

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

November 19, 2012

The Marlboro Township Council held its rescheduled Council Meeting on November 19, 2012 at 7:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Cantor opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of this rescheduled meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on October 31, 2012; published in the Asbury Park Press on Nov. 8, 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.

Council Vice President Metzger moved that the minutes of October 18, 2012 be approved. This was seconded by Councilman LaRocca and passed on a roll call vote of 5 - 0 in favor.

Council President Cantor opened the Public Hearing on Ord. #2012-25 (Authorizing Partial Vacation of Right of Way - Conover Hills). As there was no one who wished to speak, the Public Hearing was closed. The following Res. #2012-370/Ord. #2012-25 was introduced by reference, offered by Councilwoman Mazzola, seconded by Council Vice President Metzger, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-370

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

ORDINANCE # 2012-25

AN ORDINANCE AUTHORIZING PARTIAL VACATION OF A
RIGHT OF WAY PREVIOUSLY GRANTED TO THE TOWNSHIP
OF MARBORO WITH THE CONOVER HILLS SUBDIVISION

which was introduced on October 4, 2012, public hearing held on November 19, 2012, be adopted on second and final reading this 19th day of November, 2012.

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

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. #2012-375 (Authorizing Participation New Jersey E-procurement Pilot Program and Authorizing the Hiring of an on-line purchasing agent to conduct Internet-based reverse Auctions - S-Recs), Res. #2012-376 (Award of Bid - Internet-based reverse Auctions for Sale of Solar Renewable Energy Certificates - S-Recs), Res. #2012-377 (Rejection of bid - E-ticketing), Res. #2012-378 (Authorizing App. To NJ Dept. of Criminal Justice for funding from FY2012 Body Armor Replacement), Res. #2012-379 (Amending Contract for Tax Appeal Legal Defense Counsel and Tax Appeal Legal Defense Conflict Counsel), Res. #2012-380 (Renewal of Shared Services Agreement - Helmetta Animal Impound Services), Res. #2012-381 (Budget Amendment FY2012 Bulletproof Vest Grant), Res. #2012-382 (Award of Bid - Chemicals), Res. #2012-383 (Confirming Emergency Contract We.. No 1, Well No 4), Res. #2012-384 (Auth Change Order #2 for Electrical Contract Services), Res. #2012-385 (Authorize Water Installment Payment Agreement - Rosenblatt), Res. #2012-386 (Redemption Tax Sale Certs - Various), Res. 32012-387 (Disabled Veteran Deduction - B 371, L 160), Res. #2012-388 (Overpayment for 2010 Taxes - B 371, L 160), Res. #2012-389 (Overpayment for 2012 Taxes - B 157, L 48), Res. #2012-390 (Confirming Temporary Suspension of Building & Zoning Permit Fees and Tree Removal Permitting Requirements), and Res. #2012-391 (Authorizing Clean Communities Grant Payments for Adopt a Site Services).

RESOLUTION # 2012-375

A RESOLUTION AUTHORIZING PARTICIPATION IN THE
NEW JERSEY E-PROCUREMENT PILOT PROGRAM AND AUTHORIZING
THE HIRING AND ENGAGEMENT OF AN ON-LINE PURCHASING
AGENT APPROVED BY THE DIVISION OF LOCAL GOVERNMENT
SERVICES TO CONDUCT INTERNET-BASED AUCTIONS

WHEREAS, the Marlboro Township Municipal Utilities Authority (MTMUA) had a contract for the sale of solar renewable energy credits (S-RECs) which expired on May 30, 2011; and

WHEREAS, the Mayor and Township Council on behalf of the Township of Marlboro wish to enter into a contract for the sale of approximately 1,500 S-RECs generated between June 1, 2011 and September 30, 2012; and

WHEREAS, the State of New Jersey allows local government units, through participation in an E-Procurement Pilot Program in accordance with the provisions of the Local Unit Electronic Technology Pilot Program and Study Act (P. L. 2001, c. 30), to utilize on-line auction services for the sale of S-RECs; and

WHEREAS, pursuant to provisions of the Local Unit Electronic Technology Pilot Program and Study Act (P. L. 2001, c. 30), local contracting units are specifically authorized to engage, without competitive bidding, on-line purchasing agents for the purpose of conducting internet-based auctions to procure certain bulk commodities, including S-RECs; and

WHEREAS, the Township has solicited proposals from three of the vendors authorized by the State of New Jersey to conduct internet-based auctions of S-RECs; and

WHEREAS, Marex Spectron has offered to serve as Marlboro Township's on-line purchasing agent for the reasonable sum of \$3.00 per S-REC totaling \$4,500.00 for 1,500 S-RECs; and

WHEREAS, the Department of Public Works, Water Utility Division has recommended the selection of Marex Spectron to serve as Marlboro Township's on-line purchasing agent in accordance with its proposal.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth, and State of New Jersey, that:

Section 1. The participation of Marlboro Township in the New Jersey E-Procurement Pilot Program pursuant to the provisions of the Local Unit Electronic Technology Pilot Program and Study Act (P. L. 2001, c. 30) is hereby authorized and approved for the sale of Solar Renewable Energy Credits utilizing on-line competitive bidding services and, in particular, an internet-based auction platform.

Section 2. The Township is hereby authorized to enter into an agreement with Marex Spectron, with corporate offices located at 360 Madison Avenue, Third Floor, New York, NY 10017, as an on-line purchasing agent, to conduct competitive auctions

utilizing an internet-based platform in conjunction with the Township's planned sale of S-RECs.

Section 3. The engagement of Marex Spectron, shall be effected through the execution of an Agreement substantially in the form attached hereto and made a part hereof as Exhibit A, which said contract is hereby awarded, without competitive bidding, pursuant to the provisions of Section 7 of the Local Unit Electronic Technology Pilot Program and Study Act (P. L. 2001, c. 30).

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

- A. Marlboro Township Chief Financial Officer
- C. Marlboro Township Director of Public Works
- D. Marex Spectron
- E. NJ Division of Local Government Services

RESOLUTION # 2012-376

A RESOLUTION AUTHORIZING THE AWARD OF BID FOLLOWING
INTERNET-BASED AUCTIONS FOR THE SALE OF SOLAR
RENEWABLE ENERGY CREDITS (S-RECS)

WHEREAS, on November 19, 2012, the Township Council authorized the Township of Marlboro to use internet-based auctions for the sale of Solar Renewable Energy Credits (S-RECS) through participation in the *New Jersey E-Procurement Pilot Program* in accordance with the provisions of the *Local Unit Electronic Technology Pilot Program and Study Act* (Resolution #2012-375); and

WHEREAS, due to the nature of the commodity to be purchased, a bid acceptance and contract award must be made within hours of the conclusion of the auctions, which are presently scheduled to be conducted on or before December 14, 2012; and

WHEREAS, the Mayor and Township Council have expressed their continued support for this initiative and desire to proceed with the auction under guidelines promulgated by the Division of Local Government Services;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth, and State of New Jersey, that the Mayor, or his designee, is hereby authorized to award a contract to and execute an agreement, in a form approved by the Township Attorney, with the responsible bidder which offers the highest per credit price offering resulting from the aforementioned internet-based auction for the sale of S-RECs,

provided the bid accepted offers a per S-REC price equal to or higher than \$65.00; and

BE IT FURTHER RESOLVED that the Mayor, or his designee, shall report on the bid results at the first meeting of the Township Council following the conclusion of the auctions to enable the Township Council to ratify and confirm the contract award.

RESOLUTION # 2012-377

A RESOLUTION AUTHORIZING THE REJECTION OF BIDS
FOR ELECTRONIC TICKETING (E-TICKETING) FOR
THE TOWNSHIP OF MARLBORO POLICE DEPARTMENT

WHEREAS, on November 8, 2012, bids were opened for Electronic Ticketing for the Police Department; and

WHEREAS, pursuant to N.J.S.A. 40A:11-23.2(b), failure to submit a certificate from a surety company at the time specified by the contracting unit for the receipt of bids shall be deemed a fatal defect that shall render the bid proposal unresponsive; and

WHEREAS, the sole proposal received from Gold Type Business Machines, Inc. ("GTBM, Inc.") did not contain the requested certificate from a surety company making it unresponsive.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that all bids heretofore received for Electronic Ticketing for the Police Department are hereby rejected pursuant to N.J.S.A. 40A:11-23.2(b).

BE IT FURTHER RESOLVED, that the Business Administrator is hereby authorized and directed to return the bid bond(s) or other security(ies) to the appropriate bidder(s)

RESOLUTION # 2012-378

RESOLUTION AUTHORIZING THE TOWNSHIP OF MARLBORO TO APPLY
FOR THE NJ FY2012 BODY ARMOR REPLACEMENT PROGRAM FUNDING
FROM THE NEW JERSEY DEPARTMENT OF CRIMINAL JUSTICE
FOR THE MARLBORO TOWNSHIP POLICE

Whereas, The State Body Armor Replacement Fund Program is provided to assist all eligible law enforcement agencies in offsetting costs of purchasing body armor vests for their officer's; and,

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

Whereas, funds were requested on 6/15/12 for the FY2012 Body Armor Replacement Program, Funding from the NJ Dept. of Criminal Justice; and,

Whereas, the Township wishes to apply for the maximum amount of funding available to offset the costs for replacement vests; and,

Whereas, the funding is a reimbursement that is requested after confirmation of receipt of the ballistic vest.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that the Township is hereby authorized to submit an application to the New Jersey Department of Criminal Justice and execute an agreement for funding from the FY2012 Body Armor Replacement Fund.

RESOLUTION # 2012-379

A RESOLUTION AUTHORIZING AMENDMENT TO PROFESSIONAL SERVICES CONTRACTS WITH CLEARY, GIACOBBE, ALFIERI, JACOBS, LLC AND SUKEL & ASSOCIATES, P.A., FOR SPECIAL TAX COUNSEL SERVICES

WHEREAS, on January 5, 2012, the Township Council adopted Res. # 2012-15 authorizing a contract for special tax counsel services and Res. # 2012-16 authorizing a contract for special tax conflict counsel services ("services"); and

WHEREAS, such contracts were awarded pursuant to a fair and open process in accordance with the provisions of N.J.S.A 19:44A-20.5; and

WHEREAS, due to the nature of the appeals filed and assigned in 2012, the Tax Assessor has recommended an increase of \$5,000.00 in the contract with Special Tax Conflict Counsel and an offsetting reduction in the contract with Special Tax Counsel of \$5,000.00; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that:

1. The Township Council of the Township of Marlboro hereby authorizes and approves an amendment to the Professional Services Contract of SUKEL & ASSOCIATES, P.A. pursuant to a fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.4, increasing the contract not to exceed amount by \$5,000.00; and

2. The Township Council of the Township of Marlboro hereby authorizes and approves an amendment to the Professional Services Contract of CLEARY, GIACOBBE, ALFIERI, JACOBS, LLC pursuant to a fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.4, reducing the contract not to exceed amount by \$5,000.00; and

3. That a certified copy of this Resolution shall be provided to each of the following:

- a. Township Administrator
- b. Tax Assessor
- d. Sukel & Associates, P.A.
- e. Cleary, Giacobbe, Alfieri, Jacobs, LLC

RESOLUTION # 2012-380

AUTHORIZING A SHARED SERVICES AGREEMENT WITH
THE BOROUGH OF HELMETTA FOR ANIMAL IMPOUNDMENT
SERVICES THROUGH DECEMBER 31, 2014
PURSUANT TO N.J.S.A. 40A:65-1 ET SEQ.

WHEREAS, the Borough of Helmetta ("Borough") owns and operates a Municipal Animal Shelter; and

WHEREAS, the Township of Marlboro wishes to enter into a Shared Services Agreement with the Borough for the provision of animal impoundment services which include full-time 24x7 boarding, feeding and medical care; and

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

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

WHEREAS, funds will be certified by the Chief Financial Officer for this purpose upon adoption of the 2013 Municipal Budget.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, that the Mayor and Township Clerk are hereby authorized and directed to execute and witness, respectively, a Shared Services Agreement with the Borough of Helmetta for the provision of animal impoundment services through December 31, 2014; and

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

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

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

- a. Borough of Helmetta
- b. Division of Local Government Services, Dept. of Community Services
- c. Township Business Administrator

RESOLUTION # 2012-381

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 \$4,681.00, which has been received by the municipality for the "2012 BULLETPROOF VEST PARTNERSHIP" Grant.

Section 2

BE IT FURTHER RESOLVED that the amount of \$4,681.00 be hereby appropriated under the caption "BULLETPROOF VEST PARTNERSHIP" Grant.

RESOLUTION # 2012-382

A RESOLUTION AWARDING CONTRACTS TO UNIVAR USA, INC.,
CHEMICAL EQUIPMENT LABS, AND SHANNON CHEMICAL CORP.
FOR THE SUPPLY OF SPECIFIED CHEMICALS FOR THE TOWNSHIP
OF MARLBORO WATER UTILITY DIVISION AND SWIM CLUB

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the Supply of Chemicals for the Township of Marlboro Water Utility Division and Swim Club, and on October 10, 2012, received five (5) bids therefor; and

WHEREAS, the bid specifications indicated that the Township reserved the right to award each item separately to the lowest responsible bidder meeting the specifications; and

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

Company	Contract 1A Liquid Chlorine	Contract 1B Hydrated Lyme	Contract 1C Zinc Orthophosphate
George S. Coyne Chemical Co, Inc.	2.067/lb	.348/lb	.7398/lb
Univar USA, Inc.	1.99/lb	No bid	No bid
Shannon Chemical	No bid	No bid	.627/lb
Miracle Chemical	No bid	No bid	No bid
Chemical Equipment Labs	No bid	.30/lb	No bid

Company	Contract 1D Swimming Pool Chemicals			
	Sodium Hypochlorite	Sodium Bicarbonate	Calcium Chloride	Sodium Thiosulfate
George S. Coyne Chemical Co, Inc.	No bid	No bid	No bid	No bid
Univar USA, Inc.	No bid	No bid	No bid	No bid
Shannon Chemical	No bid	No bid	No bid	No bid
Miracle Chemical	1.55/gal	18.99/bag	16.99/bag	39.99/bag
Chemical Equipment Labs	1.449/gal	20.00/bag	15.00/bag	20.00/bag

WHEREAS, the Township Administration and the Department of Public Works have reviewed said bids received and have recommended that a split award be made, and recommend that Univar USA, Inc. be awarded the contract for the following items as the lowest responsible bidder for same:

Type	Quantity: UP TO	Unit Price (\$)	Total Price (\$): NOT TO EXCEED
Liquid Chlorine	17,500 lbs	1.99/lb.	34,825.00

WHEREAS, the Township Administration and the Department of Public Works have further recommended that Chemical Equipment Labs be awarded the contract for the following items as the lowest responsible bidder for same:

Type	Quantity: UP TO	Unit Price (\$)	Total Price (\$): NOT TO EXCEED
Hydrated Lime	175,000 lbs	.30/lb.	52,500.00
Sodium Hypochlorite	140 gallons	1.449/gal	202.86
Sodium Bicarbonate	140 bags	20.00/bag	2,800.00
Calcium Chloride	140 bags	15.00/bag	2,100.00
Sodium Thiosulfate	28 bags	20.00/bag	560.00

WHEREAS, the Township Administration and the Department of Public Works have further recommended that Shannon Chemical Corp. be awarded the contract for the following items as the lowest responsible bidder for same:

Type	Quantity: UP TO	Unit Price (\$)	Total Price (\$): NOT TO EXCEED
Zinc Orthophosphate	33,000 lbs	.627/lb.	20,691.00

WHEREAS, the Chief Financial Officer has certified that funds for the 2012 portion of the contracts in the amount of \$6,713.12 are available in Account No. 2-05- -500-293-0020-0020; and

WHEREAS, funds for the 2013 portion of each contract will be certified by the Chief Financial Officer for this purpose upon adoption of the 2013 Municipal Budget; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract be awarded to Univar USA, Inc. whose address is 532 E. Emaus Street, Middletown, PA 17057 for the Supply of Liquid Chlorine for the Township of Marlboro Water Utility Division, for a contract amount not to exceed \$34,825.00; and

BE IT FURTHER RESOLVED, by the Township Council of the Township of Marlboro, that a contract be awarded to Chemical Equipment Labs whose address is 1 Walnut Street, Marcus Hook, PA 19061 for the Supply of Hydrated Lime, Sodium Hypochlorite, Sodium Bicarbonate, Calcium Chloride, and Sodium Thiosulfate for the Township of Marlboro Water Utility Division and Swim Club, for a contract amount not to exceed \$58,162.86; and

BE IT FURTHER RESOLVED, by the Township Council of the Township of Marlboro, that a contract be awarded to Shannon Chemical Corp. whose address is P.O. Box 376, Malvern, PA 19355 for the Supply of Zinc Orthophosphate for the Township of Marlboro Water Utility Division, for a contract amount not to exceed \$20,691.00; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, Contracts with Univar USA, Inc., Chemical Equipment Labs, and Shannon Chemical Corp. 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. Univar USA, Inc.
- b. Chemical Equipment Labs
- c. Shannon Chemical Corp.
- d. Township Business Administrator
- e. Township Chief Financial Officer
- f. Township Director of Public Works

RESOLUTION # 2012-383

A RESOLUTION CONFIRMING EMERGENCY CONTRACT WITH A.C. SCHULTES, INC. FOR THE SUPPLY OF CONTRACT REPAIRS TO WELLS NO. 1 and 4 PURSUANT TO N.J.S.A. 40A:11-6 FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS, WATER UTILITY DIVISION

WHEREAS, on July 19, 2012, the Water Utility Division reported that a power failure resulted in damage to 2 of the 3 starters in Well No. 4 and damage to the control panel and well motor; and

WHEREAS, on July 25, 2012, the Water Utility Division reported that Well No. 1 was experiencing technical problems substantially reducing the amount of water that could be pumped; and

WHEREAS, the Water Utility Division advised that it was critical for all four wells to be functioning particularly during the hottest summer months in order to meet peak demand; and

WHEREAS, N.J.S.A. 40A:11-6 states that "Any contract may be ... awarded for a contracting unit without public advertising for bids and bidding therefor ... when an emergency affecting the public health, safety or welfare requires the immediate ... performance of services"; and

WHEREAS, N.J.S.A. 40A:11-6(b) states that "Upon the furnishing of such goods or services ... the contractor furnishing such goods or services shall be entitled to be paid therefor and the contracting unit shall be obligated for said payment ..."; and

WHEREAS, the damage to Wells No. 1 and 4 which supply drinking water to Marlboro residents posed a serious threat to the public health, safety and welfare, constituting an emergency under the terms of N.J.S.A. 40A:11-6; and

WHEREAS, the Township of Marlboro had previously accepted bids for the Redevelopment of Wells #2, #3, & #4 for the Township of Marlboro Department of Public Works, and on June 16, 2011 (R. 2011-233) authorized the award of a contract to the lowest responsible bidder A.C. Schultes; and

WHEREAS, pursuant to N.J.S.A. 40A:11-6, the Township authorized the Township's vendor on the well redevelopment projects, A.C. SCHULTES, INC., 664 S. Evergreen Avenue, Woodbury Heights, NJ 08097 to perform emergency repairs to Wells No. 1 and 4 at their contract pricing, estimated at an amount not to exceed \$60,000.00; and

WHEREAS, the Chief Financial Officer has certified the availability of funds in Capital Account X-06-55-900-901; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that the emergency contract award pursuant to N.J.S.A. 40A:11-6 be confirmed for emergency repairs to Wells No. 1 to A.C. Schultes, 664 S. Evergreen Avenue, Woodbury Heights, NJ 08097 for an amount not to exceed \$60,000.00.

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

- a. A.C. Schultes, Inc.
- b. Township Chief Financial Officer
- c. Township Director of Public Works

RESOLUTION # 2012-384

A RESOLUTION AUTHORIZING CHANGE ORDER #2 TO THE CONTRACT WITH LONGO ELECTRICAL-MECHANICAL, INC. FOR THE PROVISION OF ELECTRICAL REPAIR WORK FOR THE TOWNSHIP OF MARLBORO

WHEREAS, on February 16, 2012, the Township of Marlboro authorized a contract with LONGO ELECTRICAL-MECHANICAL, INC., the lowest responsible bidder, for THE PROVISION OF ELECTRICAL REPAIR WORK FOR THE TOWNSHIP OF MARLBORO through the acceptance of bids in an amount not to exceed \$31,510.00, for a term ending February 28, 2012; and

WHEREAS, on September 6, 2012, the Township of Marlboro authorized a change order to the contract with LONGO ELECTRICAL-MECHANICAL, INC. in the amount of \$6,302.00, representing 20% of the initial contract award; and

WHEREAS, the Director of Public Works is rewriting the bid specifications and has advised that additional electrical repair work will be needed during the term of the contract with LONGO ELECTRICAL-MECHANICAL, INC. in an amount which will exceed the original authorization by more than 20%; and

WHEREAS, in accordance with NJAC 5:30-11.9, the Director of Public Works has prepared a written certification explaining why these circumstances could not have been foreseen and why the issuance of the change order is in the best interest of the contracting unit; and

WHEREAS, the Department of Administration has determined that this change order is justified and necessary in order for business operations to continue until a new electrical services contract can be awarded via the public bidding process.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that change order #2 to the contract with LONGO ELECTRICAL-MECHANICAL, INC. whose address is 1 Harry Shupe Blvd., PO Box 511, Wharton, NJ 07885 be authorized in a total amount not to exceed \$10,000.00; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that sufficient funds in the amount of \$10,000.00 are available for change order #2 in Account 2-01- -122-288.

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 change order amendment to the contract described herein.

BE IT FURTHER RESOLVED, notice of the change order amendment to this contract shall be published pursuant to law, and a certified copy of this Resolution shall be provided to each of the following:

- a. Longo Electrical-Mechanical, Inc.
- b. Township Administration
- c. Chief Financial Officer
- d. Department of Public Works
- e. Department of Law

RESOLUTION # 2012-385

RESOLUTION AUTHORIZING THE TAX COLLECTOR OF THE TOWNSHIP OF MARLBORO TO ENTER INTO AN INSTALLMENT PAYMENT AGREEMENT FOR THE COLLECTION/PAYMENT OF DELINQUENT WATER SERVICE CHARGES

WHEREAS, the provisions of *N.J.S.A. 40A:31-12* empower the governing body of a local municipal unit to authorize the payment and liquidation of delinquent water service charges on an installment basis in accordance with the provisions of *N.J.S.A. 54:5-19*; and

WHEREAS, the provisions of *N.J.S.A. 54:5-19* authorize installment payment agreements to be entered into between a municipal tax collector and the owner or owners of real property for the payment of property tax arrears and other charges that would constitute a lien against real property, including delinquent water service charges, provided that any such agreement is authorized by a general or special resolution, duly adopted by the municipal governing body, and provided, further, that the terms of any such agreement comply with the requirements and limitations set forth in *N.J.S.A. 54:5-19*; and

WHEREAS, BERNARD ROSENBLATT, the owner of 90 Route 520, which is designated as Block 176, Lot 103, on the Official Tax Map of the Township of Marlboro (hereinafter referred to as "Customer"), is a customer of the Marlboro Township Water Utility Division, receiving water service under Account Number D01759 and Account ID Number 27958; and

WHEREAS, Customer has an Account balance of \$1,183.68 exclusive of accrued interest), which is attributable to water service for the quarterly period ended September 30, 2012, and which is due for payment by October 31, 2012; and

WHEREAS, Customer has asserted a financial hardship with respect to the payment of the aforementioned past due water charges and has made a request for an installment payment plan in order to retire and fully pay said obligation; and

WHEREAS, Kelly A. Hahn, the Marlboro Township Tax Collector has requested approval from the Township Council of the Township of Marlboro to enter into an installment payment agreement with Customer and has presented a proposed form of agreement to the Township Council for review and consideration; and

WHEREAS, the aforesaid installment payment agreement, a copy of which is attached hereto as Exhibit A, complies with the provisions of *N.J.S.A. 54:5-19*, in that the agreement makes adequate provision for:

- The complete payment of all arrearages within the maximum period of time specified in the statute;
- The accrual, assessment, and payment of all statutory interest, as well as all administrative and delinquent charges, to which the Township of Marlboro is entitled;
- The prompt payment of all installments of arrears, as well as the prompt payment of future water service charges as same become due and owing;
- The termination of the installment payment arrangement in the event of any default by the Customer in complying with the terms of the agreement, including failure to remit all payments promptly, in which event the lien for outstanding water service charges shall be enforced as provided by law; and
- The right and entitlement of the Township of Marlboro to pursue all statutory and lawful remedies against the Customer in the event of a default, including, without limitation, the discontinuance of water service to the Customer's real property; and

WHEREAS, the Township of Marlboro wishes to acknowledge and accept the Customer's declaration of financial hardship, with the goal of collecting 100% of the amount due and owing to the Township in a reasonable, practical, and efficient manner;

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Marlboro that authorization is hereby given to Kelly A. Hahn, the Tax Collector of Marlboro Township, to enter into an installment payment agreement with Customer for the payment of past due water service charges totaling \$808.14 (exclusive of accrued interest), with the form of the agreement being substantially similar to that attached hereto and made a part hereof as Exhibit A; and

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

- A. Jonathan A. Capp, Business Administrator
- B. Kelly A. Hahn, Tax Collector
- C. Bernard Rosenblatt (Customer)

RESOLUTION # 2012-386

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$ 156,256.23 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 \$ 156,256.23 be refunded to the certificate holders as per Schedule "A",

<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>SCHEDULE "A"</u> <u>LIENHOLDER</u>	<u>AMOUNT</u>
2012-025	137/13	Singh Real Estate	23,236.41
50 Roosevelt Avenue		555 Lincoln Drive West Marlton, NJ 08053 Assessed Owners: Nolte, John & Karen	
2012-057	193/19	US Bank Cust. for Pro	762.80
44 Amagansett Drive		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: Brown, Juilett	
2012-079	263/3	Bulkwark Systems, LLC	1,717.66
6 Bruce Road		22 Emily Road Manalapan, NJ 07726 Assessed Owner: Menasse, Brian & Kim	
2012-106	371/32	Ace Plus LLC	525.92
20 Stone Lane		1416 Ave. L Brooklyn, NY 11230 Assessed Owners: Pomerantsev, Greg & Julianne R.	

<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>LIENHOLDER</u>	<u>AMOUNT</u>
2012-065 14 Maywood Drive	213/29	Actlien Holding Inc. 10 Westminster Road Rockville Centre, NY 11570 Assessed Owner: Lobdell, David & Brooke	848.89
2012-083 8 Robinson Road	270/71	Actlien Holding Inc. 10 Westminster Road Rockville Centre, NY 11570 Assessed Owner: Cruz, Kenneth & Cruz, Alecys	1,547.67
2012-090 4 Emerson Drive	299/137	MTAG Services CUST ACTF II NJ, LLC P.O. Box 54292 New Orleans, LA 70154 Assessed Owner: Mokes, Terry	62,234.93
2012-059 31 Pueblo Court	193.02/54.19	Ace Plus LLC 1416 Ave. L Brooklyn, NY 11230 Assessed Owners: Nimirovsky, Mark & Inga	614.69
2012-105 3 Serenity Place	364/41.04	Singh Real Estate 555 Lincoln Drive West Marlton, NJ 08053 Assessed Owners: MRD Seventh Holding Co. LLC	64,764.26
Total:			<u>\$ 156,256.23</u>

RESOLUTION # 2012-387

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

WHEREAS, taxes were billed for 2012 in the amount of \$4,928.78, and

WHEREAS, this exemption became effective January 1, 2012 and

WHEREAS, the second half of 2012 taxes of \$ 2,483.33 need to be cancelled,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to cancel the remaining taxes of \$ 2,483.33.

RESOLUTION # 2012-388

WHEREAS, the Tax Court of New Jersey has granted a judgment in the amount of \$ 3,093.39 for the year 2010 for Block 419.01 Lot 7, located at 1 Sapphire Drive, assessed to Kanikcharla, Yugandhara Rao & Uma,

WHEREAS, the 2010 taxes have been paid in full, the Tax Collector is directed to refund the amount of \$3,093.39.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$3,093.39 to Kanikcharla, Yugandhara Rao & Uma.

RESOLUTION # 2012-389

WHEREAS, the Tax Court of New Jersey has granted a judgment in the amount of \$ 1,926.83 for the year 2010 for Block 157 Lot 48, located at 335 Mockingbird Lane, assessed to Tsai, Jerry & Jennifer,

WHEREAS, the 2010 taxes have been paid in full, the Tax Collector is directed to refund the amount of \$1,926.83.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$1,926.83 to Tsai, Jerry & Jennifer.

RESOLUTION # 2012-390

RESOLUTION CONFIRMING TEMPORARY SUSPENSION OF BUILDING AND ZONING PERMIT FEES AND TREE REMOVAL PERMITTING REQUIREMENTS

WHEREAS, the Governor declared a State of Emergency in anticipation of Hurricane Sandy; and

WHEREAS, Mayor Hornik declared a local State of Emergency in anticipation of Hurricane Sandy; and

WHEREAS, Hurricane Sandy struck New Jersey on Monday October 29, 2012 unleashing high winds and rainfall which resulted in an unprecedented amount of fallen debris and widespread power outages; and

WHEREAS, a nor'easter passed through Monmouth County on November 7, 2012 bringing winds and more than 8 inches of heavy

snow to Marlboro, resulting in additional fallen debris and widespread power outages; and

WHEREAS, many residents suffered damage to their properties as a result of these storms; and

WHEREAS, in light of the State and Local Emergency declarations and the damage caused in Marlboro by these storms, Mayor Hornik has temporarily suspended building and zoning permit fees associated with the replacement or restoration of existing permitted structures made necessary by Hurricane Sandy and the nor'easter which followed; and

WHEREAS, Mayor Hornik has also suspended the permitting requirements for removal of trees that are dead or damaged as a result of Hurricane Sandy or the nor'easter through February 1, 2013; and

WHEREAS, the Municipal Council of the Township of Marlboro concurs with the determination of the Mayor to facilitate the restoration of properties damaged by the storm during this State of Emergency through the waiver of fees and permitting requirements.

NOW, THEREFORE, BE IT RESOLVED that the Municipal Council of the Township of Marlboro hereby acknowledges, confirms and approves of a temporary suspension of building and zoning permit fees under the following conditions:

- Storm damage was caused by Hurricane Sandy and/or the nor'easter, occurring between October 29 and November 12, 2012;
- Fees are waived for the replacement or restoration of existing permitted structures only;
- Residents must submit verifiable proof of an insurance or FEMA claim related to Hurricane Sandy or the nor'easter;
- All permits and inspections are still required.

BE IT FURTHER RESOLVED that the Municipal Council of the Township of Marlboro hereby acknowledges, confirms and approves of a temporary suspension of the permitting requirements for removal of trees that are dead or damaged as a result of Hurricane Sandy or the nor'easter through February 1, 2013.

BE IT FURTHER RESOLVED that the Township will refund any residents who have paid for such permits since October 29, 2012.

RESOLUTION # 2012-391

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

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

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

Marlboro Township Little League
Attn: Anthony Cherichello,
PO Box 7, Morganville, NJ 07751

Marlboro Township Youth Football
Attn: Mike Scalea,
PO Box 134, Marlboro, NJ 07746

At 8:20PM, Councilwoman Marder moved that the meeting be adjourned. This was seconded by Council Vice President Metzger, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: DECEMBER 20, 2012

OFFERED BY: MARDER AYES: 5

SECONDED BY: LaROCCA NAYS: 0

ALIDA MANCO,
MUNICIPAL CLERK

JEFF CANTOR,
COUNCIL PRESIDENT