

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

December 20, 2012

The Marlboro Township Council held its regularly scheduled Council Meeting on December 20, 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 Nov. 19 & Dec. 6, 2012 be approved. This was seconded by Councilman LaRocca, and passed on a roll call vote of 5 - 0 in favor.

The following Resolution #2012-421 (Setting Reorganization Meeting - January 3, 2013 - 7 PM) 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 # 2012-421

BE IT RESOLVED by the Township Council of the Township of Marlboro that it will hold its Reorganization Meeting on January 3, 2013 at 7 PM at the Town Hall, 1979 Township Drive, Marlboro, New Jersey 07746.

The following Resolution #2012-422 (Authorizing Farmland Preservation Application - Yost Farm - Harbor Road) 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 # 2012-422

A RESOLUTION AUTHORIZING THE EXPENDITURE OF MONIES
AND ENDORSING THE ACQUISITION OF A DEVELOPMENT
EASEMENT WITH THE ASSISTANCE OF THE MONMOUTH
COUNTY AGRICULTURE DEVELOPMENT BOARD YOST
FARM - BLOCK 171 LOT 51 - 56 HARBOR ROAD

WHEREAS, the Township Council of the Township of Marlboro desires to preserve and maintain farmland and open space within the Township of Marlboro; and

WHEREAS, in order to preserve and maintain such lands, the Township has the intention of acquiring a development easement ("Development Easements") pursuant to the Right to Farm Act and the Agriculture Retention and Development Act, that shall prevent commercial, residential or industrial development of such properties; and

WHEREAS, the majority of the funds to be used for the acquisition of the Development Easements shall be in the form of grants from the State Agriculture Development Committee ("SADC") and the Monmouth County Agriculture Development Board ("MCADB"), with Marlboro Township's expected share of the acquisition price to be between 16% and 20% for each easement; and

WHEREAS, in order to acquire a development easement, it shall be necessary for the Township to expend monies in excess of the cost of the acquisitions for necessary due diligence expenses before the acquisition can be funded by the SADC and the MCADB; and

WHEREAS, Yost Farm, Block 171, Lot 51 located on 56 Harbor Road is included on the list of "Target Farms" in the Township's Comprehensive Farmland Preservation Plan dated August 2011; and

WHEREAS, the preservation of the Yost Farm through the acquisition of a development easement has been endorsed by the Township Agricultural Development and Open Space Committees; and

WHEREAS, the Township Council of the Township of Marlboro deems the acquisition of development easements to preserve and maintain farmland and open space within the Township of Marlboro to be in the interests of the public health and welfare; and

WHEREAS, the Township Council of the Township of Marlboro desires to approve the expenditure of funds in excess of the cost of acquiring the development easement in order to complete necessary due diligence investigation(s) so that grant monies from the SADC and the MCADB may be obtained.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Marlboro Township Governing Body intends to acquire a development easement pursuant to the Right to Farm Act and the Agriculture Retention and Development Act in order to preserve and maintain farmland and open space within the Township of Marlboro, Monmouth County, New Jersey; and

BE IT FURTHER RESOLVED, that the expenditure of funds in excess of the cost of acquiring the Development Easements to complete necessary due diligence investigation(s) in order to obtain grant monies from the SADC and the MCADB be and is hereby approved and authorized, subject to the review and approval of the Marlboro Township Business Administrator; and

BE IT FURTHER RESOLVED, that such additional funds shall not exceed the bid threshold amount as set forth in the Local Public Contracts Law; and

BE IT FURTHER RESOLVED, that the tax revenues as generated by the Township expressly for the purpose of preserving farmland be made available to assist the County in the purchase of a development easement at the rate specified within the Monmouth County Agriculture Development Board's 'Procedures Governing the Funding of Easement Purchases' policy adopted August 7, 2002; and

BE IT FURTHER RESOLVED that certified copies of the Resolution be sent to the Monmouth County Agriculture Development Board office, the Monmouth County Board of Chosen Freeholders, and the Marlboro Township Planning Board.

As the consent agenda, the following Resolutions were 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: Res. #2012-423 (Authorizing 2012 Budget Transfers), Res. #2012-424 (Confirmation of Emergency Contracts - Hurricane Sandy), Res. 32012-425 (Award of Bid - Awards & Trophies), Res. #2012-426 (Authorizing Contract Phone Service - Broadview Network), Res. #2012-427 (Authorizing Contract Amendment - MV Digital), Res. #2012-428 (Authorizing 2013 Municipal Alliance Grant Application), Res. #2012-429 (Authorizing Deferral of School Taxes), Res. #2012-430 (Authorizing Concillation of 2012 Unexpended Water Utility Balances), Res. #2012-431 (Authorizing Concillation of 2012 Unexpended Swim Utility Balances), Res. #2012-432 (Authorizing Closeout Change Order and Final Payment -

Turf Soccer Field Project), Res. #2012-433 (Authorizing Sate Contract - Cell Phone Service - Verizon Wireless), Res. #2012-434 (SCAT Agreement), Res. #2012-435 (Authorizing Water Installment Agreement - Mana/Rivera), Res. #2012-436 (Authorizing Water Installment Agreement - Shalom Torah Centers), Res. #2012-437 (Redemption Tax Sale Certs - Various), Res. #2012-438 (Refund for Tax Court Judgment - Kanikcharla), Res. #2012-439 (Refund for Tax Court Judgment - Parisi).

RESOLUTION # 2012-423

RESOLUTION AUTHORIZING 2012 BUDGET TRANSFERS

WHEREAS, N.J.S.A. 40A: 4-58 provides for appropriation transfers during the last two (2) months of the fiscal year, when it has been determined that it is necessary to expend for any of the purposes specified in the budget an amount in excess of the sum appropriated therefore and where it has been further determined that there is an excess in any appropriation over the above the amount deemed to be necessary to fulfill the purpose of such appropriation,

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Marlboro does hereby authorize the transfers among the Calendar Year 2012 Municipal Budget as follows:

CURRENT FUND

FROM

| | | | |
|---------------------|-------|----------|-----------|
| Office of the Mayor | 2-01- | -010-101 | 17,000.00 |
| Tax Collector | 2-01- | -046-101 | 7,500.00 |
| Planning Board | 2-01- | -070-226 | 1,500.00 |
| Group Health | | | |
| Insurance | 2-01- | -100-204 | 20,000.00 |
| Fire Prevention | 2-01- | -104-266 | 1,000.00 |
| Police | 2-01- | -106-209 | 20,000.00 |
| Recycling | 2-01- | -117-101 | 8,000.00 |
| Road Maintenance | 2-01- | -120-288 | 8,500.00 |
| Vehicle Maintenance | 2-01- | -121-101 | 45,000.00 |
| Utilities--Landfill | | | |
| Disposal | 2-01- | -170-233 | 20,000.00 |
| 911 Expenses SW | 2-01- | -312-101 | 20,000.00 |
| 911 Expenses OE | 2-01- | -312-281 | 10,000.00 |

178,500.00

TO

| | | | |
|---------------------|-------|----------|-----------|
| Planning Board | 2-01- | -070-101 | 1,500.00 |
| Fire Prevention | 2-01- | -104-101 | 1,000.00 |
| Police | 2-01- | -106-101 | 50,000.00 |
| Vehicle Maintenance | 2-01- | -121-252 | 15,000.00 |
| Parks & Recreation | 2-01- | -123-101 | 3,000.00 |
| Public Works | 2-01- | -125-101 | 3,000.00 |

| | | | |
|--------------------|-------|----------|------------|
| Telephone | 2-01- | -162-232 | 5,000.00 |
| Gasoline | 2-01- | -168-238 | 100,000.00 |
| | | | 178,500.00 |
| WATER UTILITY FUND | | | |
| FROM | | | |
| Interest on Bonds | 2-05- | -502-290 | 10,000.00 |
| | | | 10,000.00 |
| TO | | | |
| Payment of Bond | | | |
| Principal | 2-05- | -502-260 | 10,000.00 |
| | | | 10,000.00 |

RESOLUTION # 2012-424

A RESOLUTION CONFIRMING EMERGENCY CONTRACTS WITH VARIOUS
VENDORS FOR HURRICANE SANDY STORM PREPARATION, RESPONSE
AND DEBRIS REMOVAL PURUSANT TO N.J.S.A. 40A:11-6
FOR THE TOWNSHIP OF MARLBORO

WHEREAS, an emergency has arisen with respect to the arrival of Hurricane Sandy on October 29, 2012; and

WHEREAS, Governor Christie declared a state of emergency in advance of the storm for the response and recovery efforts required by Hurricane Sandy; 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, Hurricane Sandy brought damaging winds which resulted in substantial tree damage and widespread and extended power outages in the Township posing a threat to the health, safety and welfare of the public; and

WHEREAS, the Mayor and Office of Emergency Management determined that certain services and supplies were critical in

order to address matters concerning the health, safety and welfare of the public; and

WHEREAS, pursuant to N.J.S.A. 40A:11-6, the Township authorized the following emergency contracts:

| | | | |
|--------------------|-----------------------------|-----------------|-----------|
| | 3230 Hamilton Blvd, PO Box | | |
| J H Reid | 324, South Plainfield, NJ | | |
| General Contractor | 07080 | Debris Removal | 57,600.00 |
| | 5142 West Hurley Pond Road, | | |
| Water Works | Farmingdale, NJ | Water Main | |
| Supply | 07727 | Repairs - Parts | 2,489.76 |
| | 615 Route 33, | | |
| Harter | Millstone Twp, | Parts for Brush | |
| Equipment Inc | NJ 08535 | Claw | 500.00 |

WHEREAS, the Township is attempting to recover all expenses incurred as a result of Hurricane Sandy from the Federal Emergency Management Agency (FEMA); and

WHEREAS, the Chief Financial Officer will certify the availability of funds upon adoption of a 2012 emergency budget appropriation.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that emergency contract awards and emergency change orders pursuant to N.J.S.A. 40A:11-6 be confirmed for the emergency preparation, response and debris removal activities associated with Hurricane Sandy.

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

- a. Business Administrator
- b. Emergency Management Coordinator
- c. Chief Financial Officer
- d. Director of Public Works

RESOLUTION # 2012-425

A RESOLUTION AWARDED CONTRACT TO FANTASY SPORTS
TROPHIES FOR THE PROVISION OF TROPHIES & AWARDS
FOR THE TOWNSHIP OF MARLBORO

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the PROVISION OF TROPHIES & AWARDS FOR THE TOWNSHIP OF MARLBORO, and on November 20, 2012, received two (2) bids therefor; and

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

| Company | Bid Amount |
|---|-------------|
| Fantasy Sports Trophies, Southampton, PA 18966 | \$15,922.40 |
| Crown Trophy, Freehold, NJ 07728 | \$16,871.21 |

WHEREAS, it has been determined that the submission of the lowest bidder, FANTASY SPORTS TROPHIES is responsive as detailed in a December 6, 2012 memo from the Director of Recreation; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation of the Director of Recreation 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 FANTASY SPORTS TROPHIES whose address is 865 Sycamore Drive, Southampton, PA 18966 for the PROVISION OF TROPHIES & AWARDS FOR THE TOWNSHIP OF MARLBORO, for a contract amount at the unit prices specified in the bid proposal not to exceed \$15,922.40 for a term of one (1) year with an option to renew for one two-year or two one-year periods on the same terms and conditions as specified in the bid; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, Contracts with FANTASY SPORTS TROPHIES, 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 an amount not to exceed \$15,922.40 will be certified by the Chief Financial Officer in 2013 upon the adoption of the 2013 budget; and

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

- a. Fantasy Sports Trophies
- b. Township Business Administrator
- c. Township Director of Recreation

RESOLUTION # 2012-426

A RESOLUTION AWARDING A CONTRACT TO BROADVIEW NETWORKS, INC. FOR LOCAL, REGIONAL AND LONG DISTANCE TELEPHONE SERVICES FOR THE TOWNSHIP OF MARLBORO

WHEREAS, the Township of Marlboro is in need of local, regional and long distance telephone services in order to conduct the business of the Township of Marlboro; and

WHEREAS, the provision of local telephone services is regulated by the New Jersey Board of Public Utilities (the "BPU") which requires that telephone service providers be authorized by the BPU and further require that telephone service providers have their tariffs on file with the BPU; and

WHEREAS, the Business Administrator has recommended that a contract to provide local, regional and long distance telephone services be awarded to Broadview Networks, Inc., (the "Contractor") consistent with the proposal of Broadview Network; and

WHEREAS, Broadview Networks, Inc., appears on the list of Local Service Providers published by the Board of Public Utilities who are permitted to offer local telephone services in the State of New Jersey; and

WHEREAS, the Township is permitted to enter into a contract without publicly advertising for bid if the subject matter of the contract is the supplying of any product or service by a public utility, which is subject to the jurisdiction of the Board of Public Utilities pursuant to N.J.S.A. 40A:11-5(1)(f); and

WHEREAS, the Chief Financial Officer of the Township of Marlboro has determined that the value of the contract will not exceed \$35,000.00 per year; and

WHEREAS, funds in the amount of \$35,000.00 have been certified by the Chief Financial Officer from account number 2-01-162-232; and

WHEREAS, funds for the 2013 portion of the contract in an amount not to exceed \$35,000.00 will be certified by the Chief Financial Officer following the adoption of the 2013 budget; and

WHEREAS, the Township Council deemed it necessary for the proper function of the Township to enter into a contract for the purchase of local, regional and long distance telephone services.

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

1. The Township Council of the Township of Marlboro, hereby authorizes and approves the award of a contract to Broadview Networks, Inc., to provide local, regional and long

distance telephone services pursuant to the Proposal described above; and

2. This Goods and Services Contract is awarded for a two year period without public bidding pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-5(1)(f) and N.J.S.A. 40A:11-15; and

3. The Mayor and Town Clerk are hereby authorized and directed to execute, seal and deliver the contract for goods and services on behalf of and in the name of the Township of Marlboro; and

4. A certified copy of this Resolution shall be provided to each of the following:

- a. Broadview Networks, Inc.
- b. Township Administrator
- c. Township Chief Financial Officer

RESOLUTION # 2012-427

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

WHEREAS, on January 19, 2012, the Township Council adopted resolution 2012-053 authorizing a contract for the operation of the Township of Marlboro Cable Television Station ("services"); and

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

WHEREAS, the Township requires additional professional services in connection with the production of a public service announcement with regard to the 'Shop Marlboro' tax credit program; 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 CURT CIUMEI OF MV DIGITAL PRODUCTIONS, LLC pursuant to a fair and open process in accordance with the provisions of

N.J.S.A. 19:44A-20.4, increasing the contract not to exceed amount by \$3,500.00; and

2. Funds in the amount of \$3,500.00 have been certified by the Chief Financial Officer from account number 2-01-083-288-320; and

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

- a. Curt Ciumei of MV Digital Productions, LLC
- b. Township Administrator
- c. Mayor Jonathan L. Hornik

RESOLUTION # 2012-428

RESOLUTION AUTHORIZING THE MARLBORO TOWNSHIP
ALLIANCE TO PREVENT ALCOHOLISM AND
DRUG ABUSE TO APPLY FOR THE 2013 GRANT

WHEAREAS, 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 Update Grant Application for Funds and Services, DEDR funds in the amount of, \$ 28,920.00 and 2013 One Time Only DEDR Funds in the amount of, \$ 3,000. 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 # 2012-429

WHEREAS, the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey wish to adjust the amount

of deferred school tax to comply with the requirements 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, State of New Jersey to adjust the Township's deferred school taxes as of December 31, 2012 as follows;

| | <u>From</u> | <u>To</u> | <u>Adjustment</u> |
|-----------------------|-----------------|-----------------|-------------------|
| Local District School | \$33,815,162.50 | \$32,997,120.50 | \$-818,042.00 |
| Regional High School | \$13,548,122.50 | \$13,914,179.00 | 366,056.50 |
| Total | \$47,363,285.00 | \$46,911,299.50 | \$-451,985.50 |

RESOLUTION # 2012-430

WHEREAS, appropriations exist in the 2012 Water Utility Operating budget that have been deemed to not be needed for the operations within the calendar year of 2012, and therefore remain unspent, and

WHEREAS, it is permissible for appropriations to be cancelled to surplus in the year budgeted,

NOW, THEREFORE, BE IT RESOLVED that a total of \$520,000.00 in 2012 appropriations be hereby canceled and credited to the Water Utility Operating Surplus account as follows:

| | |
|------------------|---------------|
| Salaries & Wages | \$ 20,000.00 |
| Other Expenses | \$ 400,000.00 |
| Capital Outlay | \$ 0.00 |
| Deferred Charges | \$ 100,000.00 |

RESOLUTION # 2012-431

WHEREAS, appropriations exist in the 2012 Swim Utility Operating budget that have been deemed to not be needed for the operations of 2012, and

WHEREAS, unspent appropriations may be cancelled to operating surplus in the year budgeted.

NOW, THEREFORE, BE IT RESOLVED that a total of \$175,000.00 in 2012 appropriations be hereby canceled and credited to the Swim Utility Operating Surplus account as follows:

| | |
|------------------|-------------|
| Salaries & Wages | \$75,000.00 |
| Other Expenses | \$60,000.00 |
| Capital Outlay | \$15,000.00 |
| Deferred Charges | \$25,000.00 |

RESOLUTION # 2012-432

A RESOLUTION APPROVING CLOSE OUT CHANGE ORDER TO THE EXISTING CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO AND PRECISE CONSTRUCTION, INC. AND AUTHORIZING FINAL PAYMENT AND ACCEPTANCE OF H & L SYNTHETIC TURF FIELD IMPROVEMENTS

WHEREAS, by Resolution #2012-147 the Township of Marlboro authorized the award of a contract to Precise Construction, Inc. for the H & L Synthetic Turf Field Improvements project (the "Project"); and

WHEREAS, Closeout Change Order has been requested resulting in a decrease in the original contract amount of \$797,680.00 to \$775,003.00, a net decrease of \$22,677.00; and

WHEREAS, in Letter dated December 11, 2012, 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 \$23,046.06; and

WHEREAS, pursuant to the terms of the contract, Precise Construction, Inc. has provided a two-year maintenance bond in an amount equal to 15% of the final contract amount or \$116,250.45; and

WHEREAS, the Township Council of the Township of Marlboro has reviewed the Township Engineer's December 11, 2012 letter and is amenable to approving Closeout Change Order, accepting the Project improvements and issuing a final payment to Precise Construction, Inc. in the amount of \$23,046.06.

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 Precise Construction, Inc., be and is hereby approved, decreasing the original contract total of \$797,680.00 to \$775,003.00, a net decrease of \$22,677.00.

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 \$23,046.06 for work completed by Precise Construction, Inc. is hereby approved.

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

- a. Precise Construction, Inc.
- b. Township Administrator

- c. Township Engineer
- d. Township Chief Financial Officer

RESOLUTION # 2012-433

RESOLUTION AUTHORIZING THE PURCHASE OF WIRELESS SERVICES FROM VERIZON COMMUNICATIONS FOR THE MARLBORO TOWNSHIP OF MARLBORO UNDER STATE CONTRACT #82583

WHEREAS, the Township of Marlboro is in need of wireless service for use by certain personnel including those who require wireless voice and/or mobile data for their operational functions; and

WHEREAS, the Township of Marlboro currently utilizes Verizon Wireless for cellular telephone service; 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, funds in the amount of \$43,000.00 will be certified to by the Chief Financial Officer in account #3-01- -162-232 at the time the 2013 budget is adopted; and

WHEREAS, the Township Council desires to approve the purchase of said wireless services.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase wireless services from Verizon Wireless Cellco Partnership, 502 First State Blvd, Newport, Delaware 19804, under State Contract #82583 in an amount not to exceed \$43,000.00; and

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

- a. Township Administrator
- b. Township Police Department
- c. Township Chief Financial Officer

RESOLUTION # 2012-434

AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE COUNTY OF MONMOUTH, FOR SPECIAL CITIZENS AREA TRANSPORTATION SYSTEM (SCAT) SERVICES TO ELIGIBLE PERSONS

WHEREAS, The Board of Chosen Freeholders of the County of Monmouth (hereinafter, "the County") has established the Special Citizens Area Transportation System (hereinafter, "SCAT"); and

WHEREAS, the Township of Marlboro has requested that the County provide services to eligible residents and wishes to enter into a Shared Services Agreement with the County for the provision of transportation services to eligible residents of Marlboro Township for the year 2013; 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 transportation services contemplated herein; and

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

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Clerk are hereby authorized and directed to execute the proposed shared services agreement in a form similar as that attached hereto for the provision of transportation services pursuant to the "Special Citizens Area Transportation System" ("SCAT") to eligible residents of Marlboro Township for the year 2013; 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
- b. Mayor Jonathan L. Hornik
- c. Ted Ernst, Recreation Director

RESOLUTION # 2012-435

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, BRENDA MANA and RAFAEL RIVERA, the owners of 7 Ottawa Road North, which is designated as Block 258, Lot 9, 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 B04794 and Account ID Number 10993; 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 October 31, 2012, and which was due for payment by November 30, 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 \$1,311.89 (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. Brenda Mana & Rafael Rivera (Customer)

RESOLUTION # 2012-436

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, SHALOM TORAH CENTERS, the owners of 70 Amboy Road, which is designated as Block 172, Lot 39 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 D08028 and Account ID Number 36430; and

WHEREAS, Customer has a delinquent Account balance of \$4,893.41, which is attributable to water service for the quarterly bills commencing as of January 5, 2010 through October 4, 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 \$9,021.30, 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. Shalom Torah Centers (Customer)

RESOLUTION # 2012-437

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$ 26,897.34 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 \$26,897.34 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> |
|---------------------|------------------|--|-----------------|
| 11-65 | 299/165 | Income One | 24,857.49 |
| 563 Union Hill Rd | | 1350 Beverly Road St 115-316 Mclean, VA 22101 Assessed Owner: Feulner, John | |
| 2012-085 | 286/20 | KCTS Investments LLC | 2,039.85 |
| 11 Longfellow Terr. | | 4 C Colfax Manor Roselle, NJ 07204 Assessed Owner: Cigna, Vincent | |
| Total: | | | <hr/> 26,897.34 |

RESOLUTION # 2012-438

WHEREAS, the Tax Court of New Jersey has granted a judgment in the amount of \$ 2,036.00 for the year 2011 for Block 419.01 Lot 7, located at 1 Sapphire Drive, assessed to Kanikcharla, Yugandhara Rao & Uma,

WHEREAS, the 2011 taxes have been paid in full, the Tax Collector is directed to refund the amount of \$2,036.00

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$2,036.00 to Kanikcharla, Yugandhara Rao & Uma.

RESOLUTION # 2012-439

WHEREAS, the Tax Court of New Jersey has granted a judgment in the amount of \$2,872.80 for the year 2011 for Block 133 Lot 12, located at 53 Wilson Avenue, assessed to Parisi, Hebert & Mary,

WHEREAS, the 2011 taxes have been paid in full, the Tax Collector is directed to refund the amount of \$2,872.80

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$2,872.80 to Parisi, Hebert & Mary.

There was no new Business.

At 7:50PM, 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: JANUARY 24, 2013

OFFERED BY: METZGER AYES: 5

SECONDED BY: MARDER NAYS: 0

ALIDA MANCO,
MUNICIPAL CLERK

JEFF CANTOR,
COUNCIL PRESIDENT