

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

February 16, 2012

The Marlboro Township Council held its regularly scheduled meeting on February 16, 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 (7:05pm), 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 January 5 and 19, 2012 be approved. This was seconded by Councilman LaRocca and passed on a roll call vote of 5 - 0 in favor.

The following Resolution #2012-84 (Authorizing Engineering Services - Pleasant Valley Road Streambank Stabilization Phase II - 2011 Capital 60-2) 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 # 2012-84

A RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES CONTRACT BETWEEN CME ASSOCIATES AND THE TOWNSHIP OF MARLBORO FOR PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH IMPROVEMENTS TO PLEASANT VALLEY ROAD STREAMBANK, PHASE II

WHEREAS, in 2010, the Township Engineer notified this office of an emergent situation concerning streambank and roadside erosion on Pleasant Valley Road at the Willow Brook; and

WHEREAS, in accordance with N.J.S.A. 40A:11-6, the Township immediately initiated the design of a stream bank stabilization method and submission of an emergency permit application to the New Jersey Department of Environmental Protection; and

WHEREAS, it was determined that the project could reasonably be addressed in two phases provided that the first phase involving 75 feet of streambank be completed on an expedited basis; and

WHEREAS, the Township authorized a contract for engineering services with CME Associates (R. 2010-400) and an emergency construction contract with J.E. Hannon Inc. T/A Bird Construction (R. 2011-132) to repair the section of streambank requiring immediate repair and restoration (Phase I); and

WHEREAS, the Township obtained the necessary permits and completed Phase I of the stream bank stabilization project in 2011;

WHEREAS, the Township Engineer and Department of Public Works have advised that an additional 200 feet of streambank needs to be repaired to avoid failure of the roadway ("Project"); and

WHEREAS, the Township provided for the engineering work for Phase II to be initiated under the 2011 capital program (60-2); and

WHEREAS, CME Associates has provided a proposal revised February 1, 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 \$68,000.00 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-04-11-002-945; 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 provide engineering design and construction management services ("Professional Services"), at a fee not to exceed \$68,000.00 for such Professional Services, as further described and set forth in CME's Proposal revised February 1, 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 \$68,000.00 for such additional

Professional Services for the Project as described in the Proposal; and

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

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

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

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

Councilwoman Marder recused herself and left the room for this resolution. The following Resolution #2012-85 (Authorizing Contract Amendment - Ethics Board Attorney - Kenneth Biedzynski, Esq.) was introduced by reference, offered Council Vice President Metzger and seconded by Councilman LaRocca. After discussion, the resolution was passed on a roll call vote 4 - 0 in favor (Absent: Marder).

RESOLUTION # 2012-85

RESOLUTION AMENDING A PROFESSIONAL SERVICES CONTRACT WITH KENNETH BIEDZYNSKI, ESQ. OF THE FIRM OF GOLDZWEIG, GREEN, EIGER & BIEDZYNSKI, LLC FOR ETHICS BOARD COUNSEL SERVICES FOR THE TOWNSHIP OF MARLBORO FOR THE YEAR 2012

WHEREAS, the Township requires the services of an attorney to serve as Counsel to the Ethics Board; and

WHEREAS, such services are to be performed and rendered by a person or persons licensed and authorized to practice law in the State of New Jersey and, accordingly, 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 Township of Marlboro and GOLDZWEIG, GREEN, EIGER & BIEDZYNSKI, LLC have previously entered into a Professional Services Contract, awarded under a fair and open process, and seeks to amend such Contract to expand the scope

of services to include the Professional Services (as defined hereinabove) for the services described above at a fee not to exceed \$2,500.00 for such Professional Services, at rates set forth in GOLDZWEIG, GREEN, EIGER & BIEDZYNSKI, LLC'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, funds will be certified for this purpose upon adoption of the 2012 municipal budget from Account # 2-01- - 035-226; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the Township of Marlboro to amend its contract with GOLDZWEIG, GREEN, EIGER & BIEDZYNSKI, LLC to provide the required additional Professional Services in accordance with the rates set forth in the December 8, 2011 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, GOLDZWEIG, GREEN, EIGER & BIEDZYNSKI, LLC has previously completed and submitted a Business Entity Disclosure Certificate certifying that GOLDZWEIG, GREEN, EIGER & BIEDZYNSKI, LLC 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 GOLDZWEIG, GREEN, EIGER & BIEDZYNSKI, LLC and the Township of Marlboro, to expand the scope of services to include Ethics Board Counsel, at a fee not to exceed \$2,500.00 for such Professional Services, at rates set forth in the Proposal dated December 8, 2011 ("Proposal"), be and is hereby authorized; and

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

BE IT FURTHER RESOLVED, that 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. Goldzweig, Green, Eiger & Biedzynski, LLC
- b. Mayor Jonathan L. Hornik
- c. Township Administrator
- d. Township Chief Financial Officer
- e. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2012-86 (Authorizing Sale of Plenary Retail Consumption License) 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 # 2012-86

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

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

WHEREAS, in accordance with the information from the 2010 federal census counts, the Township of Marlboro has a population of 40,191; and

WHEREAS, in light of the recent census counts, the Township of Marlboro is permitted to issue up to one (1) additional plenary retail consumption licenses; and

WHEREAS, in light of the such census information, the Township of Marlboro is permitted to issue up to thirteen (13) plenary retail consumption licenses, and twelve (12) have been issued; and

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

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

BE IT FURTHER RESOLVED that the Township of Marlboro shall hold a public sealed bid sale for the aforesaid license; and

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

1. Only the bids of bidders qualified to have an interest in a retail alcoholic beverage license under the standards set forth in the *Alcoholic Beverage Control Act, N.J.S.A. 33:1-19 et seq.*, the regulations promulgated thereunder and any applicable provisions of the Code of the Township of Marlboro will be opened.

2. To pre-qualify, a prospective bidder must, on or before 11:00 A.M. on April 19, 2012, submit the following to the Township Clerk at 1979 Township Drive in Marlboro, New Jersey:

(a) A full and complete twelve (12) page Alcoholic Beverage Control License Application form, including the required municipal license fee of \$2,500.00 (the municipal license fee of an unsuccessful bidder shall be returned after the award of the license, less an administrative fee of ten percent (10%) of such license fee), and the required State license fee of \$200.00;

(b) A separate signed Certification of Proof of Compliance by the prospective bidder that it/he/she meets any and all conditions or requirements contained in this Resolution, and that the prospective bidder knows of no reason why it/he/she would be disqualified from having an interest in a Retail Liquor License in New Jersey under the standards set forth in the *Alcoholic Beverage Control Act* and the rules and regulations promulgated thereunder; and

(c) a separately sealed envelope with the prospective bidder's deposit fee of \$90,000.00 (by bank check or certified check) which shall be non-refundable to the successful bidder after the award of bid.

3. The minimum bid for the plenary retail consumption license is \$900,000.00. The Mayor and Township Council reserve the right to reject all bids if the highest bid is not accepted.

4. Sealed bids shall be received on or before 11:00 A.M. on April 19, 2012 at the office of the Marlboro Township Clerk, 1979 Township Drive, Marlboro, New Jersey. The outside of the sealed envelope shall state:

(a) "2012 Liquor Consumption bid"; and

(b) Name of the Bidder

5. At 3:30 P.M. on April 19, 2012, the Township Clerk shall publicly announce those prospective bidders who have pre-qualified. A list of such pre-qualified bidders shall also be posted on the public announcements bulletin board in the Municipal Building.

6. The Clerk of the Township of Marlboro will open any and all sealed bids received from pre-qualified bidders on 3:30 P.M. on April 24, 2012 at the office of the Marlboro Township Clerk, 1979 Township Drive, Marlboro, New Jersey. No bid will be opened from or on behalf of any bidder who does not pre-qualify or has not submitted proof of qualification. Immediately after opening the sealed bids of the pre-qualified bidders, the Township Clerk shall publicly announce the amount of each bid received and the name of each bidder.

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

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

(b) Payment of the State License Application Fee;

(c) Payment of the Annual Municipal Retail License Fee;

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

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

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

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

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

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

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

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

BE IT FURTHER RESOLVED that notice of the public sale of the plenary retail consumption licenses be in conformance with *N.J.S.A. 33:1-19.4*.

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

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

The following Resolution #2012-87 (Authorizing Close Out Change Order & Final Payment - Texas Road Water Main Relocation) was introduced by reference, offered by Councilman LaRocca, seconded by Council Vice President Metzger and passed on a roll call vote of 5 - 0 in favor.

A RESOLUTION APPROVING CLOSE OUT CHANGE ORDER TO THE
EXISTING CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO
AND CARUSO EXCAVATING, INC. AND AUTHORIZING FINAL PAYMENT
AND ACCEPTANCE OF TEXAS ROAD WATER MAIN RELOCATION PROJECT

WHEREAS, by Resolution #2011-096 the Township of Marlboro authorized the award of a contract to Caruso Excavating, Inc. for the Texas Road Water Main Relocation(the "Project"); and

WHEREAS, Closeout Change Order has been requested resulting in a decrease in the original contract amount of \$116,611.00 to \$95,084.50, a net decrease of \$21,526.50; and

WHEREAS, in Letter dated September 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 \$1,901.69; and

WHEREAS, pursuant to the terms of the contract, Caruso Excavating, Inc. is required to provided a one-year maintenance bond in an amount equal to 15% of the final contract amount or \$14,262.67; and

WHEREAS, the Township Council of the Township of Marlboro has reviewed the Township Engineer's September 27, 2011 letter and is amenable to approving Closeout Change Order, accepting the Project improvements and issuing a final payment to Caruso Excavating, Inc. in the amount of \$1,901.69 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 Caruso Excavating, Inc. be and is hereby approved, decreasing the original contract total of \$116,611.00 to \$95,084.50, a net decrease of \$21,526.50, subject to posting of a one-year maintenance bond in an amount equal to 15% of the final contract amount or \$14,262.67.

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 \$1,901.69 for work completed by Caruso Excavating, Inc. is hereby approved.

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

- a. Caruso Excavating, Inc.
- b. Mayor Jonathan L. Hornik

- c. Township Administrator
- d. Township Engineer
- e. Township Chief Financial Officer
- f. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2012-88 (Authorizing Close Out Change Order & Final Payment - Tennent Road Bus Duct Repair) 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 # 2012-88

A RESOLUTION APPROVING CLOSE OUT CHANGE ORDER TO THE EXISTING CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO AND MBE MARK III ELECTRIC, INC. AND AUTHORIZING FINAL PAYMENT AND ACCEPTANCE OF TENNENT ROAD BUS DUCT REPAIR PROJECT

WHEREAS, by Resolution #2011-097 the Township of Marlboro authorized the award of a contract to MBE Mark III Electric, Inc. for the Repairs to the Tennent Road Booster Pump Station Transformer Bus Duct(the "Project"); and

WHEREAS, Closeout Change Order has been requested resulting in a decrease in the original contract amount of \$40,165.00 to \$35,065.00, a net decrease of \$5,100.00; and

WHEREAS, in Letter dated August 11, 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 \$1,658.25; and

WHEREAS, pursuant to the terms of the contract, MBE Mark III, Inc. is required to provide a one-year maintenance bond in an amount equal to 15% of the final contract amount or \$5,259.75; and

WHEREAS, the Township Council of the Township of Marlboro has reviewed the Township Engineer's August 11, 2011 letter and is amenable to approving Closeout Change Order, accepting the Project improvements and issuing a final payment to Caruso Excavating, Inc. in the amount of \$5,259.75 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 MBE Mark III Electric, Inc. be and is hereby approved, decreasing the original contract total of \$40,165.00 to \$35,065.00, a net decrease of \$5,100.00,

subject to posting of a one-year maintenance bond in an amount equal to 15% of the final contract amount or \$5,259.75.

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 \$1,658.25 for work completed by MBE Mark III, Inc. is hereby approved.

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

- a. MBE Mark III Electric, Inc.
- b. Mayor Jonathan L. Hornik
- c. Township Administrator
- d. Township Engineer
- e. Township Chief Financial Officer
- f. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2012-89 (Authorizing Change Order - Texas Road Sidewalks Improvement) was introduced by reference, offered by Councilwoman Marder, seconded by Councilman La Rocca and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-89

A RESOLUTION APPROVING CHANGE ORDER NO. 1 TO THE EXISTING CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO AND MNC GENERAL CONTRACTING INC. FOR THE TEXAS ROAD SIDEWALK IMPROVEMENTS

WHEREAS, by Resolution #2011-343 the Township of Marlboro authorized the award of a contract to MNC General Contracting, Inc. for the Texas Road Sidewalk Improvements the "Project"); and

WHEREAS, Change Order No. 1 has been requested resulting in an decrease in the original contract amount of \$109,000.82 to \$107,467.17, a net decrease of \$1,533.65; and

WHEREAS, in Letter dated January 31, 2012, the Township's Consulting Engineer, Birdsall Services Group, has recommended approval of Change Order No. 1. The Supplementary Work could not have reasonably been effectuated by a separately bid contract without unduly disrupting the basic work, or without imposing adverse cost consequences on the Township; and

WHEREAS, the Township Council of the Township of Marlboro has reviewed the Township Consulting Engineer's January 31, 2012 letter and is amenable to approving Change Order No. 1 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 Change Order No. 1 to the existing contract with MNC General Contracting, Inc., be and is hereby approved, decreasing the original contract total of \$109,000.82 to \$107,467.17, a net decrease of \$1,533.65.

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

- a. MNC General Contracting Inc.
- b. Mayor Jonathan L. Hornik
- c. Township Administrator
- d. Township Engineer
- e. Township Chief Financial Officer
- f. DeCotiis, FitzPatrick & Cole, LLP
- g. Birdsall Services Group

The following Resolution #2012-90 (Bond Release - Monmouth Worship Center) 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 # 2012-90

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES
FOR THE SITE KNOWN AS MONMOUTH WORSHIP CENTER,
BLOCK 214.07, LOT 61.01, TOWNSHIP OF MARLBORO, NEW JERSEY

WHEREAS, in accordance with *N.J.S.A. 40:55D-53*, the Township of Marlboro has received a request from Monmouth Worship Center 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 "Monmouth Worship Center" (the "Site"), property known as Block 214.07, Lot 61.01, 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 February 9, 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. 1044234 issued by Selective Insurance Company of America in the amount of \$1,121,154.00 and cash deposit in the amount of \$124,572.67 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 \$155,715.83; 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. 1044234 issued by Selective Insurance Company of America in the amount of \$1,121,154.00 and cash deposit in the amount of \$124,572.67 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 \$155,715.83; and

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

- a. Monmouth Worship Center
- b. Selective Insurance Company of America
- c. Mayor Jonathan L. Hornik
- d. Township Business Administrator
- e. Township Chief Financial Officer
- f. Township Engineer
- g. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2012-91 (Approving Group Dental Coverage for Employees - Delta Dental) 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 # 2012-91

A RESOLUTION APPROVING GROUP DENTAL COVERAGE
PROGRAM FOR EMPLOYEES OF THE TOWNSHIP OF MARLBORO
WITH DELTA DENTAL FOR THE YEAR 2012

WHEREAS, the Township of Marlboro currently provides group dental coverage for its eligible employees and their dependents under a program administered by Delta Dental; and

WHEREAS, in 2011, in an effort to provide the most cost effective coverage for the Township's eligible employees and

their dependents, the Township authorized its insurance consultant, North American Insurance Management Corporation ("NAIMC"), to obtain competitive quotes for dental coverage; and

WHEREAS, in 2011 NAIMC contacted thirteen (13) providers for Township group dental coverage as indicated on 'Exhibit A'; and

WHEREAS, nine (9) of the providers were unable to match the current plan design, were unresponsive or offered proposals that were not competitive; and

WHEREAS, the Township reviewed the (4) competitive quotes received and evaluated several factors including estimated plan cost, network and provider coverage (disruption), rate guarantees and Township loss history; and

WHEREAS, the 2011 solicitation provided the Township with a comprehensive view of the marketplace and led the Township to renew with Delta Dental in 2011; and

WHEREAS, Delta Dental has agreed to maintain its 2011 rates of \$42.62/month (single) and \$115.00/month (family) for the 2012 plan year (March 1, 2012 - February 28, 2013) for an estimated total premium of \$212,000.00; and

WHEREAS, after a review of the quotes, NAIMC has recommended that the Township renew group dental coverage with Delta Dental at \$42.62/month (single) and \$115.00/month (family) for an estimated total annual cost of \$212,000.00 and

WHEREAS, the Township concurs with the recommendation of its insurance consultant; and

WHEREAS, the Chief Financial Officer has certified that funds in the amount of \$176,666.67 are available for this purpose from Account # 2-01- -100-203, the balance to be certified at the time of adoption of the 2013 budget; and

WHEREAS, contracts for the purchase of insurance coverage and consultant services may be awarded without public bidding pursuant to N.J.S.A. 40A:11-5(1)(m), in accordance with the requirements for extraordinary unspecifiable services.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Marlboro that it hereby authorizes the Mayor to execute and the Clerk to witness, any documents necessary to enter into an agreement with Delta Dental for the provision of group dental coverage for the Township of Marlboro's eligible employees and their dependents for the period March 1, 2012 - February 28, 2013 at \$42.62/month (single) and \$115.00/month (family) for an estimated total annual cost of \$212,000.00.

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

- a. North American Insurance Management Corporation
- b. Delta Dental
- c. Mayor Jonathan Hornik
- d. Marlboro Township Administrator
- e. Marlboro Township Chief Financial Officer
- f. DeCotiis, FitzPatrick & Cole, LLP

Councilwoman Marder recused herself and left the room for this resolution. The following Resolution #2012-92 (Temporary Emergency Appropriation) was introduced by reference, offered by Council Vice President Metzger, seconded by Councilman LaRocca and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-92

EMERGENCY TEMPORARY APPROPRIATION
PRIOR TO ADOPTION OF THE BUDGET

WHEREAS, N.J.S.A. 40A:4-20 provides authorization for an emergency temporary appropriation after the first thirty days of the fiscal year and before the adoption of the 2012 Municipal budget; and

WHEREAS, the total emergency temporary resolutions adopted in the year CY 2012 pursuant to the provisions of N.J.C.A. 40A 4-20 (Chapter 96, P.L.1951 as amended) including this resolution total: \$18,926,575.82 for the municipal budget, \$604,000.00 for the operations of the swim utility and \$5,826,674.50 for the operations of the water utility; and

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

1. An emergency temporary appropriation be and the same is hereby made for each of the accounts listed on the attached.
2. That each said emergency temporary appropriation will be provided for in the CY 2012 budget under the same title as appropriated above.
3. That one certified copy of this resolution be filed with the Director of Local Government Services.

2011
Municipal
Budget

2012
Temporary
Emergency

Current Fund Appropriations

Ethics Commission		
Salary & Wages		
Other Expenses	1,940.00	2,970.00
Totals	34,185,678.84	18,926,575.82

Swim Utility Appropriations

Totals	1,047,539.85	604,000.00
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Water Utility Appropriations

Totals	9,545,483.00	5,826,674.50
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As the consent agenda, the following Resolutions were introduced by reference, offered by Councilman LaRocca, seconded by Council Vice President Metzger, and as there was no objection, the Clerk was asked to cast one ballot: Res. #2012-93 (Authorizing Application for Low Interest Financing for Water Utility Improvements through NJ Environ. Infrastructure Trust Fund), Res. #2012-94 (Authorizing Grant Application Click It or Ticket 2012), Res. #2012-95 (Authorizing Amendment to Green Acres Planning Incentive Grant Application), Res. #2012-96 (Authorizing Agreement with State of NJ DEP for Green Communities Grant), Res. #2012-97 (Award of Bid - Electrical Contract Services), Res. #2012-98 (Disabled Veteran Deduction - B 178, L 290 C0142) Res. #2012-99 (Redemption Tax Sale Certs. - Various), and Res. #2012-100 (Raffle License Optimist Club of Howell - Off premise 50/50).

RESOLUTION # 2012-93

WHEREAS, the Township of Marlboro intends to file an application with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust (NJEIT) for Tennent Road Water Treatment Plant for the Township of Marlboro Water Utility.

NOW, THEREFORE BE IT RESOLVED, that

Ray Bhatia, P.E.
Water Utility Division

be authorized to act as the Authorized Representative to represent the Township in all matters relating to the project undertaken pursuant to the above referenced New Jersey Environmental Infrastructure Loan to be executed with the New Jersey of Environmental Protection and the New Jersey Environmental Infrastructure Trust. The Authorized Representative may be contacted at:

1979 Township Drive
Marlboro, New Jersey 07746-2247
Telephone: 732 536-0200 x1212

RESOLUTION # 2012-94

RESOLUTION SUPPORTING THE CLICK IT OR TICKET
MOBILIZATION OF MAY 21 - JUNE 3, 2012

WHEREAS, there were 638 motor vehicle fatalities in New Jersey in 2011; and

WHEREAS, a large percentage of the motor vehicle occupants killed in traffic crashes were not wearing a seat belt; and

WHEREAS, use of a seat belt remains the most effective way to avoid death or serious injury in a motor vehicle crash; and

WHEREAS, the National Highway Traffic Safety Administration estimates that 15,383 lives were saved by seat belt usage nationally in the year 2011; and

WHEREAS, the State of New Jersey will participate in the nationwide "CLICK IT OR TICKET" seat belt mobilization from May 21 - June 3, 2012 in an effort to raise awareness and increase seat belt usage through a combination of enforcement and education; and

WHEREAS, the Division of Highway Traffic Safety has set a goal of increasing the seat belt usage rate in the state from the current level of 84% to 100%; and

WHEREAS, a further increase in seat belt usage in New Jersey will save lives on our roadways;

NOW THEREFORE, be it resolved that the Township of Marlboro declares its support for the "CLICK IT OR TICKET" seat belt mobilization both locally and nationally from May 21 - June 3, 2012 and pledges to increase awareness of the mobilization and the benefits of seat belt use.

RESOLUTION # 2012-95

STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL
PROTECTION GREEN ACRES ENABLING RESOLUTION

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program ("State"), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Township of Marlboro desires to further the public interest by obtaining a grant of \$416,442 from the State to fund the following project(s): Marlboro Open Space Acquisition.

NOW, THEREFORE, the Township Council of the Township of Marlboro resolves that Jonathan L. Hornik or the successor to the office of Mayor is hereby authorized to:

- (a) make application for such a loan and/or such a grant,
- (b) provide additional application information and furnish such documents as may be required,
- (c) act as the authorized correspondent of the above named applicant; and

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the State's funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above named project;

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Township Council of the Township of Marlboro

1. That Jonathan L. Hornik is hereby authorized to execute an agreement and any amendment thereto with the State known as Marlboro Open Space Acquisition, and;
2. That the applicant has its matching share of the project, if a match is required, in the amount of \$416,442;
3. That, in the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project;
4. That the applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and

5. That this resolution shall take effect immediately.

RESOLUTION # 2012-96

GRANT AGREEMENT
BETWEEN
TOWNSHIP OF MARLBORO
AND
THE STATE OF NEW JERSEY
BY AND FOR
THE DEPARTMENT OF ENVIRONMENTAL PROTECTION

GRANT IDENTIFIER: PF12-091

GOVERNING BODY RESOLUTION

The governing body of the Township of Marlboro desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately \$3,000.00 to fund the following project:

2012 Green Communities Grant
Community Forestry Management Plan

Therefore, the governing body resolves that Jonathan Hornik or the successor to the office of the Mayor is authorized

- (a) to make application for such a grant,
- (b) if awarded, to execute a grant agreement with the State for a grant in an amount not less than \$3,000.00 and not more than \$3,000.00 , and
- (c) to execute any amendments thereto any amendments thereto which do not increase the Grantee's obligations.

* The Marlboro Township Council authorizes and hereby agrees to match 50% of the Total Project Amount, in compliance with the match requirements of the agreement. The availability of the match for such purposes, whether cash, services, or property, is hereby certified. 100% of the match will be made up of in-kind services (if allowed by grant program requirements and the agreement).*

The Grantee agrees to comply with all applicable federal, State, and municipal laws, rules, and regulations in its performance pursuant to the agreement.

RESOLUTION # 2012-97

A RESOLUTION AWARDING CONTRACT TO LONGO ELECTRICAL
MECHANICAL INC FOR THE PROVISION OF ELECTRICAL
REPAIR WORK FOR THE TOWNSHIP OF MARLBORO
DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the PROVISION OF ELECTRICAL REPAIR WORK FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS, and on February 1, 2012, received two (2) bids therefor; and

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

Company	Contract 1A Municipal	Contract 1 B Water Utility	Combined CC1A/1B	Contract 1A + 1B
Longo Electrical Mechanical, Inc Wharton, NJ	No bid	No bid	\$31,510.00	\$31,510.00
Maul Electric, Inc. Dayton, NJ	\$18,750.00	\$21,000.00	\$40,000.00	\$39,750.00

For Labor Hourly Rates and Material Mark-up

Company	Longo Electrical Mechanical, Inc, Wharton, NJ	Maul Electric, Inc., Dayton, NJ (combined)	Maul Electric, Inc., Dayton, NJ (individual)
Foreman	\$81.50	\$135.00	\$110.00 for 1A \$155.00 for 1B
Journeyman	\$72.70	\$97.00	\$97.00 (both 1A and 1B)
Apprentice	\$50.90	\$58.00	\$58.00 (both 1A and 1B)
Material Mark up %	10%	10%	

WHEREAS, it has been determined that the submission of the lowest bidder, LONGO ELECTRICAL MECHANICAL INC is responsive as detailed in a February 6, 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 LONGO ELECTRICAL MECHANICAL INC whose address is 1 Harry Shupe Blvd., PO Box 511, Wharton, NJ 07885 for the PROVISION OF ELECTRICAL REPAIR WORK FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS, for a contract amount at the unit prices specified in the bid proposal not to exceed \$31,510.00 for a term of one year; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, Contracts with LONGO ELECTRICAL MECHANICAL 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 funds in the amount of \$31,510.00 have been certified by the Chief Financial Officer in the following accounts:

2	05		500	251
2	01		122	251
2	01		123	251
T	16	58	856	806
T	17	56	867	251
2	07		700	251
X	06	55	900	901
C	04	02	021	904

; and

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

- a.LONGO ELECTRICAL MECHANICAL INC
- b.Mayor Jonathan Hornik
- c.Township Business Administrator
- d.Township Director of Public Works
- e.DeCotiis, FitzPatrick & Cole, LLP

RESOLUTION # 2012-98

WHEREAS, the Tax Assessor has granted a disabled veteran exemption for Larsen, John C. & June K., Block 178 Lot 290 Qualification C0142, located at 142 Nathan Drive,

WHEREAS, taxes were billed for the year 2011 in the amount of \$ 7,476.78, and

WHEREAS, taxes were billed for the first half of 2012 in the amount of \$ 3,738.39, and

WHEREAS, this exemption became effective January 1, 2011 and taxes were paid for year 2011 as well as the first quarter of

2012, the above mentioned taxpayer is due a refund of \$ 9,345.98 and,

WHEREAS, the remaining 2012 taxes of \$ 1,869.19 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 \$9,345.98 to for Larsen, John C. & June K., and cancel the remaining taxes of \$1,869.19.

RESOLUTION # 2012-99

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$4,678.31 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 \$4,678.31 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>
11-25	288/29 C0132	C & E Partners LLC	\$4,678.31
132	Sunnymede St.	P.O. Box 23-1308 New York NY 10023	

RESOLUTION # 2012-100

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 04-2012 (Off Premise 50/50) be and it is hereby granted to Optimist Club of Howell, P. O. Box 232, Adelphia, NJ 07710.

BE IT FURTHER RESOLVED that said Raffle will be held on May 7, 2012 at 7 PM, at Bella Vista Country Club, 100 School Road East, Marlboro, N.J. 07746. At 8:00 PM, Council Vice President Metzger moved that the meeting go into executive session for reason of discussing litigation. This was seconded by Councilman LaRocca, and as there was no objection, the Clerk was asked to cast one ballot. Recess was called, and the executive session resumed at 8:10 PM.

RESOLUTION # 2012-101

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 16th day of February, 2012 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, namely litigation.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned items and that such executive session should take approximately 15 minutes. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required. Action may be taken following the executive session.

At 8:25 PM, Council Vice President Metzger moved that the meeting be opened. This was seconded by Councilman LaRocca, and as there was no objection, the Clerk was asked to cast one ballot.

At 8:26 PM, Council Vice President Metzger 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: March 21, 2012

OFFERED BY: Metzger AYES: 4

SECONDED BY: Mazzola NAYS: 0

ABSENT: La Rocca

ALIDA MANCO,
MUNICIPAL CLERK

JEFF CANTOR,
COUNCIL PRESIDENT