

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

March 22, 2012

The Marlboro Township Council held its regularly scheduled meeting on March 22, 2012 at 8:00 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. Notice of the change in time of this meeting was faxed to all of the above on March 13, 2012.

The Clerk called the Roll.

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

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

Council Vice President Metzger moved that the minutes of February 2, 16 and 22 2012 be approved. This was seconded by Councilwoman Mazzola and passed on a roll call vote of 4 - 0 in favor (Absent: LaRocca).

Council President Cantor opened the Public Hearing on Ord. #2012-6 (Exceed Municipal Budget Appropriation Limits and to Establish a CAP Bank). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution #2012-114/Ordinance #2012-6 was introduced by reference, offered by Council Vice President Metzger, seconded by Councilwoman Marder and passed on a roll call vote of 4 - 0 in favor (Absent: LaRocca).

RESOLUTION # 2011-114

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

ORDINANCE # 2012-6

CALENDAR YEAR 2012

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET  
APPROPRIATION LIMITS AND TO ESTABLISH  
A CAP BANK (N.J.S.A. 40A: 4-45.14)

which was introduced on March 1, 2012, public hearing held March 22, 2012, be adopted on second and final reading this 22nd day of March, 2012.

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

The following Resolution #2012-115 (Temporary Emergency Appropriations) was introduced by reference, offered by Councilwoman Marder, seconded by Council Vice President Metzger and passed on a roll call vote of 4 - 0 in favor (Absent: LaRocca).

RESOLUTION # 2012-115

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, this resolution authorizes appropriations representing 50% of the full 2011 appropriations with the exception of debt service and obligations associated with seasonal considerations; and

WHEREAS, the total emergency temporary resolutions adopted in the year CY 2012 pursuant to the provisions of N.J.C.A. 40A 4-20 (Chapter 96, P.L.1951 as amended) including this resolution total: \$19,618,525.82 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 <u>Budget</u>	2012 Temporary <u>Emergency</u>
<b>Current Fund Appropriations</b>		
Cable Studio		
Other Expenses	36,372.00	<b>36,000.00</b>
Planning Board		
Other Expenses	62,166.00	<b>60,000.00</b>
Planning Board Contractual		
Other Expenses	114,650.00	<b>88,000.00</b>
Solid Waste Collection		
Other Expenses	551,700.00	<b>438,000.00</b>
Buildings & Grounds		
Other Expenses	202,253.00	<b>167,000.00</b>
Electricity	420,001.00	<b>310,000.00</b>
Street Lighting	689,128.00	<b>645,000.00</b>
Telephone	128,051.00	<b>105,000.00</b>
Water	25,750.00	<b>25,000.00</b>
Natural Gas	80,000.00	<b>74,000.00</b>
Sewer	10,350.00	<b>10,000.00</b>
Landfill Disposal Costs	220,700.00	<b>170,350.00</b>
<b>Totals</b>	<b>34,185,678.84</b>	<b>19,618,525.82</b>
<b>Swim Utility Appropriations</b>		
<b>Totals</b>	<b>1,047,539.85</b>	<b>604,000.00</b>

## Water Utility Appropriations

**Totals**

**9,545,483.00**

**5,826,674.50**

The following Resolution #2012-117 (Authorizing Release of Cash Maintenance Guarantee for "Rite Aid Site Plan") was introduced by reference, offered by Councilwoman Mazzola, seconded by Council Vice President Metzger, and passed on a roll call vote of 4 - 0 in favor (Absent: LaRocca).

### RESOLUTION # 2012-117

RESOLUTION AUTHORIZING RELEASE OF A CASH MAINTENANCE GUARANTEE FOR THE SITE KNOWN AS RITE AID SITE PLAN, BLOCK 225, LOT 195, ALSO KNOWN AS 107 ROUTE 79, TOWNSHIP OF MARLBORO, NEW JERSEY

WHEREAS, in accordance with *N.J.S.A. 40:55D-53*, the Township of Marlboro has received a request for release of the Township held Maintenance Guarantee in the form of a cash deposit for site improvements ("Private Improvements") on the Site known as "Rite Aid Site Plan" (the "Site"), property known as Block 225, Lot 195, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by The Heller Group, Inc. (the "Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed the Township Engineer's report dated March 12, 2012, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the aforesaid report recommends that the current Maintenance Guarantee in the amount of \$41,385.86 which sum has been posted by the Developer as cash, and is being held by the Township, may be released in its entirety with no restrictions; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the cash Maintenance Guarantee posted in connection with site improvements for the Rite Aid site plan, Block 225, Lot 195, 107 Route 79, Marlboro Township, New Jersey shall be released in its entirety; and

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

- a. The Heller Group, Inc.
- b. Steiner Equities
- c. Mayor Jonathan L. Hornik
- d. Township Business Administrator
- e. Township Chief Financial Officer
- f. Township Engineer
- g. 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 as there was no objection, the Clerk was asked to cast one ballot: Res. #2012-118 (Cancelling Stale Checks - Court), Res. #2012-119 (Water Escrow Return), Res. #2012-120 (Cancelling Water Escrow Accounts), Res. #2012-121 (Water Utility Escrow Transfer), Res. #2012-122 (Redemption Tax Sale Certs. - Various), Res. #2012-123 (Tax Court Judgment B 171, L 52.01), Res. #2012-124 (Tax Court Judgment B 176, L 111), Res. #2012-125 (Authorizing Renewal of Shared Services Agreement Use of Police Range - Howell Township), Res. #2012-126 (Authorizing Renewal of Shared Services Agreement Use of Police Range - Middletown Township), Res. #2012-127 (Authorizing Renewal Western Monmouth Cooperative Purchasing Group), Res. #2012-128 (Authorizing Award of State Contract for Property and Evidence Room - Law Enforcement Trust Funds), Res. #2012-129 (Award of Contract Natural Gas Supply - MRESC Co-op), Res. #2012-130 (Authorizing 2012 MJIF Retrospective Rating Endorsement), Res. #2012-131 (Award of Contract - Janitorial Supplies - MRESC Co-op), Res. #2012-132 (Authorizing Shared Services Agreement Mon. County Reclamation Center), and Res. #2012-133 (Authorizing Application for ANJEC Grant).

RESOLUTION # 2012-118

WHEREAS, the bank reconciliations of the Township of Marlboro Municipal Court General Account shows stale dated checks that remain outstanding, and

WHEREAS, there stale dated checks (listed below) need to be cancelled by action of the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey,

NOW, THEREFORE, BE IT RESOLVED that the checks listed below be hereby cancelled and the Marlboro Court Administrator is hereby directed to prepare and submit a check in the amounts noted to the finance office for deposit into the Current Fund - Miscellaneous Revenue Not Anticipated.

**General Account**

<u>Check Number</u>	<u>Check Date</u>	<u>Check Amount</u>
#4630	7/14/10	\$ 10.00
#4753	8/09/11	15.00
Total		\$ 25.00

RESOLUTION # 2012-119

WHEREAS, dormant escrow accounts existed on the books of the Marlboro Township Municipal Utilities Authority, and

WHEREAS, the Chief Financial Officer of the Township of Marlboro has received the approval of the Director of Public Works, Robert DiMarco, to close and return the balances of such accounts.

THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, Monmouth County, State of New Jersey that the following checks are hereby authorized in the amounts depicted for disbursement from the Water Utility Escrow Account.

<u>Check Number</u>	<u>Recipient</u>	<u>Amount</u>
1016	Pleasant Valley Estates	\$ 601.43
1017	Pleasant Valley Estates	10.04
1018	Tennant Estates	1,008.25
1019	Void	
1020	Tennant Estates	19,614.22
1021	K. Hovnanian	2,825.10
1022	K. Hovnanian	7,729.25
1023	K. Hovnanian	14.63
1024	K. Hovnanian	65.91
1025	K. Hovnanian	13,754.01
1026	K. Hovnanian	12,768.15
1027	K. Hovnanian	8.64
1028	K. Hovnanian	9,204.86
1029	Meiterman Properties	1,040.76
1030	Rosemont Estates	57.90
1031	Chelsea Commons	112.57
1032	Township of Marlboro	450.00
1033	K Land Associates	1,564.74
1034	Marlboro Board of Education	112,011.94
1035	Marlboro Board of Education	48,606.12
1036	Marlboro Board of Education	755.54
1037	Marlboro Board of Education	17.13
1038	K Land Associates	730.12
1039	Lucas Development LLC	14,848.38
Total		\$147,799.69

RESOLUTION # 2012-120

WHEREAS, the recently disbanded Marlboro Township Municipal Utilities Authority had escrow deposits on record, and

WHEREAS, some of these deposits have been held in escrow accounts which have remained dormant, and

WHEREAS, correspondence efforts by the Township with names and addresses of record have been unsuccessful, and

WHEREAS, many of these accounts have total balances less than \$100.00 and should be closed so the Township is not continuing the cost of maintaining dormant accounts.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro, Monmouth County State of New Jersey that the escrow accounts listed below be cancelled and the balances deposited as unanticipated revenue in the Water Utility Operating Account.

Building Blocks -		
Goddards School	7200113962	0.65
Crine Realty	7200113901	0.98
Shalom Torah Centers	7200113922	1.30
Monticello Estates	7200113914	1.78
River Birch LLC	7200113899	2.94
Jocama Construction	7200113895	3.48
Triangle Ridge	7200113906	4.30
Eagles Nest	7200113915	4.33
Webro Inc Marlboro Maples	7200113925	4.35
Beacon Woods Estates -		
American Dream	7200113929	5.57
Karlen Mgmt LLC	7200113981	8.24
Giovanni Caruse / Pino		
Restaurant	7200113977	14.14
River Birch LLC	7720113868	14.64
Central Jersey Office		
Industrial Park	7200113946	15.56
Calton Homes Inc -		
Highland Point	7200113928	17.75
Cambridge Square @ Union		
Hill	7200113952	21.14
Calton Homes Inc	7200113951	21.50
Wyncrest Manor	7200113949	25.75
Beacon Woods Estates	7200113932	33.41
Marlboro Crossings	7200113935	33.73
Manzo Phase II & III	7200113942	38.43
SunnySide Estate LLC -		
Tall Oaks	7200113974	38.44
Giovanni Caruse / Pino	7200113976	42.77

Restaurant		
Pinebrook Estates -		
Evergreen	7200113948	43.68
M & F Builders	7200113894	44.65
Junction Trail	7200113930	46.96
Conover Hills - Section 1	7200113879	48.47
S & F Associates	7200113896	49.29
Georgetown Manor	7200113908	54.68
Crystal Lake	7200113920	60.69
MBS Developers LLC	7200113964	68.60
Marlboro Crest Inc	7200113947	70.53
Steven Pabon	7760866199	71.50
Calton Homes Inc -		
Highland Point	7200113898	73.17
Michael Kaplan Auto Spa	7200113910	84.17
Highland Crest Developers	7200113926	89.33
Regal Plaza	7200113912	96.54
Total		1,257.44

RESOLUTION # 2012-121

WHEREAS, the Marlboro Township Municipal Utilities Authority (MTMUA) had escrow deposits on record at the time of its dissolution, and

WHEREAS, some of these deposits have been held in escrow accounts which have remained dormant, and

WHEREAS, correspondence efforts by the Township with names and addresses of record have been unsuccessful, and

WHEREAS, the Township Auditor has advised that the balances of these accounts should remain in the Township of Marlboro "Other Trust" account for a period of at least seven (7) years before cancellation of any remaining balances should occur.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro, Monmouth County State of New Jersey that the balances of escrow accounts listed below be transferred to the Township of Marlboro "Other Trust" account and held in trust for a period of not less than seven (7) years before further action of the Township Council to cancel any remaining balances.

Highland Crest Developers	7200113871	130.51
3 MG Dirage Corp	7200113945	137.26
Marlboro Crossing Movies	7200113953	152.32
Marlboro Chase LLC	7200113934	215.78
Square One Realty Corp	7200113924	223.38
CPC Behavioral Healthcare	7200113911	250.00

Inc.		
Home Depot #6911	7200113978	274.81
Crine Woods III	7200113933	292.70
Marlboro Greens	7200113943	318.25
Shurgard Storage Center	7200113918	321.14
Fed Equity II	7200113893	327.76
S & F Triangle	7200113955	328.63
Carmel Estates	7200113923	443.86
Highland Meadows	7200113875	456.76
Exclusive Plaza @		
Marlboro LLC	7200113971	502.10
Commerce Bank	7200113957	578.21
WB Associates Inc -		
Sanctuary	7200113927	653.87
Monmouth Worship Center	7200113931	811.57
Crine Realty	7200113872	840.08
Landkor Realty LLC	7200113992	940.38
Sorrentino Development		
Corp	7200113960	1,085.50
OLS Corp	7200113954	1,086.74
Grosso Park Office		
Building	7200113889	1,136.28
Burr Builders	7200113944	1,210.02
Imperial Builders Inc.	7200113890	1,309.86
Group Construction Inc	7200113941	1,432.04
Conover Hills - Section 1	7200113939	1,656.66
McCay Developers	7200113892	1,672.55
Tara Lanes Estates	7200113936	1,976.25
Calton Homes Inc /		
Regency Oaks	7200113887	2,465.07
Midway Mobile Home Park	7200113940	2,665.48
Shops @ Cambridge Square	7200113907	2,765.35
Woods CJOIP / Alex	7200113886	3,266.40
Caldor Inc	7200113891	3,516.02
Michael Kaplan Auto Spa	7200113888	4,379.09
Penn Associates	7200113858	6,184.83
Home Depot #6911	7200113975	6,858.83
Group Construction Inc	7200113856	9,398.06
Central Jersey Office		
Industrial Park	7200113857	9,481.41
Square One Realty Corp	7200113870	11,758.93
Shurgard	7200113861	12,371.16
Marlboro Greens	7200113854	17,950.48
OLS Corp	7200113855	19,678.03
Woodcliff / Extension		
Lines @ 34	7200113876	23,158.57
Total		\$ 156,662.98

RESOLUTION # 2012-122

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$1,602.24 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 \$1,602.24 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>
11-6	176/7	C0719	
719 Snowdrop Ct.		Nasdom, LLC 1527 E. 35 <sup>th</sup> ST Brooklyn, NY 11234 Assessed Owners: Rosa, Chong Mi & K.Sang & O. Sun	\$ 1,602.24

RESOLUTION # 2012-123

WHEREAS, the Tax Court of New Jersey has granted a judgment in the amount of \$2,215.51 for the year 2010 for Block 171 Lot 52.01, located at 54 Harbor Road, assessed to Smith, James J. & Elvira E.,

WHEREAS, the 2010 taxes have been paid in full, the Tax Collector is directed to refund the amount of \$2,215.51.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$2,215.51 to Smith, James J. & Elvira E.

RESOLUTION # 2012-124

WHEREAS, the Tax Court of New Jersey has granted a judgment in the amount of \$ 9,486.62 for the year 2011 for Block 176 Lot 111, located at 708 Ginesi Drive, assessed to New Columbia Investments, LLC,

WHEREAS, the 2011 taxes have been paid in full, the Tax Collector is directed to refund the amount of \$9,486.62.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$9,486.62 to New Columbia Investments, LLC.

RESOLUTION # 2012-125

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

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

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

WHEREAS, the Township Council of the Township of Marlboro authorized the execution of a shared services agreement with Howell Township on December 9, 2010 for use of the Howell Township Firearms Range; and

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

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

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

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

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

RESOLUTION # 2012-126

A RESOLUTION OF THE TOWNSHIP OF MARLBORO IN MONMOUTH COUNTY, NEW JERSEY, AMENDING AND

RENEWING THE SHARED SERVICES AGREEMENT WITH  
THE MIDDLETOWN TOWNSHIP DEPARTMENT OF POLICE  
FOR THE USE OF THE MIDDLETOWN TOWNSHIP  
FIREARMS RANGE

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

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

WHEREAS, the Township Council of the Township of Marlboro authorized the execution of a shared services agreement with Middletown Township on December 9, 2010 for use of the Middletown Township Firearms Range; and

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

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

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

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

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

RESOLUTION # 2012-127

RESOLUTION AUTHORIZING RENEWAL OF THE WESTERN MONMOUTH  
PURCHASING GROUP COOPERATIVE PRICING SYSTEM

BE IT RESOLVED that the Governing Body of the Township of Marlboro hereby renews its membership in the Western Monmouth Purchasing Group, effective July 1, 2012, and that such membership shall be for the five-year duration of the Agreement (June 30, 2012), unless the Governing Body of the Contracting Unit elects for withdraw.

BE IT FURTHER RESOLVED that a certified copy of the within Resolution be forwarded to the Freehold Township Administrator and Purchasing Clerk.

RESOLUTION # 2012-128

A RESOLUTION AUTHORIZING THE PURCHASE OF  
EVIDENCE STORAGE SOLUTION FOR THE MARLBORO  
TOWNSHIP DEPARTMENT OF PUBLIC SAFETY  
PURSUANT TO STATE CONTRACT #A79829  
UTILIZING LAW ENFORCEMENT TRUST FUNDS

WHEREAS, the Department is in need of a storage and shelving solution for the Police Property and Evidence Room; and

WHEREAS, the Division of Police has requested that the Township purchase the needed storage and shelving solution from Diversified Storage Solutions, Inc., 56 Buttonwood Street, Norristown, PA 19401, under State Contract #A79829 for a total amount not to exceed \$20,276.96; and

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

WHEREAS, the improvements to the Property and Evidence Room are necessary for proper property and evidence storage in order to:

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

; and

WHEREAS, funds are available from the Law Enforcement Trust Account 00429902707 for the amount of \$20,276.96 and have been certified to by the Chief Financial Officer of the Township of Marlboro.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase storage and shelving solutions from Diversified Storage Solutions, Inc., 56 Buttonwood Street, Norristown, PA 19401, under State Contract #A79829 for a total amount not to exceed \$20,276.96; and

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

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

RESOLUTION # 2012-129

RESOLUTION AUTHORIZING A CONTRACT FOR THE PROVISION OF NATURAL GAS SUPPLY THROUGH BIDS OBTAINED BY THE MIDDLESEX REGIONAL EDUCATION SERVICES COMMISSION (MRESC)

WHEREAS, the Township is authorized to purchase NATURAL GAS SUPPLY from bids obtained from a cooperative pricing system such as the MIDDLESEX REGIONAL EDUCATION SERVICES COMMISSION (MRESC) pursuant to the authority provided by N.J.S.A. 40A:11-11(6); and

WHEREAS, the MIDDLESEX REGIONAL EDUCATION SERVICES COMMISSION (MRESC) conducted a public bidding process and awarded a contract to WOODRUFF ENERGY US, LLC, 73 Water Street, PO Box 77, Bridgeton, NJ 08302, for the provision of NATURAL GAS SUPPLY; and

WHEREAS, WOODRUFF ENERGY US, LLC has agreed to extend the pricing provided through the MRESC to Marlboro Township; and

WHEREAS, at this time, the Public Works Department has recommended the award of contract for NATURAL GAS SUPPLY to WOODRUFF ENERGY US, LLC; 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 NATURAL GAS SUPPLY through the MRESC; and

WHEREAS, the total annual budget for both the supply and distribution of natural gas is estimated at \$75,000.00; and

WHEREAS, funds in the amount of \$75,000.00 will be certified by the Chief Financial Officer in Accounts 2-01- -167-237 and 2-05- -500-237 for the supply and distribution of natural gas 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 NATURAL GAS SUPPLY from WOODRUFF ENERGY US, LLC, at pricing pursuant to the bid obtained by the MRESC.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase NATURAL GAS SUPPLY, at pricing pursuant to the bid obtained by the MRESC; and

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

- a. WOODRUFF ENERGY US, LLC
- b. Township Administrator
- c. Township Public Works Department
- d. Township Chief Financial Officer
- e. DeCotiis, FitzPatrick & Cole, LLP

RESOLUTION # 2012-130

A RESOLUTION AUTHORIZING APPROVAL OF THE 2012  
POLICY ENDORSEMENT ISSUED BY THE  
MONMOUTH MUNICIPAL JOINT INSURANCE FUND

WHEREAS, the Township of Marlboro ("Municipality") is a member of the Monmouth Municipal Joint Insurance Fund ("Fund") and reauthorized renewal of its membership in November of 2010 (R. 2010-405); and

WHEREAS, the Monmouth County Joint Insurance Fund has issued an endorsement to the policy effective January 1, 2012; and

WHEREAS, the Municipality desires to accept the endorsement for the 2012 year for the terms and conditions set forth in the annexed Schedule "A".

NOW, THEREFORE, BE IT RESOLVED that the Township of Marlboro agrees to the terms and conditions set forth in the 2012 policy endorsement.

RESOLUTION # 2012-131

RESOLUTION AUTHORIZING A CONTRACT FOR THE PROVISION OF  
CUSTODIAL SUPPLIES THROUGH BIDS OBTAINED BY THE  
MIDDLESEX REGIONAL EDUCATION SERVICES COMMISSION (MRESC)

WHEREAS, the Township is authorized to purchase CUSTODIAL SUPPLIES from bids obtained from a cooperative pricing system such as the MIDDLESEX REGIONAL EDUCATION SERVICES COMMISSION (MRESC) pursuant to the authority provided by N.J.S.A. 40A:11-11(6); and

WHEREAS, the MIDDLESEX REGIONAL EDUCATION SERVICES COMMISSION (MRESC) conducted a public bidding process and

awarded a contract to BIO SHINE, 190 Summerhill Road, Spotswood, NJ 08804, for the provision of CUSTODIAL SUPPLIES; and

WHEREAS, the Public Works Department has indicated that BIO SHINE has agreed to extend the pricing provided through the MRESC to Marlboro Township; and

WHEREAS, at this time, the Public Works Department has recommended the award of contract for CUSTODIAL SUPPLIES for a total not to exceed \$19,200.00; 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 CUSTODIAL SUPPLIES through the MRESC; and

WHEREAS, funds in the amount of \$19,200.00 have been certified by the Chief Financial Officer in Accounts 2-01- -122-240, 2-07- -700-240 and T-17- -867-240 for this purpose; and

WHEREAS, the Marlboro Township Council, having considered the same, desires to authorize the purchase of CUSTODIAL SUPPLIES from BIO SHINE, at pricing pursuant to the bid obtained by the MRESC, for a total amount not to exceed \$19,200.00.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase CUSTODIAL SUPPLIES, at pricing pursuant to the bid obtained by the MRESC, for a total amount not to exceed \$19,200.00; and

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

- a. BIO SHINE, Spotswood, NJ
- b. Township Administrator
- c. Township Public Works Department
- d. Township Chief Financial Officer
- e. DeCotiis, FitzPatrick & Cole, LLP

RESOLUTION # 2012-132

AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE COUNTY OF MONMOUTH RECLAMATION CENTER FOR THE DISPOSAL OF DEBRIS FOR 2012 FOR THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, The Board of Chosen Freeholders of the County of Monmouth (hereinafter, "the County") has established the Monmouth County Reclamation Center; and

WHEREAS, the Township of Marlboro wishes to enter into a Shared Services Agreement with the County to dispose of debris

including that collected through street sweeping at the Monmouth County Reclamation Center; and

WHEREAS, N.J.S.A. 40A:65-1 et seq. authorizes local units to enter into shared services agreements for the provision of services, including the services contemplated herein; and

WHEREAS, the proposed shared services agreement in the form of the County's posted Rules and Regulations is on file in the Township Clerk's office in accordance with the provisions of N.J.S.A. 40A:65-5(b); and

WHEREAS, funds for the aforesaid purpose estimated at an amount not to exceed \$43,543.00 have been certified by the Chief Financial Officer in Budget Account 1-01- -170-233.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Clerk are hereby authorized and directed to execute the proposed shared services agreement for the disposal of debris with the Monmouth County Reclamation Center, 6000 Asbury Avenue, Tinton Falls, NJ 07753; and

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

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

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

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

At 8:40 PM, Councilwoman Mazzola moved that the meeting go into executive session for reason of discussing litigation. This was seconded by Councilwoman Marder, and as there was no objection, the Clerk was asked to cast one ballot (Absent: LaRocca). Recess was called, and the executive session resumed at 8:45 PM.

RESOLUTION # 2012-134

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 22nd day of March, 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 10 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 8:50 PM, Council Vice President Metzger moved that the meeting be opened. This was seconded by Councilwoman Marder, and as there was no objection, the Clerk was asked to cast one ballot (Absent: LaRocca).

The following Resolution #2012-135 (Authorizing Memorandum of Agreement - Conti - Transportation of Oversized Material) was introduced by reference, offered by Councilwoman Mazzola, seconded by Council Vice President Metzger and passed on a roll call vote of 4 - 0 in favor (Absent: LaRocca).

RESOLUTION # 2012-135

WHEREAS, the Bayshore Regional Sewerage Authority ("BRSA") awarded Contract 57 to the Conti Group ("Conti") for installation of a 1.5 megawatt wind turbine at its Union Beach facility; and

WHEREAS, as part of this project certain oversized materials and equipment must be transported through Marlboro by Conti; and

WHEREAS, the County of Monmouth, BRSA and Conti require the consent of the individual municipalities along the route to move the oversized materials and equipment to the destination site; and

WHEREAS, the Township has submitted a list of conditions to BRSA and Conti which ensures that the residents and infrastructure of Marlboro are protected at no cost to taxpayers.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Marlboro that the Township hereby authorizes the Mayor to execute a Memorandum of Agreement with Conti in a form approved by the Township Attorney which includes the following elements:

1. Performance bond for repairs to Wyncrest Road between Monmouth County Route 520 and New Jersey State Highway Route

79 which shall cover any damage to the roadway and/or utilities, include the Township's attorney fees and engineering costs, and cover claims by private property owners of any damage resulting from the transport.

2. Payment for the contracting of a Video Production Service company to obtain Pre-Construction and Post-Construction Right of Way high resolution walking videos of the transport route.
3. Deposit in escrow with the Township of Marlboro for engineering inspection fees.
4. Agreement by BRSA and Conti to indemnify and hold the Township, its officials, officers, agents, servants, representatives, employees and Township's designated consulting engineer and its employees, harmless from and against any claims, liabilities, damages, costs or expenses of every kind and nature arising from the transport from the BRSA and Conti.
5. Agreement by BRSA to release the Township from any and all claims arising from issuance of this permit.
6. Certificate of Insurance evidencing coverage and minimum limit in amounts recommended by the Township's Risk Manager, with the Municipality to be named as "Additional Insured".
7. A waiver of claims for damages or compensation for delay or otherwise occasioned by the issuance of this consent against the BRSA, Marlboro Township or any other member or client municipality.
8. Prior notice of transport of at least seven (7) days shall be given to the Township.
9. Transport on Township roadways shall take place on weekdays between the hours directed by the Marlboro Chief of Police.
10. Conti shall hire off duty police officers and make a deposit with the Township for the estimated value of services to be procured as directed by the Marlboro Chief of Police, thirty (30) days prior to transport.

At 8:55 PM, Councilwoman Marder moved that the meeting be adjourned. This was seconded by Councilwoman Mazzola, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: April 12, 2012

OFFERED BY: Metzger AYES: 4

SECONDED BY: Marder NAYS: 0

ABSTAIN: La Rocca

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ALIDA MANCO,  
MUNICIPAL CLERK

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JEFF CANTOR,  
COUNCIL PRESIDENT