

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

January 19, 2012

The Marlboro Township Council held its regularly scheduled meeting on January 19, 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 (7:10PM), 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.

Council Vice President Metzger moved that the minutes of December 8, 2011 be approved. This was seconded by Councilwoman Mazzola and passed on a roll call vote of 5 - 0 in favor.

Council Vice President Metzger moved that the minutes of December 19, 2011 be approved. This was seconded by Councilwoman Mazzola and passed on a roll call vote of 4 - 0 in favor with Council President Cantor abstaining.

The following Resolution #2012-46/Ordinance #2012-2 (Amending Chapter 88 - Recognized Amusement Park) was introduced by reference, offered by Council Vice President Metzger and seconded by Council President Cantor. There was a brief discussion between Council members, Louis N. Rainone, Esq. and Business Administrator Jonathan Capp after which the resolution/ordinance was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-46

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

ORDINANCE # 2012-2

AN ORDINANCE AMENDING, SUPPLEMENTING AND RE-NAMING CHAPTER 88, "AMUSEMENT DEVICES", OF THE CODE OF THE TOWNSHIP OF MARLBORO TO "AMUSEMENT DEVICES AND AMUSEMENT PARKS", TO INCLUDE PROVISIONS FOR RECOGNIZED AMUSEMENT PARKS

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 February 2, 2012 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 # 2012-2

AN ORDINANCE AMENDING, SUPPLEMENTING AND RE-NAMING CHAPTER 88, "AMUSEMENT DEVICES", OF THE CODE OF THE TOWNSHIP OF MARLBORO TO "AMUSEMENT DEVICES AND AMUSEMENT PARKS", TO INCLUDE PROVISIONS FOR RECOGNIZED AMUSEMENT PARKS

BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that Chapter 88, Amusement Devices, be and is hereby amended, supplemented and renamed Amusement Devices and Amusement Parks, to include provisions for recognized amusement parks as follows:

CHAPTER 88  
AMUSEMENT DEVICES AND AMUSEMENT PARKS

BE IT FURTHER ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that Chapter 88, Amusement Devices and Amusement Parks, be and is hereby amended, supplemented to re-codify §§ 88-1 through 88-12 as Article I, Amusement Devices; and

BE IT FURTHER ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that Chapter 88, Amusement Devices and Amusement Parks, be and is hereby amended, supplemented to include a new Article II, entitled, Recognized Amusement Parks, to include provisions for recognized amusement parks as follows:

## ARTICLE II - RECOGNIZED AMUSEMENT PARKS

### § 88-13. Definitions.

As used in this article, the following terms shall have the meanings indicated:

GAME - A game or games played for amusement or entertainment, in which the person or player actively participates and the outcome of which is not in the control of the operator, and which is so conducted that the sale of a right to participate, the event which determines whether a player wins or loses and the award of the prize, all occur as a continuous sequence at the time when and place where the player or players are all present.

OPERATOR - Any person or entity in whose premises a mechanical or electronic amusement device is placed or kept for operation by the public.

PUBLIC OR QUASI-PUBLIC PLACE - Any building, store, marketplace, club, tavern, inn, cocktail lounge, restaurant, hotel or other premises wherein the public is expressly or impliedly invited or may enter.

RECOGNIZED AMUSEMENT PARK - a commercially operated, permanent business, open to the public at least 31 consecutive days annually, whose acreage is designed and themed for the primary purpose of providing participatory amusements, incorporating rides or water slides licensed in accordance with N.J.S.A. 5:3-1, et seq., and food and merchandise concessions in permanent structures, available for use by the general public.

### § 88-14. Designation of Amusement and Entertainment Center.

It is hereby determined, decided and declared that there exists within the Township of Marlboro a recognized amusement park and entertainment area in accordance with the definition contained in §88-13, located on 480 Route 9N, Marlboro, New Jersey, also known as Lot 113.01 in Block 299, as shown on the Official Tax Map of the Township of Marlboro, Monmouth County, New Jersey, which amusement park and entertainment center is to be known and designated as "Day 2 Night".

### § 88-15. License Required to Operate Games.

It shall be unlawful for any person, firm or corporation to own, conduct or operate within this municipality any amusement game or games as said amusement game or games are defined by the Amusement Games Licensing Law, N.J.S.A. 5:8-100 et seq., as amended from time to time, and in § 88-13 "Definitions",

hereinabove, whether said amusement game or games are of skill or chance, or both and whether said amusement game is played and operated with or without numbers, symbols, or figures without first having obtained a proper license from the Business Administrator of the Township of Marlboro. Said license shall be issued subject to the provisions of the Amusement Games Licensing Law and the Revised Amusement Games Regulations, effective April 11, 1966, promulgated by the Office of Amusement Games Control, Department of Law and Public Safety of the State of New Jersey.

§ 88-16. Application Requirements.

- A. Each applicant for such license shall file with the Business Administrator a written application in such form as prescribed by and in accordance with the Amusement Game Licensing Law, as amended from time to time. The annual fee for said license shall be \$250.00, plus an additional \$10.00 fee per each machine over fifty (50) machines. Said annual fee shall be payable without proration and shall accompany the license application. Said application shall contain the minimum information required by N.J.S.A. 5:8-102 and shall require the applicant to furnish information required by N.J.S.A. 5:8-103, as amended from time to time. Each application shall include proposed rules and regulations designed to govern conduct on the licensed premises and shall state the number and description of the games to be licensed.
- B. Upon receipt of the application, the Business Administrator shall refer the original application to the Chief of Police and copies thereof to the Zoning Officer, Code Enforcement Officer and Fire Official. Thereupon, the Chief of Police or his designee shall cause an investigation to be undertaken into the character, moral turpitude and fitness of the applicant and shall file an investigative report incorporating the findings made and recommendation thereon with the Business Administrator within 30 days of referral.
- C. In the case of an application for an operator license, the Zoning Officer or Code Enforcement Officer may, during the said investigatorial period, make an investigation of the premises and of the applicant to determine the truth of the facts set forth in the application as well as compliance with all applicable code provisions. In addition, the Fire Official, or his designee, may inspect the premises to determine whether said premises comply with existing fire regulations of the Township. The Zoning Officer, Code Enforcement Officer and Fire Official may, upon completion of their inspections, attach to said application their reports thereon, in writing, and deliver the same to the Business Administrator within the same time period.

- D. Upon receipt of said application and inspection reports, if any, the Business Administrator shall thereafter render a decision upon the application within 10 days. If the application is approved, the Business Administrator shall issue the license. Upon disapproval, the Business Administrator shall be directed to return the fee deposited with the application to the applicant, along with a written explanation as to the reasons for the denial. Upon completion, the Business Administrator shall file the application after making notation upon it of the action taken.
- E. If approval for the license is granted, the Zoning Officer, Code Enforcement Officer and Fire Official may continue to make periodic inspections of the premises in which the licensed device(s) is/are located in order to assure compliance with all applicable code provisions.

§ 88-17. Issuance of License; Certificate; Display.

- A. Upon proof of compliance with all applicable requirements, the Township Council shall authorize the issuance of a license, to be effective for not more than one year, by resolution, said license to be effective for a term of one year, commencing on the date of issuance and terminating on December 31 in each year. Said resolutions shall specifically recite that the premises to be licensed are located in a recognized amusement and entertainment center within the municipality. A certified copy of the resolution shall be transmitted, together with a copy of the application and license certificate issued to the Legalized Games of Chance Controls Commission. No license shall issue unless the applicant has complied with all of the requirements of N.J.S.A. 5:8-100 et seq. and N.J.A.C. 13:1-1.1 et seq., as amended from time to time.
- B. Each license certificate shall be in the form prescribed by the Legalized Games of Chance Controls Commission and shall indicate: the name of the licensee; the address of the licensed premises; the name or description of the kind of games licensed; the amount of fee paid; a statement of the hours between which such games may be conducted.
- C. Each license shall be conspicuously displayed at the place where the game is to be conducted at all times during conduct thereof.
- D. Each Licensee shall notify the Township of any material change of any relevant fact regarding the License application within ten (10) days of the occurrence thereof.

§ 88-18. Hearing prior to refusal of license; amendments.

A. No application for the issuance of a license shall be refused by the Township Council until after a hearing is held on due notice to the applicant at which time the applicant shall be entitled to be heard upon the qualifications of the applicant and the merits of the application.

B. Any license issued under this article may be amended upon application made to the Township Council, if the subject matter of the proposed amendment could lawfully have been included in the original license.

§ 88-19. Control and Supervision.

The Township Council shall have and exercise control and supervision over all amusement games operated or conducted under such license with all of the powers authorized and granted to it under the Amusement Games Licensing Law and all amendments and supplements thereto.

§ 88-20. Forfeiture of license for certain acts.

In the event any licensee shall violate any of the provisions of this article, the Amusement Games Licensing Law, the rules and regulations promulgated by the Legalized Games of Chance Controls Commission or the specific terms of the license, such licensee shall be a disorderly person and if convicted as such shall in addition to suffering any other penalties which may be imposed, suffer forfeiture, revocation or suspension of any license issued under this article.

§ 88-21. Violations and Penalties.

Any person who violates any provision of this article shall, upon conviction thereof, in addition to the provisions of §§ 88-20 herein, be punished as provided in § 4-3 of the Code. Each day that a violation occurs or is committed shall constitute a separate offense.

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

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

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

The following Resolution #2012-47/Ordinance #2012-3 (Amending Various Fees) was introduced by reference, offered by Councilwoman Mazzola and seconded by Council Vice President Metzger. After discussion, the resolution/ordinance was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-47

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

ORDINANCE # 2012-3

AN ORDINANCE AMENDING AND SUPPLEMENTING LICENSING AND PERMITTING FEES FOR: CONSTRUCTION CODES, UNIFORM; ALCOHOLIC BEVERAGES; PARKING AT MUNICIPAL FACILITIES; LAND USE AND DEVELOPMENT; TREES; PARKS AND RECREATION; SOLID WASTE SERVICES; AND PARKS AND RECREATION FACILITIES; AND WATER SERVICE RATES OF THE CODE OF 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 February 2, 2012 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 #2012-3

AN ORDINANCE AMENDING AND SUPPLEMENTING LICENSING AND PERMITTING FEES FOR: CONSTRUCTION CODES, UNIFORM; ALCOHOLIC BEVERAGES; PARKING AT MUNICIPAL FACILITIES; LAND USE AND DEVELOPMENT; TREES; PARKS AND RECREATION; SOLID WASTE SERVICES; AND PARKS AND RECREATION FACILITIES; AND WATER SERVICE RATES OF THE CODE OF THE TOWNSHIP OF MARLBORO

BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that the following sections of the Marlboro Township Code be and are

hereby amended and supplemented to increase the fees for licensing and permitting as follows:

SPECIFIC PROVISION	CODE LOCATION	TYPE OF FEE, CHARGE OR RATE	FEE
Certificates of Occupancy	Construction Code, Uniform 125-3(A)(6)(c)	Certificate of Continued Occupancy (All)	\$125.00
Liquor Licenses	Alcoholic Beverages 82-3(B)	Plenary Retail Distribution License	\$1,542.00
General Zoning Permit Fee	220 Land Use Fee Schedule A Attachment 6	<u>Retaining Walls</u>	\$75.00 per 50 linear foot of wall
		Zoning permit-7 Patios/Decorative Walls/ <u>Stanchions</u>	\$100.00 per item
Parking Permits	Parking at Municipal Facilities 258-4(C)(1) 258-4(C)(2)	Application for permit and permission to use per permit year	\$201.00
		Pro-rata amount per month for permits requested after April	\$16.75
Recreation Program Fees	Parks and Recreation 265-2(A) 265-2(B)	Basketball program, all grades: not to exceed	\$162.50
		Soccer Program, all grades: not to exceed	\$227.50
Recreation Program Fees	265-2(C)	Wrestling Program, all grades: not to exceed	\$143.00
	265-2(D)	Summer Camp: not to exceed	\$1,137.50
	265-2(E)	Travel camp: not to exceed	\$1,430.00
	265-2(G)	Open Gym, youth: not to exceed	\$91.00
	265-2(H)	Open gym, adult: not to exceed	\$91.00
	265-2(K)	Special needs programs: not to exceed	\$162.50

SPECIFIC PROVISION	CODE LOCATION	TYPE OF FEE, CHARGE OR RATE	FEE
	265-2(N)	Senior citizen activities: not to exceed	\$184.60
	265-2(Q)	Aquatic Camp: not to exceed	\$227.50
	265-2(T)	Lacrosse Program, all grades: not to exceed	\$175.50
Membership and Other Fees	Marlboro Swim Club 265-18(E)(5)(a)	Swim Club Day Camp; Residents. Full Day	\$675.00
		Swim Club Day Camp; Residents. Half Day	\$525.00
	265-18(E)(5)(b)	Swim Club Day Camp; Nonresidents Full Day	\$775.00
		Swim Club Day Camp; Nonresidents. Half Day	\$575.00
Guest Books	Aquatic Center 265-35(A)	Guest Book Coupons. The fee for a guest book of 20 coupons shall be \$3.00 per coupon or \$60.00 per book	\$60.00
		265-35(B)	Guest Book Coupons. (Adult 4 tickets)
		Guest Book Coupons. (Child 2 tickets)	\$6.00
		Guest Book Coupons. (Senior 2 tickets)	\$6.00

BE IT FURTHER ORDAINED, by the Township Council of the Township of Marlboro that Chapter 220 entitled, Land Use and Development, is hereby amended and supplemented as follows:

1. Section 220-23, Plot Plans and As-Built Survey, is amended to include new Sub-Sections 220-23(K)(1) and (2) as follows:

§220-23(K)(1) - Single Lot Development Inspection Fee. There shall be a fee of \$500.00 for inspections for each single

lot redevelopment Application to prevent grading and/or drainage-type issues relative to adjacent parcels.

§220-23(K)(2) - Building Addition Engineering Review Fee. There shall be a fee of \$50.00 fee per review required for reviews of additions to existing structures.

2. Section 220-126(A)(1) Certificate of Occupancy is amended as follows: No building, structure or land shall be occupied or used until such time as a certificate of occupancy is issued by the Building Inspector. Such certificate shall be issued upon application by the owner, prospective occupant or purchaser only after the Building Inspector determines that the facts represented on the application are correct and that the building, structure or use is in conformance with the provisions of this chapter, the Building Code and other codes and ordinances affecting construction and occupancy. Notwithstanding these provisions, applicants must comply with the requirements of Chapter 125, Construction Codes, Uniform of the Code of the Township of Marlboro for the issuance of a Certificate of Occupancy or a Certificate of Continued Occupancy.

3 Section 220-169(A)(10) is amended to read as follows:

§220-169(A)(10) There shall be due to the Township an inspection fee in the amount of \$100.00 for new driveways and driveway additions. This fee shall be payable to the Township prior to the inspection of the driveway.

BE IT FURTHER ORDAINED, that Chapter 265, Parks and Recreation, Section 265-2, Recreation Program Fees, of the Code of the Township of Marlboro is hereby amended and supplemented to include a new Sub-Section 265-2(V) as follows:

§265-2(V). Marlboro Recreation Football; not to exceed \$75.00.

BE IT FURTHER ORDAINED, that Chapter 265, Parks and Recreation, Article III, Marlboro Swim Club, Section 265-18, Membership in Facility, Sub-Section 265-17(B), Types of Full-Time and Part-Time Memberships, of the Code of the Township of Marlboro is hereby amended and supplemented to include a new Sub-Section 265-17(B), Sponsored Memberships, as follows as follows:

§265-17(B). Sponsored memberships. Subject to availability, each resident membership in the Marlboro Swim Club, whether full-time or part-time and whether family, individual or

senior, shall have the right to sponsor per season up to three nonresident families or individuals for a full-time or part-time family or individual sponsored membership in the Swim Club and/or a weekend sponsored membership in the Marlboro Aquatic Center (see Article IV of this chapter). Sponsored memberships shall be available on a first-come, first-serve basis up to the maximum number of sponsored memberships as determined by Administration and the Swim Club Division on an annual basis and as may be amended from time to time. After two complete successful seasons, a sponsored member may obtain a direct non-resident membership at the Swim Club.

BE IT FURTHER ORDAINED, that Chapter 265, Parks and Recreation, Article III, Marlboro Swim Club, Section 265-18, Membership and Other Fees, Sub-Section 265-18(A)(4), Midseason Memberships, of the Code of the Township of Marlboro is hereby amended and supplemented to read as follows:

§265-18(A)(4). Midseason membership.

- a. To the extent resident memberships are still available, a resident joining as a new member may obtain a midseason resident membership by August 1 at the following rates:

BE IT FURTHER ORDAINED, that Chapter 265, Parks and Recreation, Article III, Marlboro Swim Club, Section 265-18, Membership and Other Fees, Sub-Section 265-18(C)(1) and (2), Companion Membership at Marlboro Aquatic Center, be and is hereby amended and supplemented to read follows as follows:

§265-18(C) Companion membership at Marlboro Aquatic Center.

- (1) Beginning October 1 of each season, any resident membership of the Marlboro Swim Club may add on a Marlboro Aquatic Center membership at the following annual rates, as applicable:
  - (a) Aquatic Center add-on weekend family membership: \$91.42
  - (b) Aquatic Center add-on weekend individual membership: \$46.64.
  - (c) Aquatic Center add-on weekend senior membership: \$11.20
- (2) Midseason companion membership at Marlboro Aquatic Center. To the extent still available, a membership of the Marlboro Swim Club may add on a Marlboro Aquatic Center membership on the third Monday of July at the following rates:

(a) Aquatic Center add-on weekend family membership:  
\$46.64.

(b) Aquatic Center add-on weekend individual  
membership: \$22.39.

(c) Aquatic Center add-on weekend senior membership:  
\$11.20.

BE IT FURTHER ORDAINED, that Chapter 265, Parks and Recreation, Article III, Marlboro Swim Club, Section 265-18, Membership and Other Fees, Sub-Section 265-18(D) Other Fees Applicable to Resident and Sponsored Memberships, Sub-Section 268-18(D)(2), be and is hereby amended and supplemented to read follows as follows:

- (2) The administrative fee for the refund of a full-time or sponsored membership fee made prior to the start of the season shall be \$35. There shall be no refund of any such fees after the date established for the start of the season.

BE IT FURTHER ORDAINED, that Chapter 265, Parks and Recreation, Article III, Marlboro Swim Club, Section 265-18, Membership and Other Fees, Sub-Section 265-18(G) Additional Miscellaneous Fees and Other Offers, Sub-Section 268-18(G)(2)(b), be and is hereby amended and supplemented to read follows as follows:

- (2)(b) A membership shall only be eligible for scholarship assistance for three seasons; and

BE IT FURTHER ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that the following sections of the Marlboro Township Code be and are hereby amended and supplemented to increase the rates and/or fees for water services as follows:

SPECIFIC PROVISION	CODE LOCATION	TYPE OF FEE, FEE CHARGE OR RATE	FEE
Water service- Single Family Residential	4- 88.1(T)(2)(A)(1.1) Schedule (A)(1)	Basic quarterly service charge per meter	\$32.00
Water service- Single Family Residential	4- 88.1(T)(2)(A)(1.2) Schedule (A)(1)	First 30,000 Gallons (0- 30,000)	\$3.26
Water service- Single Family	4- 88.1(T)(2)(A)(1.3)	Next 20,000 Gallons	\$5.57

Residential	Schedule (A)(1)	(30,001-50,000)	
Water service - Single Family Residential	4- 88.1(T)(2)(A)(1.4) Schedule (A)(1)	All usage in excess of 50,000 Gallons (50,001 +)	\$6.93
Water service-Non Residential	4- 88.1(T)(2)(A)(2,1) Schedule (A)(2)	Basic quarterly service charge per meter	\$32.00
Water service-Non Residential	4- 88.1(T)(2)(A)(2.2) Schedule (A)(2)	First 30,000 gallons (0- 30,000)	\$3.26
Water service-Non Residential	4- 88.1(T)(2)(A)(2.3) Schedule (A)(2)	Next 20,000 Gallons (30,001- 50,000)	\$5.57
Water service-Non Residential	4- 88.1(T)(2)(A)(2.4) Schedule (A)(2)	For all usage in excess of 50,001 gallons (50,001 +)	\$6.93
Water service- Each Unit(dwelling, store, use, or other establishment in that development, regardless of the size of the master meter	4-88.1(T)(2)(B)(1) Schedule (B)	Basic quarterly service charge assessed for each unit	\$32.00
Water service- per classroom	4-88.1(T)(2)(C)(1) Schedule (C)	Basic quarterly service charge (Effective July 1, 2012)	\$16.00
Water service- Private Fire Protection	4-88.1(T)(2)(E)(2) Schedule (E)	Charges are calculated & determined in part, based upon the following service line and/or meter sizes: 4"	\$77.00

Water service- Private Fire Protection	4-88 (T)(2)(E) (3) Schedule (E)	Charges are calculated & determined in part, based upon the following service line and/or meter sizes: 6"	\$102.50
Water service- Private Fire Protection	4-88.1(T)(2)(E)(4) Schedule (E)	Charges are calculated & determined in part, based upon the following service line and/or meter sizes: 8"	\$127.50
Water service- Private Fire Protection	4-88.1(T)(2)(E)(5)	Charges are calculated & determined in part, based upon the following service line and/or meter sizes: 10"	\$158.50
Water service- Public Fire Protection	4-88.1(T)(2)(F) Schedule F	Charges per Fire Hydrant Per Quarter	\$127.50

BE IT FURTHER ORDAINED, that Chapter 320, Solid Waste Services, Article IV, Recycling, of the Code of the Township of Marlboro is hereby amended and supplemented as follows:

§320-25.1 Recycling Center shall be deleted in its entirety.

§320.26. Promulgations and Regulations.

The Director of Public Works is hereby authorized and directed to promulgate such reasonable regulations as to the manner, days, times, fees, etc., for the collection of recyclables in accordance with the terms hereof. Such regulations may be amended from time to time as needed to encourage the operation of the collection program.

BE IT FURTHER ORDAINED, that Chapter 278, Property Maintenance, Article I, Property Maintenance Code, Section 278-2, Certificates of Continued Occupancy, Sub-Section 278-2(C), of the Code of the Township of Marlboro is hereby amended and supplemented as follows:

Sub-Section 278-2(C) shall remain unchanged and in full effect except that the "Editor's Note" to same shall be and is hereby deleted.

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.

The following Resolution #2012-48/Ordinance #2012-4 (Amending Chapter 82 - Alcoholic Beverages) was introduced by reference, offered by Council President Cantor and seconded by Councilwoman Mazzola. After discussion, the resolution/ordinance was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-48

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

ORDINANCE # 2012-4

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 82, "ALCOHOLIC BEVERAGES", SECTION 82-1, "NUMBER OF LICENSES RESTRICTED", AND SECTION 82-3, "LICENSE FEES", OF THE CODE OF THE TOWNSHIP OF MARLBORO, TO INCREASE THE NUMBER OF PLENARY RETAIL CONSUMPTION AND DISTRIBUTION LICENSES AUTHORIZED IN THE TOWNSHIP OF MARLBORO AND TO INCREASE FEES FOR PLENARY RETAIL DISTRIBUTION LICENSES  
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 February 2, 2012 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 # 2012-4

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 82, "ALCOHOLIC BEVERAGES", SECTION 82-1, "NUMBER OF LICENSES RESTRICTED", AND SECTION 82-3, "LICENSE FEES", OF THE CODE OF THE TOWNSHIP OF MARLBORO, TO INCREASE THE NUMBER OF PLENARY RETAIL CONSUMPTION AND DISTRIBUTION LICENSES AUTHORIZED IN THE TOWNSHIP OF MARLBORO AND TO INCREASE FEES FOR PLENARY RETAIL DISTRIBUTION LICENSES

BE IT ORDAINED, by the Municipal Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that Chapter 82 Alcoholic Beverages, Section 82-1, Number of Licenses Restricted, of the Code of the Township of Marlboro, be and is hereby amended and supplemented to increase the number of plenary retail consumption and plenary retail distribution licenses to be authorized in the Township of Marlboro as follows:

§ 82-1. Number of licenses restricted.

From and after the final passage and approval of this chapter, the number of licenses to sell alcoholic beverages at retail shall be limited and allocated as follows:

- A. Not more than thirteen (13) plenary retail consumption licenses shall be outstanding at the same time within the Township limits of the Township of Marlboro which may be located at any approvable site, subject to limitations as set forth in § 82-2, Distance restriction.
- B. Not more than five (5) plenary retail distribution licenses shall be issued.
- C. Not more than two limited retail distribution licenses shall be issued.
- D. No seasonal retail consumption licenses shall be issued.
- E. Not more than four club licenses shall be issued.

BE IT FURTHER ORDAINED, by the Municipal Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that Chapter 82 Alcoholic Beverages, Section 82-3, License Fees, of the Code of the Township of Marlboro, be and is hereby amended and supplemented to increase fees for plenary retail distribution licenses as follows:

§ 82-3. License Fees.

A. Plenary retail consumption license: \$2,500

B. Plenary retail distribution license: \$1,542.

C. Limited retail distribution license: \$63.

D. Club license: \$188, except that this fee shall be waived for volunteer fire companies within the Township.

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.

The following Resolution #2012-49 (Authorizing Contract Amendment Birdsall - Environ. Consulting Services LSRP - Close Out DEP Matter/Municipal Complex) 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 # 2012-49

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; 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 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; and

WHEREAS, in letters dated December 13, 2011 and December 29, 2011, the New Jersey Department of Environmental Protection (NJDEP) is requiring that the Township address certain outstanding administrative deficiencies associated with Notice issued on May 31, 2011 through the appointment of a Licensed Site Remediation Professional (LSRP); and

WHEREAS, Birdsall Services Group has provided a proposal dated December 23, 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 in an amount not to exceed \$8,000.00 for such Professional Services, as further described and set forth in Birdsall's Proposal, attached hereto and made a part hereof; and

WHEREAS, 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-04-11-004-801; 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 ("Professional Services"), at a fee not to exceed \$8,000.00 for such Professional Services, as further described and set forth in Birdsall's Proposal dated December 23, 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 \$8,000.00 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. 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

The following Resolution #2012-50 (Authorize Close Out Change Order & Final Payment - Morganville Senior Center Project) 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 # 2012-50

A RESOLUTION APPROVING CLOSE OUT CHANGE ORDER TO THE EXISTING CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO AND A. TAKTON CONCRETE CORP. AND AUTHORIZING FINAL PAYMENT AND ACCEPTANCE OF MORGANVILLE SENIOR CENTER IMPROVEMENTS

WHEREAS, by Resolution #2010-368 the Township of Marlboro authorized the award of a contract to A. Takton Concrete Corp. for the Morganville Senior Center (the "Project"); and

WHEREAS, Closeout Change Order has been requested resulting in a decrease in the original contract amount of \$32,905.00 to \$27,277.25, a net decrease of \$5,627.75; and

WHEREAS, in Letter dated December 27, 2011, 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 \$545.54; and

WHEREAS, pursuant to the terms of the contract, A. Takton Concrete Corp. is required to provided a one-year maintenance bond in an amount equal to 15% of the final contract amount or \$4,091.59; and

WHEREAS, the Township Council of the Township of Marlboro has reviewed the Township Engineer's December 27, 2011 letter and is amenable to approving Closeout Change Order, accepting the Project improvements and issuing a final payment to A. Takton Concrete Corp. in the amount of \$545.54 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 A. Takton Concrete Corp., be and is hereby approved, decreasing the previously modified contract total of \$32,905.00 to \$27,277.25, a net decrease of \$5,627.75, subject to posting of a one-year maintenance bond in an amount equal to 15% of the final contract amount or \$4,091.59.

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 \$545.54 for work completed by A. Takton Corp. is hereby approved.

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

- a. A. Takton Concrete Corp.
- b. Mayor Jonathan L. Hornik
- c. Township Administrator
- d. Township Engineer
- e. Township Chief Financial Officer
- f. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2012-51 (Authorizing Closed Out Change Order & Final Payment - Glenbrook Retaining Wall Remediation Project) 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 # 2012-51

A RESOLUTION APPROVING CLOSE OUT CHANGE ORDER TO THE  
EXISTING CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO  
AND A-TECH CONCRETE CO. AND AUTHORIZING FINAL  
PAYMENT AND ACCEPTANCE OF GLENBROOK RETAINING  
WALL REMEDIATION IMPROVEMENTS

WHEREAS, by Resolution #2011-269 the Township of Marlboro authorized the award of a contract to A-Tech Concrete Co. for the Remediation of the Retaining Walls at Glenbrook Estates(the "Project"); and

WHEREAS, Closeout Change Order has been requested resulting in a increase in the original contract amount of \$409,650.00 to \$421,650.00, a net increase of \$12,000.00;and

WHEREAS, in Letter dated December 22, 2011, 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 \$141,137.25; and

WHEREAS, pursuant to the terms of the contract, A-Tech Concrete Co. is required to provide a one-year maintenance bond in an amount equal to 15% of the final contract amount or \$63,247.50; and

WHEREAS, the Township Council of the Township of Marlboro has reviewed the Township Engineer's December 22, 2011 letter and is amenable to approving Closeout Change Order, accepting the Project improvements and issuing a final payment to A-Tech Concrete Co. in the amount of \$141,137.25 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 A-Tech Concrete Co., be and is hereby approved, increasing the previously modified contract total of \$409,650.00 to \$421,650.00, a net increase of \$12,000.00, subject to posting of a one-year maintenance bond in an amount equal to 15% of the final contract amount or \$63,247.50.

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 \$141,137.25 for work completed by A-Tech Concrete Co. is hereby approved.

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

- a. A-Tech Concrete Co.
- b. Mayor Jonathan L. Hornik
- c. Township Administrator
- d. Township Engineer
- e. Township Chief Financial Officer
- f. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2012-52 (Award of Contract Tax Map Maint. - Adams, Rehmann & Haggan Assoc. (formerly Civil Solutions) was introduced by reference, offered by Council Vice President Metzger, seconded by Councilwoman Mazzola and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-52

RESOLUTION AUTHORIZING A CONTRACT WITH ADAMS, REHMANN & HEGGAN ASSOCIATES, INC FOR THE MAINTENANCE OF THE TAX MAP OF THE TOWNSHIP OF MARLBORO FOR THE YEAR 2012 AS AN EXCEPTION TO THE COMPETITIVE PUBLIC BIDDING PROCESS UNDER N.J.S.A. 40A:11-5(d)

WHEREAS, the Township of Marlboro requires tax map maintenance services to be awarded pursuant to a fair and open process in accordance with the provisions of N.J.S.A 19:44A-20.5, pursuant to the provisions of N.J.S.A. 40A:10-36; and

WHEREAS, such services are exceptions pursuant to N.J.S.A. 40A:11-5(d) and may be awarded without competitive bidding therefor; and

WHEREAS, the Township received proposals dated December 8, 2011 (the "Proposal") from ADAMS, REHMANN & HEGGAN ASSOCIATES, INC (the "Business Entity") in response to a Request for

Qualifications for THE MAINTENANCE OF THE TAX MAP OF THE TOWNSHIP OF MARLBORO issued by the Township which sets forth the terms and conditions under which such services are to be rendered by the Business Entity under a contract to be awarded pursuant to a fair and open process in accordance with the provisions of N.J.S.A 19:44A-20.4; and

WHEREAS, the Chief Financial Officer of the Township of Marlboro has determined and certified that the value of the contract may exceed \$17,500.00; and

WHEREAS, funds will be made available and certified by the Chief Financial Officer in Account Number 1-01- -045-288 upon adoption of the 2012 budget; 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, in accordance with the Local Public Contracts Law, hereby authorizes and approves the execution of an agreement with ADAMS, REHMANN & HEGGAN ASSOCIATES, INC FOR THE MAINTENANCE OF THE TAX MAP OF THE TOWNSHIP OF MARLBORO, beginning January 1, 2012 and terminating on December 31, 2012, pursuant to a fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.4, such services being an exception under N.J.S.A. 40A:11-5(d) and in accordance with the terms of the Contract, in an amount not to exceed \$17,500.00; and

2. The contract is awarded without competitive public bidding pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-5(d); 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. ADAMS, REHMANN & HEGGAN ASSOCIATES, INC
- b. Mayor Jonathan Hornik
- c. Marlboro Township Administrator
- d. Marlboro Township Chief Financial Officer
- e. Marlboro Tax Assessor
- f. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2012-53 (Award of Contract Cable TV Production) 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 # 2012-53

A RESOLUTION AUTHORIZING AMENDMENT TO PROFESSIONAL  
SERVICES AGREEMENT WITH CURT CIUMEI OF MV DIGITAL  
PRODUCTIONS, LLC FOR THE PROVISION OF SERVICES FOR  
THE OPERATION OF THE TOWNSHIP OF MARLBORO  
CABLE TELEVISION STATION

WHEREAS, the Township requires special services for the operation of the Township of Marlboro Cable Television Station, such services to be awarded pursuant to a fair and open process in accordance with the provisions of N.J.S.A 19:44A-20.5; and

WHEREAS, pursuant to 40A:11-2(6), Professional Services are defined as services rendered in the provision or performance of goods or services that are original and creative in character in a recognized field of artistic endeavor; and

WHEREAS, the Township received a proposal dated December 8, 2011 (the "Proposal") from MV DIGITAL PRODUCTIONS, LLC (the "Business Entity") in response to a Request for Qualifications for special services for the operation of the Township of Marlboro Cable Television Station issued by the Township which sets forth the terms and conditions under which such services are to be rendered by the Business Entity under a contract to be

awarded pursuant to a fair and open process in accordance with the provisions of N.J.S.A 19:44A-20.4; and

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

WHEREAS, funds will be made available and certified by the Chief Financial Officer in Account Number 1-01- -055-288 upon adoption of the 2012 budget; 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 MV DIGITAL PRODUCTIONS, 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 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 December 8, 2011, a copy of which is attached hereto, in an amount not to exceed \$23,000.00; 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. Mayor Jonathan Hornik
- b. Township Administrator
- c. Information Technology
- d. MV DIGITAL PRODUCTIONS, LLC
- e. DeCotiis, FitzPatrick & Cole, LLP

As the consent agenda, the following resolutions were 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: Res. #2012-54 (Award of Contract - Deicing Material - Mon. Co. Co-op), Res. #2012-55 (Authorizing Correction to Res 2011-401 - Emergency Snow Removal Contract Services), Res. #2012-56 (Authorizing Water Installment Agreement - Galiano), and Res. #2012-57 (Authorizing Tax Collector to Enter Into Installment Agreement for Amounts Not to Exceed \$800).

RESOLUTION # 2012-54

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

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 \$55.60 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, at this time, the Public Works Department has recommended the award of contract for 2,000 tons of material at the contract price for a total not to exceed \$111,200.00; 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 \$111,200.00 for this purpose will be certified by the Chief Financial Officer in Account 2-01-119-292 at the time of adoption of the 2012 budget; and

WHEREAS, the Marlboro Township Council, having considered the same, desires to authorize the purchase of 2,000 tons of de-icing material (sodium chloride) from the International Salt Company, at a price of \$55.60 per ton, pursuant to the bid obtained by the Monmouth County Cooperative Purchasing Program, for a total amount not to exceed \$111,200.00.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase 2,000 tons of de-icing material (sodium chloride) from the International Salt Company, at a price of \$55.60 per ton, pursuant to the bid obtained by the Monmouth County Cooperative Purchasing Program, for a total amount not to exceed \$111,200.00; 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 # 2012-55

A RESOLUTION AMENDING 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, 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, R. 2011-401 was approved by the Township Council of the Township of Marlboro on December 8, 2011 pursuant to N.J.S.A.

40A:11-6, confirming emergency contracts for snow removal as follows; and

	Award R.
Vendor Name	2011-401
Premium Growers	8,500.00
Triple C Nurseries	20,000.00

WHEREAS, following a review of the final billing for the October 29, 2011 storm, the Township requires that the contract award amounts be amended as follows:

Vendor Name	Award R.	Proposed	Difference
	2011-401		
Premium Growers	8,500.00	20,000.00	11,500.00
Triple C Nurs.	20,000.00	8,500.00	-11,500.00

WHEREAS, the Department of Public Works recommends that this amendment which requires no additional outlay be approved by the Township.

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

Premium Growers	20,000.00
Triple C Nurseries	8,500.00

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 # 2012-56

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, ANTHONY GALIANO and ALISON GALIANO, the owners of 6 Hoover Court, which is designated as Block 253, Lot 28 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 E01651 and Account ID Number 38501; and

WHEREAS, Customer has a delinquent Account balance of \$439.95 exclusive of accrued interest), which is attributable to water service for the quarterly period ended October 31, 2011, and which was due for payment by November 30, 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 \$439.95 (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. Jeff Cantor, Council President
- c. Jonathan A. Capp, Business Administrator
- d. Alida Manco, Township Clerk
- e. Kelly A. Hahn, Tax Collector
- f. Anthony & Alison Galiano (Customer)
- g. DeCotiis, Fitzpatrick & Cole, LLP

RESOLUTION # 2012-57

RESOLUTION AUTHORIZING THE TAX COLLECTOR OF THE TOWNSHIP OF MARLBORO TO ENTER INTO INSTALLMENT PAYMENT AGREEMENTS FOR PROPERTY TAX ARREARS AND DELINQUENT WATER CHARGES IN AN AMOUNT NOT TO EXCEED EIGHT HUNDRED (\$800.00) DOLLARS

WHEREAS, N.J.S.A. 54:5-19 authorizes installment payment agreements for property tax arrears and other charges which would be a lien against real property such as delinquent water charges; and

WHEREAS, Kelly A. Hahn, the Tax Collector of the Township of Marlboro, has requested approval from the Township Council to enter into installment payment agreements for property tax arrears and/or delinquent water charges in cases of hardship provided the amount of the arrears or delinquent charges do not exceed Eight Hundred (\$800.00) Dollars; and

WHEREAS, the installment payment agreements must provide payments large enough to pay back the tax arrears or delinquent charges and must require that all taxes or other charges are kept current as they come due; and

WHEREAS, the installment payment agreements must be reduced to a written agreement signed by the property owner.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro that it hereby grants its authority to Kelly A. Hahn, the Tax Collector of the Township of Marlboro to enter into installment payment agreements for tax arrears and delinquent water charges in the case of hardships in an amount not to exceed Eight Hundred (\$800.00) Dollars and said installment payment agreements are to provide that all taxes or other charges are to be kept current as they become due and shall require prompt payments of the installment payments agreed to; and

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

- a. Mayor Jonathan L. Hornik
- b. Jeff Cantor, Council President
- c. Jonathan Capp, Township Business Administrator
- d. Alida Manco, Municipal Clerk
- e. Kelly A. Hahn, Tax Collector
- f. DeCotiis, Fitzpatrick & Cole, LLP

At 7:50 PM, Council Vice President Metzger moved that the meeting be adjourned. This was seconded by Councilwoman Marder, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Cantor).

MINUTES APPROVED: February 16, 2012

OFFERED BY: Metzger                      AYES:            5

SECONDED BY: LaRocca                      NAYS:            0

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ALIDA MANCO,  
MUNICIPAL CLERK

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JEFF CANTOR,  
COUNCIL PRESIDENT