

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

October 18, 2012

The Marlboro Township Council held its regularly scheduled meeting on October 18, 2012 at 7:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Cantor opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of the regularly scheduled meetings of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on January 9, 2012; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building, filed in the office of the Municipal Clerk and placed on the township website and Channel 77.

The Clerk called the Roll.

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

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

Councilwoman Marder moved that the minutes of Sept. 6 and Sept. 20, 2012 be approved. This was seconded by Councilman LaRocca and passed on a roll call vote of 5 - 0 in favor.

Councilwoman Marder moved that the minutes of Oct. 4, 2012 be approved. This was seconded by Councilman LaRocca and passed on a roll call vote of 4 - 0 in favor (Abstain: Metzger).

Council Vice President Metzger recused himself and left the room. The following Resolution #2012-361 (Appointment to Zoning Board to fill unexpired term of Adrienne Spota) was introduced by reference, offered by Councilwoman Marder, seconded by Councilman LaRocca and passed on a roll call vote of 3 - 0 in favor, with Councilwoman Mazzola abstaining (Absent: Metzger).

RESOLUTION # 2012-361

RESOLUTION APPOINTING ZONING
BOARD OF ADJUSTMENT MEMBER

WHEREAS, Section 4-90 of the Code of the Township of Marlboro created the Marlboro Township Zoning Board of Adjustment pursuant to the authority granted by N.J.S.A. 40:55D-69; and

WHEREAS, Section 220-8 of the Code of the Township of Marlboro provides that the Township Council shall appoint members of the Zoning Board of Adjustment; and

WHEREAS, the Township Council wishes to appoint Michael Craig Adler to serve as a regular member of the Marlboro Township Zoning Board of Adjustment, to fill the unexpired term of Adrienne Spota expiring December 31, 2014.

NOW, THEREFORE BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

That it hereby appoints Michael Craig Adler to serve as a member of the Marlboro Township Zoning Board of Adjustment in the position specified above, and for the term indicated above.

As the consent agenda, the following resolutions were introduced by reference, offered by Councilwoman Marder, seconded by Councilwoman Mazzola, and as there was no objection, the Clerk was asked to cast one ballot: Res. #2012-362 (Authorizing Application Drive Sober or Get Pulled Over Grant), Res. #2012-363 (Authorizing Application Municipal Alliance One-Time DEDR Grant), Res. #2012-364 (Authorizing Budget Amendment 2012 Highway Safety Grant), Res. #2012-365 (Award of Bid - Dump Truck for DPW (2012 Capital 120-1), Res. #2012-366 (Award of Bid - Contract Snow Removal Services), Res. #2012-367 (Mon. County Judgment Refund - B 378, L 8), Res. #2012-368 (Tax Sale Certs - Various), and Res. #2012-369 (Refund for Overpayments - Various).

RESOLUTION # 2012-362

SUPPORTING THE DRIVE SOBER OR GET PULLED
OVER 2012 YEAR END STATEWIDE CRACKDOWN GRANT

WHEREAS, impaired drivers on our nation's roads kill someone every 30 minutes, 50 people per day, and almost 18,000 people each year; and

WHEREAS, 25% of motor vehicle fatalities in New Jersey are Alcohol-related; and

WHEREAS, an enforcement crackdown is planned to combat impaired driving; and

WHEREAS, during the holiday season it is traditionally a time of social gathering which often includes alcohol; and

WHEREAS, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the *Drive Sober or Get Pulled Over 2012 Year End Statewide Crackdown* from December 7, 2012 through January 2, 2013; and

WHEREAS, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways; and

NOW, THEREFORE, BE IT RESOLVED that Marlboro Township declares its support for the *Drive Sober or Get Pulled Over 2012* from December 7, 2012 through January 2, 2013; and pledges to increase awareness of the dangers of drinking and driving.

RESOLUTION # 2012-363

RESOLUTION AUTHORIZING THE MARLBORO TOWNSHIP ALLIANCE
TO PREVENT ALCOHOLISM AND DRUG ABUSE TO APPLY
FOR THE 2013 GRANT - "One Time Only"

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

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

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

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

RESOLUTION # 2012-364

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

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

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

Section 1

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro, in the County of Monmouth, New Jersey, hereby requests the Director of Local Government Services to approve the insertion of an revenue in the budget of the year 2012 in the sum of \$41,219.65, which has been received by the municipality for the "2012 Highway Safety Fund" Grant.

Section 2

BE IT FURTHER RESOLVED that the amount of \$41,219.65 be hereby appropriated under the caption "2012 Highway Safety Fund" Grant.

RESOLUTION # 2012-365

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT TO
TRIUS, INC. FOR THE PROVISION OF ONE (1) NEW 5/7 CUBIC
YARD DUMP TRUCK WITH RELATED EQUIPMENT FOR THE
MARLBORO TOWNSHIP DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro as part of its 2012 capital program (120-1) authorized the replacement of a DUMP TRUCK WITH RELATED EQUIPMENT for the Department of Public Works; and

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for ONE (1) NEW 5/7 CUBIC YARD DUMP TRUCKS WITH RELATED EQUIPMENT, and on September 5, 2012, received four (4) bids, as follows:

	Campbell Freightliner, LLC, Edison, NJ	Trius, Inc. Farmingdale, NJ	Mid- Atlantic Truck Centre, Linden, NJ	Brown's Hunterdon International LLC, Bloomsbury, NJ
BID AMOUNT	156,760.00	158,595.00	159,637.00	167,223.89
; and				

WHEREAS, following a review of the bids, it has been determined that the submission of the lowest bidder is non-responsive relative to the specifications and bid documents as detailed in a September 24, 2012 memo drafted by the Director of Public Works; and

WHEREAS, the submission of the second lowest bidder included one exception which was determined to be non-material in nature in a September 24, 2012 memo drafted by the Director of Public Works; and

WHEREAS, the Department of Public Works has reported that Trius, Inc. is the apparent responsive low bidder, and has recommended that the contract for ONE (1) NEW 5/7 CUBIC YARD DUMP TRUCKS WITH RELATED EQUIPMENT be awarded to Trius, Inc., 458 Johnson Avenue, PO Box 158, Bohemia, NY 11716-0158; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation of the Department of Public Works as set forth herein;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract be awarded to Trius, Inc., whose address is 458 Johnson Avenue, PO Box 158, Bohemia, NY 11716-0158 in an amount not to exceed \$158,595.00 for the purchase of one 5/7 Yard Dump Truck with Related Equipment; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, a contract with Trius, Inc., whose address is 458 Johnson Avenue, PO Box 158, Bohemia, NY 11716-0158 in an amount not to exceed \$158,595.00 for the purchase of one 5/7 Yard Dump Truck with Related Equipment; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that sufficient funds in the amount of \$158,595.00 are available for the aforesaid contract in Capital Accounts C-04-11-002-951, C-04-12-008-968, and C-04-12-008-999; and

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

- a. Trius, Inc.
- b. Township Administrator
- c. Director of Public Works
- d. Township Chief Financial Officer

RESOLUTION # 2012-366

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

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the PROVISION OF SNOW REMOVAL SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS ("services"), and on September 20, 2012, received five (5) bids therefore; and

WHEREAS, the five (5) bids received are summarized as follows:

	Triple C Nurseries	L.J. Pesce	Premium Growers	Lucas Construction Group	Lucas Bros.
Section 1		676.00			
Section 2			1,016.88	1,020.00	
Section 3	524.94			585.00	
Section 4			628.44	615.00	675.00
Section 5	644.79			615.00	
Section 6			853.92		
Section 7	699.92			780.00	
Section 8	429.86				
Section 9	349.96				
Rover Truck	1,199.94		1,320.00		

WHEREAS, the Township Administration and the Department of Public Works have reviewed the said bids received and have recommended that L.J. Pesce, Inc. be awarded the contract for the following items as the lowest responsible bidder for same:

	Hours	Rate	# of Vehicles	Set up	Total
L.J. Pesce					
Section 1	45	169.00	4	900.00	31,320.00

WHEREAS, the Township Administration and the Department of Public Works have reviewed the said bids received and have

recommended that Lucas Construction Group, Inc. be awarded the contract for the following items as the lowest responsible bidder for same:

		Hours	Rate	# of Vehicles	Set up	Total
Section 4	Lucas Constr.	45	205.00	3	650.00	28,325.00
Section 5	Lucas Constr.	45	205.00	3	650.00	28,325.00
						56,650.00

WHEREAS, the Township Administration and the Department of Public Works have reviewed the said bids received and have recommended that Premium Growers, Inc. be awarded the contract for the following items as the lowest responsible bidder for same:

		Hours	Rate	# of Vehicles	Set up	Total
Section 2	Premium Growers	45	169.48	6	1,350.00	47,109.60
Section 6	Premium Growers	45	213.48	4	950.00	39,376.40
						86,486.00

WHEREAS, the Township Administration and the Department of Public Works have reviewed the said bids received and have recommended that Triple C Nurseries be awarded the contract for the following items as the lowest responsible bidder for same:

		Hours	Rate	# of Vehicles	Set up	Total
Section 3	Triple C Nurseries	45	174.98	3	750.00	24,372.30
Section 7	Triple C Nurseries	45	174.98	4	1,000.00	32,496.40
Section 8	Triple C Nurseries	45	214.93	2	500.00	19,843.70
Section 9	Triple C Nurseries	45	174.98	2	400.00	16,148.20
Rover Truck	Triple C Nurseries	45	199.99	6	1,350.00	55,347.30
						148,207.90

WHEREAS, the Chief Financial Officer has certified that funds in the amount of \$78,314.20 are available in Account No. 2-01-119-288 for the services estimated for 2012; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that contracts be

awarded for 2012-2013 contract snow plowing services for a term of one year as follows:

Vendor Name	Address	City	St	Zip	Total
L.J. Pesce, Inc. Lucas Construction Group, Inc.	100 Igoe Road	Morganville	NJ	07751	31,320.00
Premium Growers, Inc.	173 Amboy Road	Morganville	NJ	07751	56,650.00
Triple C Nurseries	178 Highway 34 915 B Holmdel Rd.	Holmdel	NJ	07733	86,486.00
		Holmdel	NJ	07733	148,207.90
				Total	322,663.90
				2012	78,314.20
				2013	244,349.70

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, contracts with L.J. Pesce Inc., Lucas Construction Group, Inc., Premium Growers, Inc. and Triple C Nurseries, in accordance with this resolution, the bid specifications, and in a form to be approved by the Township Attorney; and

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

- a. L.J. Pesce Inc.
- b. Lucas Construction Group, Inc.
- c. Premium Growers, Inc.
- d. Triple C Nurseries
- e. Township Business Administrator
- f. Township Chief Financial Officer
- g. Township Director of Public Works

RESOLUTION # 2012-367

WHEREAS, the Monmouth County Board of Taxation has been granted a judgment in the amount of \$916.80 for the year 2012 for Block 378 Lot 8, located on 6 Little Court, assessed to Seidenberg, Marilyn,

WHEREAS, the application of this judgment results in a credit balance of \$916.80 for 2012 taxes, the Tax Collector is directed to refund this amount of \$916.80,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$916.80 to Seidenberg, Marilyn.

RESOLUTION # 2012-368

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$ 1,508.98 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 \$ 1,508.98 be refunded to the certificate holders as per Schedule "A",

SCHEDULE "A"

<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>LIENHOLDER</u>	<u>AMOUNT</u>
2012-028	146/39	US Bank Cust. for Pro Capital 1, LLC U.S Bank Corporate Trust Services Tax Lien Service Group 2 Liberty Place 50 S. 16 th St- Suite 1950 Philadelphia, PA 19102 Assessed Owners: Velba, Joseph & Boyle Danielle	90.12
2012-076	255/36	Jack or Inna Gelin 1662 East 24 th Street Brooklyn, NY 11229 Assessed Owners: Doukas, Thomas J.	1,418.86
Totals:			1,508.98

RESOLUTION # 2012-369

WHEREAS, the attached list in the amount of \$ 537.46 own as Schedule "A", is comprised of amounts representing overpayments for 2012 taxes,

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

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNER</u>	<u>2012 REFUND</u>
153/127		Saltzman, Allen & Janice 8 Doree Road Morganville, NJ 07751	43.55
299/146.01		Mc Intosh, Raymond G. 17 Bauers Lane Morganville, NJ 07751	493.91
Total:			<u>537.46</u>

At 7:55 PM, Councilwoman Mazzola 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.

MINUTES APPROVED: NOVEMBER 19, 2012

OFFERED BY: METZGER AYES: 5

SECONDED BY: LA ROCCA NAYS: 0

ALIDA MANCO,
MUNICIPAL CLERK

JEFF CANTOR,
COUNCIL PRESIDENT