83, with a present value of \$6,410.05 plus accrued interest, posted by the Developer and being held by the Township, be released in their entirety, conditioned upon the payment of any and all outstanding review and/or inspection fee charges to the time of the performance guarantee release and the posting of a two (2) year fifteen percent (15%) maintenance bond in the amount of \$26,708.54; and

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

- a. Scott Carbone
- b. Grand Bank
- c. Township Business Administrator
- e. Township Chief Financial Officer
- f. Township Engineer

The following Resolution #2012-256 (Bond Release - Dental Caring - 7 School Road East) was introduced by reference, offered by Council Vice President Metzger, seconded by Councilwoman Marder, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-256

RESOLUTION AUTHORIZING RELEASE OF A CASH MAINTENANCE
GUARANTEE FOR THE SITE KNOWN AS DENTAL CARING
SOUTH SITE PLAN, BLOCK 222, LOT 19, ALSO KNOWN AS
7 SCHOOL ROAD EAST, TOWNSHIP OF MARLBORO, NEW JERSEY

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro has received a request for release of the Township held Maintenance Guarantee in the form of a cash deposit for site improvements ("Private Improvements") on the Site known as "Dental Caring South" Site Plan (the "Site"), property known as

Block 222, Lot 19, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by J.E. Prasad and Sons, LLC (the "Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed the Township Engineer's report dated June 25, 2012, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the aforesaid report recommends that the current Maintenance Guarantee in the original amount of \$4,694.54 posted by the Developer as cash, and being held by the Township, may be released in its entirety with no restrictions; and

WHEREAS, the Township Council now wishes to take the following action regarding the aforesaid cash Maintenance 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 cash Maintenance Guarantee in the original amount of \$4,694.54 plus accrued interest posted by the Developer in connection with site improvements for the Dental Caring South site plan, Block 222, Lot 19- 7 School Road East, Marlboro Township, New Jersey shall be released in its entirety; and

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

- a. J.E. Prasad and Sons, LLC
- b. Business Administrator
- c. Township Chief Financial Officer
- d. Township Engineer

The following Resolution #2012-257 (Bond Release - Enclave at Glenbrook) was introduced by reference, offered by Council Vice President Metzger, seconded by Council President Cantor, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-257

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE
GUARANTEES FOR THE SITE KNOWN AS Enclave at Glenbrook,
BLOCK 412, LOT 165, 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 Dominick DeSimone for release of the Township held Performance Guarantees in the form of a Bond and cash deposit for Site Improvements ("Public

Improvements") on the Site known as "Enclave at Glenbrook" (the "Site"), property known as Block 412, Lot 165, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by Paragon Homes I, LLC (the "Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed the Township Engineer's report dated June 15, 2012, regarding the completion of the Public Improvements at the Site, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the aforesaid report recommends that the current Performance Guarantee in the form of a Bond, Bond No. B98808-016558 issued by American Southern Insurance Company in the amount of \$157,950.65 and cash deposit in the amount of \$17,550.07 posted by the Developer and being held by the Township, be released in their entirety, conditioned upon the payment of any and all outstanding review and/or inspection fee charges to the time of the performance guarantee release and the posting of a two (2) year fifteen percent (15%) maintenance bond in the amount of \$57,613.93; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the above-described Performance Guarantee in the form of a Bond, Bond No. B98808-016558 issued by American Southern Insurance Company in the amount of \$157,950.65 and cash deposit in the amount of \$17,550.07 posted by the Developer and being held by the Township, be released in their entirety, conditioned upon the payment of any and all outstanding review and/or inspection fee charges to the time of the performance guarantee release and the posting of a two (2) year fifteen percent (15%) maintenance bond in the amount of \$57,613.93; and

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

- a. Mimi Neuhaus
- b. American Southern Insurance Company
- c. Business Administrator
- d. Township Chief Financial Officer
- e. Township Engineer

As the consent agenda, the following Resolutions were introduced by reference, offered by Council Vice President Metzger, seconded by Councilwoman Mazzola and passed on a roll call vote of 4 - 0

in favor: Res. #2012-258 (Requesting Approval of Item of Revenue - Chapter 159 - Municipal Court Alcohol Education, Rehab Fund), Res. #2012-259 - Cancelling Highway Safety Fund), Res. #2012-260 (Authorizing Microsoft Enterprise Licensing Agreement - Year 2 - Capital 2012 - State Contract 77003), Res. #2012-261 (Authorize Amendment to State Contract #79829 for Diversified Storage Solutions - Police), Res. #2012-262 (Authorizing Purchase Motorola Radios - 2012 Capital - State Contract #53804, Res. #2012-263 (Approval of Final Payment and Close Out 2011 Road Improvement Project), Res. #2012-264 (Amend State Contract #73715 for Auto Parts & Supplies), Res. #2012-265 (Authorize Contract for Detention Basin Maintenance), Res. #2012-266 (Authorize Amendment for Shared Services Agreement with Board of Ed. - Janitorial), Res. #2012-267 (Authorize BVP Grant for Ballistic Vest Partnership), Res. #2012-268 (Authorize Clean Communities Grant Contribution), Res. #2012-269 (Authorize Agreement Mon. County - Fixed Route Transportation), Res. #2012-270 (Award of Bid Temporary Contract Labor Service), Res. #2012-271 (Award of State Contract #77560 - Renewal License Spatial Data Logic Enterprise License and Portal), Res. #2012-273 (Authorize Final Amendment to Contract for Environmental Engineering Services - 1979 Township Drive - B. 253, L. 2602), Res. #2012-274 (Authorizing Amendment to Contract for Engineering Services - Hamilton Park Septic System - Affordable Housing Trust), Res. #2012-275 (Authorize Municipal Alliance Grant Application 2013), Res. #2012-276 (Veteran Deduction - B. 371 - L. 160), Res. #2012-277 Tax Sale Certs - Various), Res. #2012-278 (Water refund - Acct. #69965).

RESOLUTION # 2012-258

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 2012 in the sum of \$1,780.78, which has been received by the

municipality for the "Municipal Court Alcohol Education, Rehabilitation and Enforcement Fund".

Section 2

BE IT FURTHER RESOLVED that the amount of \$1,780.78 be hereby appropriated under the caption "Municipal Court Alcohol Education, Rehabilitation and Enforcement Fund".

RESOLUTION # 2012-259

WHEREAS, Resolution # 2011-419 was a "Chapter 159" resolution for a grant entitled "Highway Safety Fund" in the amount of \$42,817.31, and

WHEREAS, it was not known at the time the resolution was passed that this grant was a reimbursement grant for expenditures that had already been made, and

WHEREAS, the Township received reimbursement for qualifying expenditures in the amount of \$42,817.31 in February of 2012, and

WHEREAS, the "Highway Safety Fund" grant still exists in the financial records of the Township of Marlboro,

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro, Monmouth County, State of New Jersey that the "Highway Safety Fund" in the amount of \$42,817.31 be cancelled as an appropriated grant and the amount received be realized as Miscellaneous Revenue Not Anticipated.

RESOLUTION # 2012-260

A RESOLUTION AUTHORIZING CONTRACT WITH DELL MARKETING LP FOR THE PURCHASE OF MICROSOFT SERVER AND CLIENT SOFTWARE IN THE TOWNSHIP OF MARLBORO INFORMATION TECHNOLOGY DEPARTMENT UNDER NJ STATE CONTRACT 77003

WHEREAS, the Marlboro Township Information Technology Department, as part of the Township's approved 2012 Capital Program (033-1), has recommended that the Township purchase Microsoft Server and Client software (Year 2) under the NJ State Contract 77003; and

WHEREAS, it is necessary for operations to upgrade the Township's Technology Infrastructure to the latest versions of Microsoft Server and Client software to more efficiently and securely serve the needs of the Township; and

WHEREAS, the most cost-effective way to purchase the software is by entering into an Enterprise Agreement with Microsoft which allows the Township to remain current on any future releases of all software purchased for a period of three years, at which point the Agreement can be extended at reduced costs for another 3 year period; and

WHEREAS, purchasing the software will allow for decreased operating expenses in future operating budgets as existing 3rd party systems are replaced by functionality included in the Microsoft software; 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, the Information Technology Department has reviewed the information received and has recommended that DELL MARKETING LP be awarded the contract based upon the quotation received; and

WHEREAS, funds are available the in Account Number C-04-11-002-949 and have been certified to by the Chief Financial Officer of the Township of Marlboro.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to contract with DELL MARKETING LP whose address is ONE DELL WAY, ROUND ROCK, TX 78682 for the provision of Microsoft Server and Client software under NJ State Contract 77003 in an amount not to exceed \$83,321.65; and

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

- a. DELL MARKETING LP
- b. Township Administrator
- c. Township Division of Police
- d. Township Chief Financial Officer

RESOLUTION # 2012-261

A RESOLUTION AUTHORIZING AN AMENDMENT TO
THE PURCHASE OF EVIDENCE STORAGE SOLUTION FOR

THE MARLBORO TOWNSHIP DEPARTMENT OF PUBLIC
SAFETY PURSUANT TO STATE CONTRACT #79829
UTILIZING LAW ENFORCEMENT TRUST FUNDS

WHEREAS, by Resolution 2012-128, the Township of Marlboro authorized the purchase of an Evidence Storage Solution from Diversified Storage Solutions, Inc.; and

WHEREAS, the Department is in need of pullout lockable drawers for the storage and shelving system for the Police Property and Evidence Room; and

WHEREAS, the Division of Police has requested that the Township purchase the needed equipment from Diversified Storage Solutions, Inc., 56 Buttonwood Street, Norristown, PA 19401, under State Contract #79829 for a total amount not to exceed \$528.56; 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, the improvements to the Property and Evidence Room are necessary for proper property and evidence storage in order to:

- Comply with the New Jersey Division of Criminal Justice Property and Evidence Manual
- Comply with the Monmouth County Uniform Evidence Procedures Manual
- Become certified under the CALEA Property and Evidence Storage Requirements; and

WHEREAS, funds are available from the Law Enforcement Trust Account T-14-56-857-807 for the amount of \$528.56 and have been certified to by the Chief Financial Officer of the Township of Marlboro.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase the needed equipment from Diversified Storage Solutions, Inc., 56 Buttonwood Street, Norristown, PA 19401, under State Contract #79829 for a total amount not to exceed \$528.56; and

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

- a. Diversified Storage Solutions, Inc.,
56 Buttonwood Street, Norristown, PA 19401
- b. Township Administrator
- c. Township Chief of Police
- d. Township Chief Financial Officer

RESOLUTION # 2012-262

A RESOLUTION AUTHORIZING THE PURCHASE OF
RADIOS FOR THE MARLBORO TOWNSHIP DEPARTMENT OF
PUBLIC SAFETY PURSUANT TO STATE CONTRACT #53804

WHEREAS, the Marlboro Township Department of Public Safety is undertaking the purchase of radios for utilization in police vehicles as part of the approved 2012 Capital Program (106-3); and

WHEREAS, Motorola Communications & Electronics, Inc. holds a State Contract for Radio Communication Equipment and Accessories including pagers and radios (#53804); and

WHEREAS, the Department of Public Safety has requested that the Township purchase two (2) radios and related equipment from Motorola C/O WPCS International, Inc., 1985 Swarthmore Ave., Lakewood, New Jersey 08701, under State Contract #53804 for a total amount not to exceed \$5,538.40; 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 are available in Capital Account Number C-04-01-018-928 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 equipment for the aforesaid purposes.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase two (2) radios and related equipment from Motorola C/O WPCS International, Inc., 1985 Swarthmore Ave., Lakewood, New Jersey 08701, under State Contract #53804 for a total amount not to exceed \$5,538.40; and

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

- a. Motorola C/O WPCS International, Inc.
1985 Swarthmore Ave., Suite 4
Lakewood, NJ 08701

- b. Township Administrator
- c. Township Department of Public Safety
- d. Township Chief Financial Officer

RESOLUTION # 2012-263

A RESOLUTION APPROVING CLOSE OUT CHANGE ORDER TO THE
EXISTING CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO
AND JADS CONSTRUCTION AND AUTHORIZING FINAL PAYMENT AND
ACCEPTANCE OF 2011 MARLBORO ROAD IMPROVEMENT PROGRAM

WHEREAS, by Resolution #2011-261 the Township of Marlboro authorized the award of a contract to JADS Construction for the 2011 Marlboro Road Improvement Program project(the "Project"); and

WHEREAS, Closeout Change Order has been requested resulting in a decrease in the original contract amount of \$1,160,300.50 to \$1,019,656.72, a net decrease of \$140,643.78; and

WHEREAS, in Letter dated June 25, 2012, the Township Engineer has recommended approval of the Closeout Change Order, acceptance of the Project improvements, and issuance of final payment in the amount of \$25,917.91; and

WHEREAS, pursuant to the terms of the contract, JADS Construction has provided a one-year maintenance bond in an amount equal to 15% of the final contract amount or \$152,949.00; and

WHEREAS, the Township Council of the Township of Marlboro has reviewed the Township Engineer's June 25, 2012 letter and is amenable to approving Closeout Change Order, accepting the Project improvements and issuing a final payment to JADS Construction in the amount of \$25,917.91 in order that the Project be completed, such Project being in the interests of the public health, safety and welfare.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that Closeout Change Order to the existing contract with JADS Construction, be and is hereby approved, decreasing the original contract total of \$1,160,300.50 to \$1,019,656.72, a net decrease of \$140,643.78.

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 \$25,917.91 for work completed by JADS Construction is hereby approved.

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

- a. JADS Construction
- b. Township Engineer
- c. Business Administrator
- d. Township Chief Financial Officer

RESOLUTION # 2012-264

RESOLUTION AUTHORIZING AMENDMENT TO AWARD OF
STATE CONTRACT TO HUDSON COUNTY MOTORS 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 2, 2012, 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.2012-068); and

WHEREAS, the Department of Public Works Division of Vehicle Maintenance has recommended a reduction in the original authorization for Edwards Tire Co, Inc. by \$3,000.00; and

WHEREAS, the Department of Public Works Division of Vehicle Maintenance desires to purchase additional auto and truck parts from Hudson County Motors for \$3,000.00 in order to maintain the Township vehicle fleet for the remainder of 2012; 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 Hudson County Motors.

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 Edwards Tire Co., Inc. and increase the authorization to purchase auto and truck parts from Hudson County Motors under State Contract #73715; 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

RESOLUTION # 2012-265

A RESOLUTION AWARDING CONTRACT TO MARLBORO
LAWN & LANDSCAPING, INC. FOR TOWNSHIP PROPERTY
MAINTENANCE FOR THE TOWNSHIP OF MARLBORO
DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for TOWNSHIP PROPERTY MAINTENANCE, and on June 26, 2012, received one (1) bid therefor; and

WHEREAS, the sole bid received was as follows:

COMPANY	Table 4A Existing Detention Basins	Table 4B Pending Basins	Section 6 Swim Club	Total
Marlboro Lawn & Landscaping, Marlboro	127,000*	10,000**	19,500	156,500

WHEREAS, it has been determined by the Business Administrator and Director of Public Works that the submission of the sole bidder, Marlboro Lawn & Landscaping, Inc. is responsive, subject to the following:

(*) The written bid provided for "Table 4A Existing Detention Basins" was incorrectly carried from the listing in Table 4A, which totaled \$132,400. As such, the unit prices provided will be adjusted downward to reflect the written bid amount of \$127,000.

(**) The written bid provided for "Table 4B Pending Basins" did not include unit prices, and as such is not recommended for award; and

WHEREAS, the Director of Public Works has recommended award of bid to the lowest responsible bidder as indicated in a memo dated July 3, 2012; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation of the Township Administration and Director 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 Marlboro Lawn & Landscaping, Inc. whose address is

146 Route 79, PO Box 122, Marlboro, NJ 07746 for TOWNSHIP PROPERTY MAINTENANCE FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS in an amount not to exceed \$146,500.00 for a term of one year, with an option to renew the contract for one additional two-year period or two additional one-year periods based upon the same terms and conditions as specified in the bid proposal. The Table 4B Pending Basins portion of the bid will not be awarded; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, contracts with Marlboro Lawn & Landscaping, Inc. in accordance with this resolution, the bid specifications, and in a form to be approved by the Township Attorney; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that sufficient funds in the amount of \$127,000.00 are available in T-16-58-856-806 and \$9,750 in 2-07-700-288 for the 2012 portion of the contract; and

BE IT FURTHER RESOLVED that funds for the 2013 portion of the contract will be certified by the Chief Financial Officer subject to approval of the 2013 budget; and

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

- a. MARLBORO LAWN & LANDSCAPING, INC.
- b. Township Administrator
- c. Township Director of Public Works

RESOLUTION # 2012-266

A RESOLUTION OF THE TOWNSHIP OF MARLBORO IN MONMOUTH COUNTY,
NEW JERSEY AUTHORIZING AN AMENDMENT TO THE SHARED SERVICES
AGREEMENT WITH THE MARLBORO BOARD OF EDUCATION TO PROVIDE
JANITORIAL SERVICES FOR THE MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro ("Township") is in need of janitorial services for the maintenance of its public buildings, and

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et seq., (the "Act") permits units of local government to share services for particular purposes and to effectuate agreements for any service or circumstance that will aid and encourage a reduction of local expenses; and

WHEREAS, the Township of Marlboro and Marlboro Board of Education ("BOE") are public bodies corporate and politic of the State of New Jersey and are authorized under New Jersey Law to enter into a Shared Services Agreement pursuant to the Act; and

WHEREAS, the Board has agreed to be the lead Agency and has prepared a specification for the joint bid for Custodial Services for the Board and Janitorial Services for the Township; and

WHEREAS, upon receipt of bids, both the Board and the Township will be responsible for the award of an individual contract and each enter a separate contract with the successful bidder for its respective services; and

WHEREAS, the BOE and the Township have negotiated the terms of a Shared Services Agreement, included as EXHIBIT A and incorporated into this resolution as if set forth at length herein; and

WHEREAS, information related to the joint bid process for custodial services was not included in the original shared services agreement; and

WHEREAS, the Administration and Department of Public Works have recommended the proposed amendment as representing the best value for Marlboro taxpayers; and

WHEREAS, the Municipal Council has indicated its desire to accept the recommendation of the Administration and Department of Public Works.

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

1. The above recitals are hereby incorporated into the body of this Resolution as if set forth at length herein.
2. The Shared Services Agreement shall be open to public inspection in the Clerk's office and shall take effect upon the adoption of a resolution and execution of the agreement by both parties.
3. The Mayor and Township Clerk are hereby authorized to execute a Shared Services Agreement, the terms of which are annexed hereto as EXHIBIT A.
4. A copy of the Shared Services agreement shall be filed, for informational purposes, with the Division of Local Government Services in the Department of Community Affairs.

RESOLUTION # 2012-267

RESOLUTION AUTHORIZING THE TOWNSHIP OF MARLBORO TO
APPLY FOR THE OFFICE OF JUSTICE PROGRAMS BULLETPROOF
VEST PARTNERSHIP GRANT ACT, U.S. DEPARTMENT OF JUSTICE
(BVP) FOR THE MARLBORO TOWNSHIP POLICE

WHEREAS, the U.S Department of Justice, FY 2012 Bulletproof Vest Partnership Grant Act (BVP) is provided to assist all eligible law enforcement agencies in offsetting costs of purchasing body armor vests for their officers; and,

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

WHEREAS, \$4,681.00 in funds have been designated for use by the Township; and

WHEREAS, the Township wishes to apply for the maximum amount of funding available to offset the costs for replacement vests due for officers during years August 2012 to August, 2014;and,

WHEREAS, the funding is a reimbursement that is requested after confirmation of receipt of the ballistic vest specifically to assist in covering 50% of costs towards 8 officer replacement vests due for replacement in 2013-2014 and 50% of 1 tactical ERT vest due for replacement in 2014.

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 a grant application to the U.S. Department of Justice, Ballistic Vest Partnership (BVP) and execute an agreement for funding from the FY2012 Bulletproof Vest Partnership.

RESOLUTION # 2012-268

WHEREAS, the Township of Marlboro is participating in a program funded through the Clean Communities Grant monies whereby either groups and/or residents can adopt a site in Town for clean up; and

WHEREAS, the monies awarded to these groups and/or residents is to be disbursed before the agreed upon services are completed in their entirety.

NOW, THEREFORE, BE IT RESOLVED that the Recycling/Clean Communities Coordinator is hereby authorized to process payments in the amounts depicted according to the following list:

Gateway Church of Christ

19 Reids Hill Road, Morganville, NJ 07751
Adoption Site 1: Union Hill Road Park and Ride - \$50.00
Adoption Site 2: 1979 Township Drive Sign - \$50.00

Jill Schmid
Daisy Troop 684
123 Classic Way, Morganville, NJ 07751
Adoption Site: Entrance to Recreation Center - \$50.00

Lucas Construction Group
173 Amboy Road, Morganville, NJ 07751
Adoption Site: 911 Memorial - \$100.00

Terry Lau
Jireh Church
55 Vanderburg Road, Marlboro, NJ 07746
Adoption Site: Aquatic Center - \$50.00

RESOLUTION # 2012-269

AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE
COUNTY OF MONMOUTH FOR FIXED ROUTE PUBLIC BUS
TRANSPORTATION WITHIN THE TOWNSHIP OF MARLBORO
THROUGH DECEMBER 31, 2012 PURSUANT TO
N.J.S.A. 40A:65-1 ET SEQ.

WHEREAS, the Board of Chosen Freeholders of the
County of Monmouth (hereinafter, "the County") has
established fixed route public bus transportation
within the Township of Marlboro through December 31,
2012; and

WHEREAS, the Township of Marlboro wishes to enter
into a Shared Services Agreement with the County for
the provision of the aforesaid transportation services
to residents of Marlboro Township; and

WHEREAS, the Shared Services Act, N.J.S.A. 40A:65-
1 et seq. authorizes local units (as defined in said
Act), to enter into joint agreements for the provision
of governmental services, including the transportation
services contemplated herein by adoption of a
resolution therefor; and

WHEREAS, the proposed Shared Services Agreement
for the provision of such transportation services is on
file in the Township Clerk's office in accordance with
the provisions of N.J.S.A. 40A:65-5(b); and

WHEREAS, the Chief Financial Officer has certified that funds are available for this agreement in the amount of \$1,500.00 from Account Number 2-01- -145-288.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, that the Mayor and Township Clerk are hereby authorized and directed to execute and witness, respectively, the proposed Shared Services Agreement with the County of Monmouth for the provision of fixed route public bus transportation within the Township of Marlboro through December 31, 2012; and

BE IT FURTHER RESOLVED, that, pursuant to the Shared Services Act, N.J.S.A. 40A:65-1, et seq., such Agreement shall be filed with and open to the public for inspection at the offices of the Town Clerk, and such Agreement shall take effect upon the adoption of appropriate resolutions by all parties thereto; and

BE IT FURTHER RESOLVED, that, pursuant to N.J.S.A. 40A:65-4(b), a copy of the Shared Services Agreement shall be filed with the Division of Local Government Services in the Department of Community Services for informational purposes; and

BE IT FURTHER RESOLVED that a duly certified copy of this Resolution be forwarded to the following parties:

- a. County of Monmouth, Board of Chosen Freeholders
- b. Division of Local Government Services, Dept. of Community Services
- c. Township Business Administrator

RESOLUTION # 2012-270

A RESOLUTION AWARDDING CONTRACT TO ANCHOR STAFFING FOR TEMPORARY PERSONNEL AGENCY SERVICES FOR THE DEPARTMENT OF PUBLIC WORKS WITHIN THE TOWNSHIP OF MARLBORO

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for TEMPORARY PERSONNEL AGENCY SERVICES FOR THE DEPARTMENT OF PUBLIC WORKS, and on March 22, 2012, received two (2) bids therefor; and

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

Company	A. Reg	Subtotal	B. OT Rate	Subtotal	TOTAL
		7,987		1 360	

	Rate /Hr	Hrs	/Hr	Hrs	
Anchor Staffing East Brunswick, NJ	14.45	115,412. 15	20.23	7,282.8 0	122,694.9 5
Broad Waverly Staffing LLC Red Bank, NJ	14.49	115,731. 63	21.20	7,632.0 0	123,363.6 3

WHEREAS, it has been determined that the submission of the apparent low bidder, ANCHOR STAFFING is responsive as detailed in a May 24, 2012 memo from the Director of Public Works; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation of the Director 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 ANCHOR STAFFING whose address is 754 ROUTE 18, Suite 105, East Brunswick, NJ 08816 for TEMPORARY PERSONNEL AGENCY SERVICES FOR THE DEPARTMENT OF PUBLIC WORKS, for a contract amount at prices specified in the bid proposal not to exceed \$122,694.95 for a term of one year, with an option to renew the contract based upon the same terms and conditions as specified in the bid proposal for an additional one (1) year period at the exclusive option of the Township; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, a contract with ANCHOR STAFFING, in accordance with this resolution, the bid specifications, and in a form to be approved by the Township Attorney.

BE IT FURTHER RESOLVED funds for the 2012 portion of the contract in the amount of \$56,467.52 have been certified by the Chief Financial Officer in accounts 2-01-123-288 and G-07-41-201-211.

BE IT FURTHER RESOLVED that funds for the 2013 portion of the contract will be certified by the Chief Financial Officer subject to approval of the 2013 budget; and

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

- a. ANCHOR STAFFING
- b. Business Administrator
- c. Township Director of Public Works

RESOLUTION AUTHORIZING AWARD OF STATE CONTRACT #77560
TO SHI FOR SPATIAL DATA LOGIC ENTERPRISE LICENSE
AND PORTAL FOR THE TOWNSHIP OF MARLBORO

WHEREAS, the Township of Marlboro currently utilizes Spatial Data Logic software for permitting and complaint tracking in several municipal departments; and

WHEREAS, the Township wishes to continue to migrate the software to all departments by renewing the Enterprise License of Spatial Data Logic; and

WHEREAS, the Marlboro Township Information Technology Division has recommended that the Township renew the Spatial Data Logic Enterprise License from SHI, 33 Knightsbridge Road, Piscataway, NJ 08854 under State Contract #77560 in an amount not to exceed \$40,000.00; 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 to obtain the Spatial Data Logic Enterprise License; and

WHEREAS, funds are available in Account 2-01- -033-281 for a combined amount not to exceed \$40,000.00 and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Township Council desires to approve the renewal of said software license;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to renew the Spatial Data Logic Enterprise License from SHI, 33 Knightsbridge Road, Piscataway, NJ 08854 under State Contract #77560 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. SHI
- b. Township Administrator
- c. Township Division of Information Technology
- d. Township Chief Financial Officer

RESOLUTION # 2012-273

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

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, Block 253, Lot 36.02 (AOC #10); 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, the New Jersey Department of Environmental Protection (NJDEP) required that the Township address any outstanding deficiencies associated with the Notices dated May 20 and June 2, 2011; and

WHEREAS, by Resolution 2011-417, the Township of Marlboro authorized a Professional Services agreement with Birdsall Services Group for environmental engineering services in connection with BLOCK 253, LOT 36.02 (MUNICIPAL COMPLEX) LOCATED AT 1979 TOWNSHIP DRIVE not to exceed \$13,850.00 (AOC #10); and

WHEREAS, in letters dated December 13, 2011 and December 29, 2011, the New Jersey Department of Environmental Protection (NJDEP) required that the Township address must address outstanding administrative deficiencies concerning through the appointment of a Licensed Site Remediation Professional (LSRP); and

WHEREAS, by Resolution 2012-049, the Township of Marlboro authorized an amendment to the Professional Services agreement with Birdsall Services Group for environmental engineering services in connection with BLOCK 253, LOT 36.02 (MUNICIPAL COMPLEX) LOCATED AT 1979 TOWNSHIP DRIVE not to exceed \$8,000.00 (AOC #10); and

WHEREAS, in a letter received on January 17, 2012, the New Jersey Department of Environmental Protection (NJDEP) identified seven (7) open areas of concern in connection with BLOCK 253, LOT 36.02 (MUNICIPAL COMPLEX) LOCATED AT 1979 TOWNSHIP DRIVE that

must be addressed by the Township's Licensed Site Remediation Professional (LSRP) ("Project") and

WHEREAS, by Resolution 2012-049, the Township of Marlboro authorized an amendment to the Professional Services agreement with Birdsall Services Group for environmental engineering services in connection with BLOCK 253, LOT 36.02 (MUNICIPAL COMPLEX) LOCATED AT 1979 TOWNSHIP DRIVE not to exceed \$8,000.00 (AOC #10); and

WHEREAS, by Resolution 2012-050, the Township of Marlboro authorized an amendment to the Professional Services agreement with Birdsall Services Group for environmental engineering services in connection with BLOCK 253, LOT 36.02 (MUNICIPAL COMPLEX) LOCATED AT 1979 TOWNSHIP DRIVE not to exceed \$17,000.00 (AOC #8-9, 11-14); and); and

WHEREAS, Birdsall Services Group has provided a proposal dated July 2, 2012 (the "Proposal") for Professional Services to complete the final phase of the project (AOC #8-9, 11-14) in accordance with New Jersey DEP Green Acres standards including remediation of the affected area; 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 in an amount not to exceed \$21,012.00 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 Capital Account #C-04-12-012-879; 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 ("Professional Services"), at a fee not to exceed \$21,012.00 for such Professional Services, as further described and set forth in Birdsall's Proposal dated July 2, 2012, 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 \$21,012.00 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. Business Administrator
- c. Township Chief Financial Officer

RESOLUTION # 2012-274

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 REBUILDING AND REPLACEMENT OF LEACH FIELDS AT HAMILTON PARK UTILIZING FUNDING ALLOCATED IN THE TOWNSHIP'S AFFORDABLE HOUSING SPENDING PLAN

WHEREAS, the Township of Marlboro's Fair Share Plan promotes an affordable housing program pursuant to the Fair Housing Act (N.J.S.A. 52:27D-301, et. seq.) and COAH's Third Round Substantive Rules (N.J.A.C. 5:97-1, et. seq.); and

WHEREAS, Hamilton Park was created and credited as affordable housing pursuant to the terms of a 1985 consent order; and

WHEREAS, on October 13, 2010, the Township entered into a lease agreement with the Midway Mobile Homeowners Association, Inc as to Hamilton Park which provided that the Township will assume responsibility, out of the Affordable Housing Trust Fund, for rebuilding or replacement of the "leach fields" should they malfunction; and

WHEREAS, by Resolution 2012-213 the Township adopted a revised spending plan which included an allocation for "HAMILTON MOBILE HOME PARK CAPITAL IMPROVEMENTS"; and

WHEREAS, the Township Engineer determined that the four leach fields need to be rebuilt and the estimated cost is \$424,000.00; and

WHEREAS, by Ordinance 2012-013, the Township appropriated \$424,000.00 FROM THE AFFORDABLE HOUSING TRUST FUND FOR THE REBUILDING AND REPLACEMENT OF LEACH FIELDS AT HAMILTON PARK ("the Project"); and

WHEREAS there is pending the matter of Ohad Associates, LLC, et al. v. Township of Marlboro, et al. Docket No. L-2599-12 in the New Jersey Superior Court, Law Division, and the Court has stayed the expenditure of Township affordable housing trust funds, but has exempted from this stay the Township's expenditure of funds to address the Project as set forth in an Order entered on June 27, 2012; and

WHEREAS, the estimated required funds needed for this purpose are currently available in the Affordable Housing Trust Fund of the Township of Marlboro; and

WHEREAS, CME Associates has provided a proposal dated April 5, 2012 (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 \$174,000.00 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 # C-04-12-012-879; 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 to oversee, review and approve plans and services in connection with the REBUILDING AND REPLACEMENT OF LEACH FIELDS AT HAMILTON PARK ("Professional Services"), at a fee not to exceed \$174,000.00 for such Professional Services, as further described and set forth in CME's Proposal dated April 5, 2012 ("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 \$174,000.00 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. Business Administrator
- c. Township Chief Financial Officer

RESOLUTION # 2012-275

RESOLUTION AUTHORIZING THE MARLBORO TOWNSHIP
ALLIANCE TO PREVENT ALCOHOLISM AND DRUG ABUSE
TO APPLY FOR THE 2013 GRANT

WHEAREAS, the Marlboro Township Alliance to Prevent Alcoholism and Drug Abuse provides a wide range of educational services to the residents of Marlboro Township for the prevention of alcohol and drug abuse; and

WHEREAS, the Alliance to Prevent Alcoholism and Drug Abuse requires funding from the Monmouth County Board of Alcohol and Drug Abuse Services in order to continue to provide these services to the residents of the Township of Marlboro.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Mayor and Township Council of the Township of Marlboro that the appropriate municipal officials be and are hereby authorized to execute the 2013 Update Grant Application for Funds and Services on behalf of the Alliance to Prevent Alcoholism and Drug Abuse for the purpose of obtaining funding for the provision of programs for the prevention of and education regarding alcohol and drug abuse, a copy of which is on file in the Township Clerk's office and available for public inspection; and

BE IT FURTHER RESOLVED that the Township Clerk is hereby directed to forward executed copies of the Agreement to the Monmouth County Board of Alcohol and Drug Abuse Services.

RESOLUTION # 2012-276

WHEREAS, the Tax Assessor has granted a disabled veteran exemption for Kaufman, Murray & Miriam J. Block 371 Lot 160, located at 66 Peasley Drive,

WHEREAS, taxes were billed for the first half of 2012 in the amount of \$ 2,445.45, and

WHEREAS, this exemption became effective January 1, 2012 and taxes were paid for the first half of 2012, the above mentioned taxpayer is due a refund of \$ 2,445.45 and,

WHEREAS, the first half of 2012 taxes of \$ 2,445.45 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 \$ 2,445.45 to Kaufman, Murray & Miriam J. and cancel the remaining taxes of \$ 2,445.45.

RESOLUTION # 2012-277

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$144,979.27 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 \$144,979.27 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>
2012-019 117 Greenwood Rd.	120/11	Inna or Jack Gelin 1662 East 24 th Street Brooklyn, NY 11229 Assessed Owners: Robert & Anna Kot	\$1,378.64
2012-049 1005 Tarragon Ct.	176/7 C1005	Actlien Holding Inc. 10 Westminster Rd. Rockville Centre, NY 11570 Assessed Owner: Tara Long (Estate)	1,244.74
09-12 30 Pleasant Valley Rd.	159/3.44	Plymouth Park Tax Services, LLC P.O. Box 5822 New York, NY 10087-5822 Assessed Owner: Chang Lei Ven	5,402.57
10-79 577 Route 520	214/18	Frank J. Festa, Jr. P.O. Box 97 Scotch Plains, NJ 07076-0097 Assessed Owner: Vincenzo Scaramuzzino	19,811.72
12-017 400 Perry St.	119.01/72	US Bank CUST for Pro Capital I, LLC 50 S 16 th St., Ste.1950 Philadelphia, PA 19102 Assessed Owners: Daniel & Jaime Krokovic	475.89
<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>LIENHOLDER</u>	<u>AMOUNT</u>
12-055 5 Churchill Ct.	184/80	C & E Tax Lien Fund I P.O. Box 23-1308 New York, NY 10023 Assessed Owners:	7,627.21

Emmanuel & Suzie Coffy

12-022	122/27.02	Bulkwark Systems, LLC	616.87
493 Route 79		22 Emily Road Manalapan, NJ 07726	
		Assessed Owner: M & M At 483 Route 79 LLC	
12-052	178/2 C0287	Inna or Jack Gelin	1,085.32
287 Stratford Pl.		1662 East 24 th St. Brooklyn, NY 11229	
		Assessed Owners: Alla Glozshteyn & Oleg Glozshteyn	
12-031	148/14	Actlien Holding Inc.	328.29
139 Tennent Rd.		10 Westminster Rd. Rockville Centre, NY 11570	
		Assessed Owners: Leone & Laura Mancini	
12-037	157/3.27	Bulkwark Systems, LLC	194.12
Farm Bridge Rd.		22 Emily Road Manalapan, NJ 07726	
		Assessed Owner: Enclave At Cannon Hill LLC	
11-82	132/49	Stonefield Investment	11,844.89
134 Nolan Rd.		Fund I, LLC 21 Robert Pitt Dr.#202 Monsey, NY 10952	
		Assessed Owner: Douglas Radeke	
12-040	160/66	KCTS Investments LLC	1,090.08
415 Coral Ct.		4 C Colfax Manor Roselle Park, NJ 07204	
		Assessed Owners: Anthony & Cindy Spadola	

<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>LIENHOLDER</u>	<u>AMOUNT</u>
11-87	214/50	Stonefield Investment	45,015.74
156 Boundary Rd.		Fund I, LLC 21 Robert Pitt Dr.#202	

Monsey, NY 10952

Assessed Owner:

Vams Brook, LLC

10-74	331/34	FNA Jersey Lien	25,030.23
60 Robertsville Rd.		Services, LLC	
		575 Route 70, 2 nd Fl.	
		P.O. Box 1030	
		Brick, NJ 08723	
		Assessed Owner:	
		Betty Mak	

12-021	120.04/11	Rosehill Fund I, LLC	23,832.96
123 Bramble Dr.		P.O. Box 503	
		Rye, NY 10580	
		Assessed Owners:	
		Salvatore & Anna	
		Sciancalepore	

TOTAL: \$144,979.27

RESOLUTION # 2012-278

WHEREAS, the attached list in the amount of \$32.00 known as Schedule "A", is comprised of amounts representing refund of hydrant meter deposits,

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

SCHEDULE "A"

<u>Account#</u>	<u>WATER CUSTOMER</u>	<u>AMOUNT</u>
69965	Louis Benito	\$ 32.00
18 Aspen Ave	6 Saupe Drive	
	Manalapan, NJ 07726	

The following Resolution #2012-272 (Authorize Amendment to Contract for Conflict Engineer) was introduced by reference, offered by Council Vice President Metzger and seconded by Councilman LaRocca. Councilwoman Mazzola asked for the status of

the litigation. Township Attorney Louis N. Rainone gave an update, stating that there has not been a decision given yet. After discussion, the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-272

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES CONTRACT BETWEEN BIRDSALL SERVICES GROUP AND THE TOWNSHIP OF MARLBORO FOR EXPERT CONFLICT/ALTERNATE ENGINEERING SERVICES IN CONNECTION WITH HIGHLAND MEADOWS, LLC v. TOWNSHIP OF MARLBORO. v. FIRST INDEMNITY OF AMERICA INSURANCE COMPANY IN THE TOWNSHIP OF MARLBORO

WHEREAS, the Township of Marlboro has been sued by Highland Meadows, LLC, filed a Counterclaim against Highland Meadows, LLC, and filed a Third-Party Complaint against First Indemnity of America Insurance Company as a result of issues regarding performance guarantees and roadway and other construction; and

WHEREAS, the Township Attorney requires professional engineering expert services (the "Professional Services") in connection with the Highland Meadows, LLC v. Township of Marlboro v. First Indemnity of America Insurance Company, proceeding in the Superior Court of New Jersey, Monmouth County, (Highland Point, Sect. 2B & 3), Marlboro Township, New Jersey (the "Project"); and

WHEREAS, Birdsall Services Group has provided a proposal dated June 25, 2012 (the "Proposal") for such Professional Services in connection with the Case; and

WHEREAS, by Resolution 2009-371 and 2010-177, the Township of Marlboro authorized amendments to a Professional Services agreement with Birdsall Services Group for conflict engineering services related to the Highland Point project; and

WHEREAS, by Resolution 2012-012, the Township of Marlboro authorized a Professional Services agreement with Birdsall Services Group for conflict engineer services; and

WHEREAS, the Township of Marlboro and Birdsall Services Group have previously entered into a Professional Services Contract for Conflict / Alternate Engineering services, 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 a fee not to exceed \$15,000.00 for such Professional Services as further described and set forth in Birdsall's Proposal, attached hereto and made a part hereof; and

WHEREAS, it has been determined that the value of the contract will exceed \$17,500.00; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose from Account #2-01-050-280; 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, such services are to be performed and rendered by a person or persons licensed and authorized by law to practice such engineering services, and accordingly, such services constitute professional services exempt from public bidding pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-5(1)(a)(i); 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 EXPERT CONFLICT/ALTERNATE ENGINEERING SERVICES IN CONNECTION WITH Highland Meadows, LLC v. Township of Marlboro v. First Indemnity of America Insurance Company ("Professional Services"), at a fee not to exceed \$15,000.00 for such Professional Services, as further described and set forth in Birdsall's Proposal dated June 25, 2012, 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 \$15,000.00 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. Birdsell Services Group, 611 Industrial Way West, Eatontown, NJ 07724
- b. Business Administrator
- c. Township Chief Financial Officer

At 8:25 PM, Councilwoman Marder moved that the meeting be adjourned. This was seconded by Councilman LaRocca, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: AUGUST 9, 2012

OFFERED BY: METZGER AYES: 5

SECONDED BY: MARDER NAYS: 0

ALIDA MANCO,
MUNICIPAL CLERK

JEFF CANTOR,
COUNCIL PRESIDENT