

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

February 21, 2013

The Marlboro Township Council held its regularly scheduled Council Meeting on February 21, 2013 at 7:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President LaRocca opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of the regularly scheduled meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on January 7, 2013; 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 Cantor, Council Vice President Marder (7:15PM), Councilwoman Mazzola, Councilman Metzger and Council President LaRocca.

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 Marder moved that the minutes of Jan. 24, Feb. 7 & Feb. 12, 2013 be approved. This was seconded by Councilman Cantor and passed on a roll call vote of 5 - 0 in favor.

The following Resolution #2013-81/Ordinance #2013-3 (Amendment Providing for Remediation of Sink Holes - Bolling Brook/Country Hills Subdivision) was introduced by reference, offered by Councilman Metzger and seconded by Council Vice President Marder. Council President LaRocca opened the Public Hearing on the ordinance. As there was no one who wished to speak, the Public Hearing was closed. Res. #2013-81/Ord. #2013-3 was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2013-81

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

ORDINANCE # 2013-3

AN ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCES #2004-23, 2009-26 AND 2011-23 WHICH PROVIDED FOR REMEDIATION OF SINK HOLES IN THE BOLLING BROOK/COUNTRY HILLS SUBDIVISION LOCATED IN THE TOWNSHIP AND APPROPRIATED \$83,877.53 THEREFOR FROM THE PORTION OF THE TOWNSHIP'S CAPITAL ACCOUNT EARMARKED AS THE "GROUP CONSTRUCTION ACCOUNT(S)"

which was introduced on February 7, 2013, public hearing held on February 21, 2013, be adopted on second and final reading this 21st day of February, 2013.

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

The following Resolution #2013-82/Ordinance #2013-4 (Amending Various Fees) was introduced by reference, offered by Councilman Metzger and seconded by Council President LaRocca. Council President LaRocca opened the Public Hearing on the ordinance. After the Public Hearing was held and closed, the resolution/ordinance was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2013-82

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

ORDINANCE # 2013-4

AN ORDINANCE AMENDING AND SUPPLEMENTING LICENSING AND PERMITTING FEES FOR: ALCOHOLIC BEVERAGES; LAND USE AND DEVELOPMENT; VITAL STATISTICS RECORDS AND PERMITS; PARKS AND RECREATION; AND WATER SERVICE RATES OF THE CODE OF THE TOWNSHIP OF MARLBORO

which was introduced on February 7, 2013, public hearing held on February 21, 2013, be adopted on second and final reading this 21st day of February, 2013.

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

The following Resolution #2013-83/Ordinance #2013-5 (Amending Chapter 220 - Sections 220-108 and 220-16 - Requiring Gas Stations to have alternate energy source) was introduced by reference, offered by Councilman Cantor, seconded by Council Vice President Marder, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2013-83

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

ORDINANCE # 2013-5

AN ORDINANCE AMENDING CHAPTER 220 OF THE CODE OF THE TOWNSHIP OF MARLBORO ENTITLED LAND USE AND DEVELOPMENT SECTIONS 220-108 & 220-176 AND CHAPTER 113 OF THE CODE ENTITLED "BUSINESS LICENSING" SECTION 113-9 "CONDITION OF ISSUANCE OF LICENSES" TO REQUIRE THAT MOTOR VEHICLE SERVICE STATIONS HAVE AN ALTERNATE ENERGY SOURCE

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on March 14, 2013 at 7:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2013-5

AN ORDINANCE AMENDING CHAPTER 220 OF THE CODE OF THE TOWNSHIP OF MARLBORO ENTITLED LAND USE AND DEVELOPMENT SECTIONS 220-108 & 220-176 AND CHAPTER 113 OF THE CODE ENTITLED "BUSINESS LICENSING" SECTION 113-9 "CONDITION OF ISSUANCE OF LICENSES" TO REQUIRE THAT MOTOR VEHICLE SERVICE STATIONS HAVE AN ALTERNATE ENERGY SOURCE

WHEREAS, recent storms and hurricanes have created serious crises throughout the region involving the shortage of fuel; and

WHEREAS, fuel is an indispensable commodity, necessary for the transportation and emergency electrical power to serve storm and hurricane victims and rescue and law enforcement personnel; and

WHEREAS, the shortage of fuel was a result of power outages which rendered inoperative a large percentage of the service stations in the region; and

WHEREAS, the public health, safety and welfare requires that this shortage of fuel not be repeated and that gas stations provide for an uninterrupted supply of alternate power.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey that the following sections of the Marlboro Township Code be and are hereby amended and supplemented to require that service stations provide an alternate energy source capable of providing electrical service during an interruption of the normal electrical supply as follows:

§220-108 entitled Motor Vehicle Service Stations is amended and supplemented to add a new sections N and O as follows:

N. All Motor Vehicle Service Stations that sell gasoline at retail to consumers from gasoline pumps at their stations, shall be required to have an alternate energy source, such as a generator connection/hookup, that is capable of providing electrical service during an interruption of the normal electrical supply sufficient to power up the gasoline pumps so that gasoline can be sold to the consumer. The alternate energy source shall be sufficient to operate all pumps during normal business hours of the service stations.

O. The alternate energy source required by §220-108 (N) shall be required any time an existing Motor Vehicle Service Station undertakes a substantial renovation (e.g. tank replacement) as determined by, and in the sole discretion of the Zoning Officer in consultation with the Construction Official.

BE IT FURTHER ORDAINED that §220-176 entitled Service Stations and Public Garages is amended and supplemented to add new sections D & E:

D. All Motor Vehicle Service Stations that sell gasoline at retail to consumers from gasoline pumps at their stations, shall be required to have an alternate energy source, such as a generator connection/hookup, that is

capable of providing electrical service during an interruption of the normal electrical supply sufficient to power up the gasoline pumps so that gasoline can be sold to the consumer. The alternate energy source shall be sufficient to operate all pumps during normal business hours of the service stations.

E. The alternate energy source required by §220-176 (D) shall be required any time an existing Motor Vehicle Service Station undertakes a substantial renovation (e.g. tank replacement) as determined by, and in the sole discretion of the Zoning Officer in consultation with the Construction Official.

BE IT FURTHER ORDAINED, that Chapter 113 of the Code of the Township of Marlboro, entitled "BUSINESS LICENSES", Section 113-9 entitled "Condition of issuance of licenses" is hereby amended and supplemented as follows:

§ 113-9. Condition of issuance of licenses.

- (a) It shall be a condition of the issuance of any and all licenses under this chapter that said business shall be used and operated only for lawful purposes and not in violation of the Zoning Ordinance or other ordinances of the Township of Marlboro.
- (b) It shall be a condition of the issuance of any and all licenses under this chapter that on and after January 1, 2016 all Motor Vehicle Service Stations that sell gasoline at retail to consumers from gasoline pumps at their stations, shall be required to have an alternate energy source, such as a generator connection/hookup, that is capable of providing electrical service during an interruption of the normal electrical supply sufficient to power up the gasoline pumps so that gasoline can be sold to the consumer. The alternate energy source shall be

sufficient to operate all pumps during normal business hours of the service stations.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the Courts to be invalid, such adjudication shall only apply to the section, paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed invalid and effective.

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

The following Resolution #2013-85 (Determining Form & Other Details of \$7,600,000 General Obligation Bonds and Providing for Sale to NJ Environmental Infrastructure Trust and State of NJ) was introduced by reference, offered by Councilman Metzger, seconded by Councilwoman Mazzola and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2013-85

RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF NOT EXCEEDING \$7,600,000 GENERAL OBLIGATION BONDS OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, AND PROVIDING FOR THEIR SALE TO THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST AND THE STATE OF NEW JERSEY, ACTING BY AND THROUGH THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, PURSUANT TO THE STATE FISCAL YEAR 2013 NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM FOR FUNDING THE TOWNSHIP'S WATER TREATMENT PLANT AND WELL PROJECT

WHEREAS, the Township of Marlboro (the "Local Unit"), in the County of Monmouth, New Jersey, has determined that there exists a need within the Local Unit to construct that certain water treatment plant and well project (the "Project"), as said Project is more particularly defined in each of that certain Loan Agreement (the "Trust Loan Agreement") to be entered into by and between the Local Unit and the New Jersey Environmental Infrastructure Trust (the "Trust") and that certain Loan Agreement (the "Fund Loan Agreement", and together with the Trust Loan Agreement, the "Loan Agreements") to be entered into by and between the Local Unit and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection

(the "State"), all pursuant to the State Fiscal Year 2013 New Jersey Environmental Infrastructure Trust Financing Program (the "Program");

WHEREAS, the Local Unit has determined to finance the acquisition, construction, renovation or installation of the Project with the proceeds of a loan to be made by each of the Trust (the "Trust Loan") and the State (the "Fund Loan", and together with the Trust Loan, the "Loans") pursuant to the Trust Loan Agreement and the Fund Loan Agreement, respectively;

WHEREAS, to evidence the Loans, each of the Trust and the State require the Local Unit to authorize, execute, attest and deliver the Local Unit's General Obligation Bonds, Series 2013, to the Trust (the "Trust Loan Bond") and General Obligation Bonds, Series 2013, to the State (the "Fund Loan Bond", and together with the Trust Loan Bond, the "Local Unit Bonds"), said Local Unit Bonds to be issued in an aggregate principal amount not to exceed \$7,600,000, pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (the "Local Bond Law"), other applicable law and the Loan Agreements; and

WHEREAS, N.J.S.A. 40A:2-27(a)(2) of the Local Bond Law allows for the sale of the Trust Loan Bond and the Fund Loan Bond to the Trust and the State, respectively, without any public offering, and N.J.S.A. 58:11B-9(a) allows for the sale of the Trust Loan Bond to the Trust without any public offering, all under the terms and conditions set forth herein.

NOW, THEREFORE, BE IT RESOLVED by a 2/3 vote of the full membership of the governing body of the Local Unit as follows:

Section 1. In accordance with N.J.S.A. 40A:2-27(a)(2) of the Local Bond Law and N.J.S.A. 58:11B-9(a), the Local Unit hereby sells and awards its (a) Trust Loan Bond to the Trust in accordance with the provisions hereof and (b) Fund Loan Bond to the State in accordance with the provisions hereof, said Local Unit Bonds to be issued in the aggregate principal amount not to exceed \$7,600,000. The Local Unit Bonds have been referred to are described in bond ordinance #2012-26 of the Local Unit entitled "AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, PROVIDING FOR THE CONSTRUCTION OF A NEW WATER TREATMENT PLANT AND WELL IN AND FOR THE TOWNSHIP OF MARLBORO AND APPROPRIATING \$7,600,000 THEREFOR, AND PROVIDING FOR ISSUANCE OF \$7,600,000 IN WATER UTILITY BONDS OR NOTES OF THE TOWNSHIP OF MARLBORO TO FINANCE THE SAME" which was finally adopted by the Local Unit at a meeting duly called and held on December 6, 2012 (the "Bond Ordinance"), at which time a quorum

was present and acted throughout, all pursuant to the terms of the Local Bond Law and other applicable law.

Section 2. The Chief Financial Officer of the Local Unit (the "Chief Financial Officer") is hereby authorized to determine, in accordance with the Local Bond Law and pursuant to the terms and conditions established by the Trust and the State under the Loan Agreements and the terms and conditions hereof, the following items with respect to the Trust Loan Bond and the Fund Loan Bond:

- (a) The aggregate principal amounts of the Trust Loan Bond and the Fund Loan Bond to be issued, provided that the aggregate principal amount of the Local Unit Bonds shall not exceed \$7,600,000
- (b) The maturity and annual principal installments of the Local Unit Bonds, which maturity shall not exceed twenty (20) years;
- (c) The date of the Local Unit Bonds;
- (d) The interest rates of the Local Unit Bonds;
- (e) The purchase price for the Local Unit Bonds; and
- (f) The terms and conditions under which the Local Unit Bonds shall be subject to redemption prior to their stated maturities.

Section 3. Any determination made by the Chief Financial Officer pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of the Local Unit Bonds by the parties authorized under Section 4(c) hereof.

Section 4. The Local Unit hereby determines that certain terms of the Local Unit Bonds shall be as follows:

- (a) The Trust Loan Bond shall be issued in a single denomination and shall be numbered as shall be specified by the Chief Financial Officer. The Fund Loan Bond shall be issued in a single denomination and shall be numbered as shall be specified by the Chief Financial Officer;
- (b) The Local Unit Bonds shall be issued in fully registered form and shall be payable to the registered owners thereof as to both principal and interest in lawful money of the United States of America; and

(c) The Local Unit Bonds shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under official seal or facsimile thereof affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Local Unit Clerk.

Section 5. The Trust Loan Bond and the Fund Loan Bond shall be substantially in the form set forth in the Trust Loan Agreement and the Fund Loan Agreement, respectively.

Section 6. The law firm of DeCotiis, FitzPatrick & Cole, LLP, is hereby authorized to arrange for the printing of the Local Unit Bonds, which law firm may authorize McCarter & English, LLP, bond counsel to the Trust and the State for the Program, to arrange for same. The Local Unit auditor is hereby authorized to prepare the financial information necessary in connection with the issuance of the Local Unit Bonds. The Mayor, the Chief Financial Officer and the Local Unit Clerk are hereby authorized to execute any certificates necessary or desirable in connection with the financial and other information.

Section 7. The terms of the Local Unit Bonds authorized to be set forth by the Chief Financial Officer in accordance with Section 2 hereof shall be ratified by the affirmative vote of 2/3 of the full membership of the governing body of the Local Unit.

Section 8. The Mayor and the Chief Financial Officer are hereby severally authorized to execute any certificates or documents necessary or desirable in connection with the sale of the Local Unit Bonds, and are further authorized to deliver same to the Trust and the State upon delivery of the Local Unit Bonds and the receipt of payment therefor in accordance with the Loan Agreements.

Section 9. This resolution shall take effect upon the Bond Ordinance taking effect in accordance with the Local Bond Law.

Section 10. Upon the adoption hereof, the Local Unit Clerk shall forward certified copies of this resolution to DeCotiis, FitzPatrick & Cole, LLP, bond counsel to the Local Unit, and Richard Nolan, Esq., McCarter & English, LLP, bond counsel to the Trust.

The following Resolution #2013-86 (Authorizing Execution and Delivery of Loan Agreements pursuant to State Fiscal Year 2013 NJ Environmental Infrastructure Trust Finance Program) was

introduced by reference, offered by Council President LaRocca, seconded by Council Vice President Marder, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2013-86

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF LOAN AGREEMENTS TO BE EXECUTED BY THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY AND EACH OF THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST AND THE STATE OF NEW JERSEY, ACTING BY AND THROUGH THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, AND FURTHER AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW AGREEMENT, ALL PURSUANT TO THE STATE FISCAL YEAR 2013 NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM FOR FUNDING THE TOWNSHIP'S WATER TREATMENT PLANT AND WELL PROJECT

WHEREAS, the Township of Marlboro (the "Local Unit"), in the County of Monmouth, New Jersey, has determined that there exists a need within the Local Unit to construct that certain water treatment plant and well project (the "Project"), as said Project is more particularly defined in each of that certain Loan Agreement (the "Trust Loan Agreement") to be entered into by and between the Local Unit and the New Jersey Environmental Infrastructure Trust (the "Trust") and that certain Loan Agreement (the "Fund Loan Agreement", and together with the Trust Loan Agreement, the "Loan Agreements") to be entered into by and between the Local Unit and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection (the "State"), all pursuant to the State Fiscal Year 2013 New Jersey Environmental Infrastructure Trust Financing Program (the "Program");

WHEREAS, the Local Unit has determined to finance the acquisition, construction, renovation or installation of the Project with the proceeds of a loan to be made by each of the Trust (the "Trust Loan") and the State (the "Fund Loan", and together with the Trust Loan, the "Loans") pursuant to the Trust Loan Agreement and the Fund Loan Agreement, respectively;

WHEREAS, to evidence the Loans, each of the Trust and the State require the Local Unit to authorize, execute, attest and deliver the Local Unit's General Obligation Bonds, Series 2013, to the Trust (the "Trust Loan Bond") and General Obligation Bonds, Series 2013, to the State (the "Fund Loan Bond", and together with the Trust Loan Bond, the "Local Unit Bonds"), said Local Unit Bonds to be issued in an aggregate principal amount not to exceed \$7,600,000, pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (the

"Local Bond Law"), other applicable law and the Loan Agreements; and

WHEREAS, the Trust and the State have expressed their desire to close in escrow the making of one or more of the Loans, the issuance of one or more of the Local Unit Bonds and the execution and delivery of one or more of the Loan Agreements, all pursuant to the terms of an Escrow Agreement (the "Escrow Agreement") to be entered into by and among the Trust, the State, the Local Unit and the escrow agent to be named therein.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Local Unit as follows:

Section 1. The Trust Loan Agreement, the Fund Loan Agreement and the Escrow Agreement (collectively, the "Financing Documents") are hereby authorized to be executed and delivered on behalf of the Local Unit by either the Mayor or the Chief Financial Officer in substantially the forms attached hereto as Exhibits I, II and III, respectively, with such changes as the Mayor or the Chief Financial Officer (each an "Authorized Officer"), in their respective sole discretion, after consultation with counsel and any advisors to the Local Unit (collectively, the "Local Unit Consultants") and after further consultation with the Trust, the State and their representatives, agents, counsel and advisors (collectively, the "Program Consultants", and together with the Local Unit Consultants, the "Consultants"), shall determine, such determination to be conclusively evidenced by the execution of such Financing Documents by an Authorized Officer as determined hereunder. The Local Unit Clerk is hereby authorized to attest to the execution of the Financing Documents by an Authorized Officer of the Local Unit as determined hereunder and to affix the corporate seal of the Local Unit to such Financing Documents.

Section 2. The Authorized Officers of the Local Unit are hereby further severally authorized to (i) execute and deliver, and the Local Unit Clerk is hereby further authorized to attest to such execution and to affix the corporate seal of the Local Unit to, any document, instrument or closing certificate deemed necessary, desirable or convenient by the Authorized Officers or the Local Unit Clerk, as applicable, in their respective sole discretion, after consultation with the Consultants, to be executed in connection with the execution and delivery of the Financing Documents and the consummation of the transactions contemplated thereby, which determination shall be conclusively evidenced by the execution of each such certificate or other document by the party authorized hereunder to execute such certificate or other document, and (ii) perform such other actions as the Authorized Officers deem necessary, desirable or convenient in relation to the execution and delivery thereof.

Section 3. This resolution shall take effect upon the adoption hereof.

Section 4. Upon the adoption hereof, the Local Unit Clerk shall forward certified copies of this resolution to DeCotiis, FitzPatrick & Cole LLP, bond counsel to the Local Unit, and Richard Nolan, Esq., McCarter & English, LLP, bond counsel to the Trust.

Exhibits I, II and III on file in Clerk's office.

The following Resolution #2013-87 (Authorizing Contract Engineering Services - Wells 3 & 4 - Electric Starter/Emergency Generator Connection) was introduced by reference, offered by Council Vice President Marder, seconded by Councilwoman Mazzola and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2013-87

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES CONTRACT BETWEEN CME ASSOCIATES AND THE TOWNSHIP OF MARLBORO FOR DESIGN AND CONSTRUCTION PHASE ENGINEERING SERVICES TO PROVIDE FOR PHASE PROTECTION AND EMERGENCY BACKUP CAPABILITY FOR WELLS #3 and #4 AT THE HARBOR ROAD TREATMENT PLANT FOR THE WATER UTILITY DIVISION

WHEREAS, the Water Utility has experienced reliability and damage issues with Wells #3 and #4 at the Harbor Road Treatment Plant following weather events and disruptions to the power supply; and

WHEREAS, the Water Utility requires new circuit breaker/starter panels for both wells, phase protection and a quick coupling device which will allow for the easy connection of emergency generators if required; and

WHEREAS, CME Associates has provided a proposal dated January 31, 2013 (the "Proposal") for such Professional Services in connection with the Project; and

WHEREAS, the Township of Marlboro and CME Associates have entered into a Professional Services Contract, awarded under a fair and open process, and seeks to amend such Contract to expand the scope of services to include the Professional Services (as defined hereinabove) for the Project at a fee not to exceed \$6,975.00 for such Professional Services, as further described and set forth in CME's Proposal, attached hereto and made a part hereof; and

WHEREAS, the value of the Professional Services Contract will exceed \$17,500.00 in the aggregate; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose from Account # 06-215-12-10B-040226; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the Township of Marlboro to amend its contract with CME Associates to provide the required additional Professional Services for the Project in accordance with the Proposal; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality; and

WHEREAS, CME has previously completed and submitted a Business Entity Disclosure Certificate certifying that CME Associates has not made any reportable contributions that would bar the award of a contract pursuant to Marlboro Township Code Chapter 18 or N.J.S.A. 19:44A-20.5, and that no reportable contributions that would violate the law will be made during the term of the contract.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a Professional Services Contract between CME Associates and the Township of Marlboro, to expand the scope of services to include DESIGN AND CONSTRUCTION PHASE ENGINEERING SERVICES TO PROVIDE FOR PHASE PROTECTION AND EMERGENCY BACKUP CAPABILITY FOR WELLS #3 and #4 AT THE HARBOR ROAD TREATMENT PLANT FOR THE WATER UTILITY DIVISION by way of its Township Engineers ("Professional Services"), at a fee not to exceed \$6,975.00 for such Professional Services, as further described and set forth in CME's Proposal dated January 31, 2013 ("Proposal"), be and is hereby authorized; and

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

BE IT FURTHER RESOLVED, that this Professional Services Contract is awarded without competitive bidding pursuant to N.J.S.A. 40A:11-5(1)(a)(i) and shall provide for compensation in an amount not to exceed \$6,975.00 for such additional Professional Services for the Project as described in the Proposal; and

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

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

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

- a. CME Associates, 1460 Route 9 South, Howell, NJ 07731
- b. Water Utility Division
- c. Township Chief Financial Officer

The following Resolution #2013-88 (Consenting to Proposed Monmouth County Water quality Management (WQM) Plan Amendment) was introduced by reference, offered by Councilman Metzger, seconded by Council Vice President Marder and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2013-88

A RESOLUTION CONSENTING TO THE PROPOSED MONMOUTH
COUNTY WATER QUALITY MANAGEMENT (WQM) PLAN AMENDMENT

WHEREAS, the Township of Marlboro desires to provide for the orderly development of wastewater facilities within Monmouth County; and

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) requires that proposed wastewater treatment and conveyance facilities and wastewater treatment service areas, as well as related subjects, be in conformance with an approved WQM plan; and

WHEREAS, the NJDEP has established the WQM plan amendment procedure as the method of incorporating unplanned facilities into a WQM plan; and

WHEREAS, a proposed WQM plan amendment noticed in the New Jersey Register on January 7, 2013 for Proposed Amendment to the

Monmouth County Water Quality Management Plan has been prepared by the Monmouth County Department of Planning;

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Township of Marlboro that:

1. The Township of Marlboro hereby consents to the amendment entitled "Proposed Amendment to the Monmouth County Water Quality Management Plan, and publicly noticed on January 7, 2013, prepared by the Monmouth County Department of Planning, for the purpose of its incorporation into the applicable WQM plan(s).
2. This consent shall be submitted to the NJDEP in accordance with N.J.A.C. 7:15-3.4.

The following Resolution #2013-89 (Authorizing Bond Release Castle Pointe Section 1) was introduced by reference, offered by Councilwoman Mazzola and seconded by Councilman Metzger. Discussion followed, during which Bruce Radford, Maser Consulting, answered Council's questions. After discussion, the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2013-89

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES FOR THE SITE KNOWN AS CASTLE POINTE, SECTION ONE, BLOCK 358, LOTS 1-2, BLOCK 359, LOTS 1-7, BLOCK 360, LOTS 18-20, VANDERBURG ROAD MARLBORO TOWNSHIP, NEW JERSEY

WHEREAS, in accordance with *N.J.S.A. 40:55D-53*, the Township of Marlboro has received a request for the release of a Township held Performance Guarantee in the form of a performance bond and Cash Guarantee in the form of a cash deposit for site improvements ("Public Improvements") on the property known as CASTLE POINTE, SECTION ONE, Vanderburg Road, Block 358, Lots 1-2, Block 359, Lots 1-7 and Block 360, Lots 18-20 Marlboro, New Jersey, (the "Site") posted by Toll Brothers NJ III, L.P., (the "Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated February 13, 2013 regarding the completion of the Public Improvements at the Site, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the report recommends that the current Performance Guarantee, in the form of a performance bond, Number 929251245 issued by The Continental Insurance Company in the original amount of \$1,006,125.48 and the present amount of \$301,837.64 and

Cash Guarantee, in the form of a cash deposit in the original amount of \$111,791.72 and present amount of \$40,724.30 plus accrued interest posted by the Developer and being held by the Township, be released in their entirety, conditioned upon the payment of all outstanding inspection fee charges as outlined in the February 13, 2013 report, the posting of a two (2) year fifteen percent (15%) maintenance bond in the amount of \$167,687.58 ; and the posting of a cash guarantee in the amount of \$18,500.00 to cover four remaining deficiencies as outlined in the February 13, 2013 report; and

WHEREAS, the Township Council now wishes to accept the recommendation of the Township Engineer concerning the aforesaid Performance Guarantees.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the current Performance Guarantee for the Site (as defined and described hereinabove), Performance Bond Number 929251245 issued by The Continental Insurance Company in the original amount of \$1,006,125.48 and the present amount of \$301,837.64, and Cash Guarantee for the Site(as defined and described hereinabove) in the original amount of \$111,791.72 and present amount of \$40,724.30 plus accrued interest posted by the Developer (as defined and described hereinabove) and being held by the Township, be released in their entirety, conditioned upon the payment of all outstanding inspection fee charges as outlined in the February 13, 2013 report, the posting of a two (2) year fifteen percent (15%) maintenance bond in the amount of \$167,687.58 ; and the posting of a cash guarantee in the amount of \$18,500.00 to cover four remaining deficiencies as outlined in the February 13, 2013 report ; and

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

- a. Toll Brothers NJ III, L.P.
- b. Township Engineer
- c. Chief Financial Officer

The following Resolution #2013-90 (Authorizing Bond Release Castle Pointe Section 2) was introduced by reference, offered by Councilman Metzger, seconded by Councilwoman Mazzola, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2013-90

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES FOR THE SITE KNOWN AS CASTLE POINTE, SECTION TWO, BLOCK 358,

LOTS 1-2, BLOCK 359, LOTS 1-7, BLOCK 360, LOTS 18-20,
VANDERBURG ROAD MARLBORO TOWNSHIP, NEW JERSEY

WHEREAS, in accordance with *N.J.S.A. 40:55D-53*, the Township of Marlboro has received a request for the release of a Township held Performance Guarantee in the form of a performance bond and Cash Guarantee in the form of a cash deposit for site improvements ("Public Improvements") on the property known as CASTLE POINTE, SECTION TWO, Vanderburg Road, Block 358, Lots 1-2, Block 359, Lots 1-7 and Block 360, Lots 18-20 Marlboro, New Jersey, (the "Site") posted by Toll Brothers NJ III, L.P., (the "Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated February 13, 2013 regarding the completion of the Public Improvements at the Site, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the report recommends that the current Performance Guarantee, in the form of a performance bond, Number 929251246 issued by The Continental Insurance Company in the original amount of \$958,011.65 and the present amount of \$288,202.57 and Cash Guarantee, in the form of a cash deposit in the original amount of \$106,445.74 and present amount of \$42,552.45 plus accrued interest posted by the Developer and being held by the Township, be released in their entirety, conditioned upon the payment of all outstanding inspection fee charges as outlined in the February 13, 2013 report, the posting of a two (2) year fifteen percent (15%) maintenance bond in the amount of \$159,668.61 ; and the posting of a cash guarantee in the amount of \$18,500.00 to cover four remaining deficiencies as outlined in the February 13, 2013 report; and

WHEREAS, the Township Council now wishes to accept the recommendation of the Township Engineer concerning the aforesaid Performance Guarantees.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the current Performance Guarantee for the Site (as defined and described hereinabove), Performance Bond Number 929251246 issued by The Continental Insurance Company in the original amount of \$958,011.65 and the present amount of \$288,202.57 , and Cash Guarantee for the Site(as defined and described hereinabove) in the original amount of \$106,445.74 and present amount of \$42,552.45 plus accrued interest posted by the Developer (as defined and described hereinabove) and being held by the Township, be released in their entirety, conditioned upon the payment of all outstanding inspection fee charges as outlined in the February 13, 2013 report, the posting of a two (2) year

fifteen percent (15%) maintenance bond in the amount of \$159,668.61; and the posting of a cash guarantee in the amount of \$18,500.00 to cover four remaining deficiencies as outlined in the February 13, 2013 report; and

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

- a. Toll Brothers NJ III, L.P.
- b. Township Engineer
- d. Chief Financial Officer

The following Resolution #2013-91 (Authorizing Bond Release Castle Pointe Section 3) was introduced by reference, offered by Councilman Metzger, seconded by Councilwoman Mazzola, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2013-91

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES
FOR THE SITE KNOWN AS CASTLE POINTE, SECTION THREE, BLOCK
358, LOTS 1-2, BLOCK 359, LOTS 1-7, BLOCK 360, LOTS 18-20,
VANDERBURG ROAD MARLBORO TOWNSHIP, NEW JERSEY

WHEREAS, in accordance with *N.J.S.A. 40:55D-53*, the Township of Marlboro has received a request for the release of a Township held Performance Guarantee in the form of a performance bond and Cash Guarantee in the form of a cash deposit for site improvements ("Public Improvements") on the property known as CASTLE POINTE, SECTION THREE, Vanderburg Road, Block 358, Lots 1-2, Block 359, Lots 1-7 and Block 360, Lots 18-20 Marlboro, New Jersey, (the "Site") posted by Toll Brothers NJ III, L.P., (the "Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated February 13, 2013 regarding the completion of the Public Improvements at the Site, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the report recommends that the current Performance Guarantee, in the form of a performance bond, Number 929251247 issued by The Continental Insurance Company in the original amount of \$770,304.30 and the present amount of \$231,091.29 and Cash Guarantee, in the form of a cash deposit in the original amount of \$85,589.37 and present amount of \$31,276.54 plus accrued interest posted by the Developer and being held by the Township, be released in their entirety, conditioned upon the payment of all outstanding inspection fee charges as outlined in the February 13, 2013 report, the posting of a two (2) year

fifteen percent (15%) maintenance bond in the amount of \$128,384.05 ; and the posting of a cash guarantee in the amount of \$18,500.00 to cover four remaining deficiencies as outlined in the February 13, 2013 report; and

WHEREAS, the Township Council now wishes to accept the recommendation of the Township Engineer concerning the aforesaid Performance Guarantees.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the current Performance Guarantee for the Site (as defined and described hereinabove), Performance Bond Number 929251247 issued by The Continental Insurance Company in the original amount of \$770,304.30 and the present amount of \$231,091.29 , and Cash Guarantee for the Site(as defined and described hereinabove) in the original amount of \$85,589.37 and present amount of \$31,276.54 plus accrued interest posted by the Developer (as defined and described hereinabove) and being held by the Township, be released in their entirety, conditioned upon the payment of all outstanding inspection fee charges as outlined in the February 13, 2013 report, the posting of a two (2) year fifteen percent (15%) maintenance bond in the amount of \$128,384.05; and the posting of a cash guarantee in the amount of \$18,500.00 to cover four remaining deficiencies as outlined in the February 13, 2013 report; and

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

- a. Toll Brothers NJ III, L.P.
- b. Township Engineer
- c. Chief Financial Officer

The following Resolution #2013-92 (Bond Release OLS Corp./Hamptons - Block 190, Various Lots) was introduced by reference, offered by Councilman Metzger, seconded by Council Vice President Marder, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2013-92

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES
FOR THE SITE KNOWN AS OLS Corporation (The Hamptons),
BLOCK 190, LOT(S) Various, TOWNSHIP OF MARLBORO, NEW JERSEY

WHEREAS, in accordance with *N.J.S.A. 40:55D-53*, the Township of Marlboro has received a request from Neil Pruris, Esq. for release of the Township held Performance Guarantees in the form of a Bond for completion of punchlist items per April 3, 1996

Settlement Agreement on the Site known as "The Hamptons" (the "Site"), property known as Block 190, Lot(S) Various, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by Olstein Group (the "Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed the Township Engineer's report dated February 6, 2013, regarding the completion of the Improvements at the Site, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the aforesaid report recommends that the current Performance Guarantee in the form of a Bond, Bond No. S03501 issued by First Indemnity of America Insurance Company in the amount of \$50,000.00, posted by the Developer and being held by the Township, be released in their entirety, conditioned upon the payment of any and all outstanding review and/or inspection fee charges to the time of the performance guarantee release; and

WHEREAS, the aforesaid report recommends that the current Performance Guarantee in the form of a Bond, Bond No. S03433 issued by First Indemnity of America Insurance Company in the amount of \$50,918.00, and current value of \$35,332.00 posted by the Developer and being held by the Township, be released in their entirety, conditioned upon the payment of any and all outstanding review and/or inspection fee charges to the time of the performance guarantee release; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the above-described Performance Guarantees in the form of a Bond, Bond No. S03501 issued by First Indemnity of America Insurance Company in the amount of \$50,000.00 and Bond No. S03433 issued by First Indemnity of America Insurance Company in the amount of \$50,918.00, and current value of \$35,332.00, posted by the Developer and being held by the Township, be released in their entirety, conditioned upon the payment of any and all outstanding review and/or inspection fee charges to the time of the performance guarantee release; and

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

- a. Harry Olstein
- b. First Indemnity of America Insurance Company
- c. Township Business Administrator

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

Council Vice President Marder recused herself and left the room. The following Resolution #2013-93 (Consenting to Ethic Board Appointment - Steven P. Sukel - to fill unexpired term of Allan Sugarman) was introduced by reference, offered by Councilwoman Mazzola, seconded by Councilman Metzger and passed on a roll call vote of 4 - 0 in favor (Absent: Marder).

RESOLUTION # 2013-93

RESOLUTION CONSENTING TO THE MAYOR'S APPOINTMENT OF
STEVEN P. SUKEL TO THE MARLBORO TOWNSHIP ETHICS BOARD

WHEREAS, Section 4-102 of the Code of the Township of Marlboro establishes the Marlboro Township Ethics Board; and

WHEREAS, said Board shall consist of six (6) members who shall be appointed by the Mayor with the advice and consent of the Township Council; and

WHEREAS, the members of the Marlboro Township Ethics Board shall be chosen by virtue of their known and consistent reputation for integrity and their knowledge of local government affairs; and

WHEREAS, there is currently a vacancy on the Ethics Board for unexpired term of Allan Sugarman, such term expiring March 31, 2013; and

WHEREAS, Mayor Jonathan L. Hornik has appointed STEVEN P. SUKEL to the Marlboro Township Ethics Board for such term effective immediately ending on March 31, 2013; and

WHEREAS, the Township Council desires to consent to the Mayor's appointment of STEVEN P. SUKEL to the Marlboro Township Ethics Board for such term, effective immediately ending on March 31, 2013.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that it hereby consents to the Mayor's appointment of STEVEN P. SUKEL to the Marlboro Township Ethics Board effective immediately with the term of the appointment ending on March 31, 2013; and

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

- a. Steven P. Sukel
- b. Mayor Jonathan L. Hornik
- c. Township Business Administrator
- d. DeCotiis, FitzPatrick & Cole, LLC

The following Resolution #2013-94 (Authorizing Contract - Engineering Services/Site Investigation - Penksa Farm) was introduced by reference, offered by Councilman Cantor, seconded by Council Vice President Marder, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2013-94

A RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES CONTRACT BETWEEN CME ASSOCIATES AND THE TOWNSHIP OF MARLBORO FOR A PHASE II ENVIRONMENTAL SITE INVESTIGATION IN CONNECTION WITH THE ACQUISITION OF THE PROPERTY "PENKSA FARM", LOCATED AT 60 HARBOR ROAD, MARLBORO, NEW JERSEY, ALSO KNOWN AS BLOCK 171, LOT 50

WHEREAS, the Township authorized CME to prepare a Preliminary Assessment / Phase I Environment Site Assessment Report and Survey in connection with the acquisition of the property known as "Penksa Farm", Block 171, Lot 50 ("the Project") as required by New Jersey Green Acres; and

WHEREAS, New Jersey Green Acres has reviewed the preliminary report and has requested that the Township address the areas of concern identified in the report, which requires a Phase II environmental investigation and the appointment of a Licensed Site Remediation Professional (LSRP); and

WHEREAS, CME Associates has provided a proposal dated February 12, 2013 (the "Proposal") for such Professional Services in connection with the Project; and

WHEREAS, the Township of Marlboro and CME Associates have entered into a Professional Services Contract, awarded under a fair and open process, and seeks to amend such Contract to expand the scope of services to include the Professional Services (as defined hereinabove) for the Project at a fee not to exceed \$24,000.00 for such Professional Services, as further described and set forth in CME's Proposal, attached hereto and made a part hereof; and

WHEREAS, the value of the Professional Services Contract will exceed \$17,500.00 in the aggregate; and

WHEREAS, the Chief Financial Officer has certified that funds in the amount of \$24,000.00 are available for this purpose from Account # 04-215-11-04A-140291; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the Township of Marlboro to amend its contract with CME Associates to provide the required additional Professional Services for the Project in accordance with the Proposal; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality; and

WHEREAS, CME has previously completed and submitted a Business Entity Disclosure Certificate certifying that CME Associates has not made any reportable contributions that would bar the award of a contract pursuant to Marlboro Township Code Chapter 18 or N.J.S.A. 19:44A-20.5, and that no reportable contributions that would violate the law will be made during the term of the contract.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a Professional Services Contract between CME Associates and the Township of Marlboro, to expand the scope of services to include a PHASE II ENVIRONMENTAL SITE INVESTIGATION IN CONNECTION WITH THE ACQUISITION OF THE PROPERTY "PENKSA FARM", LOCATED AT 60 HARBOR ROAD, MARLBORO, NEW JERSEY, ALSO KNOWN AS BLOCK 171, LOT 50 by way of its Township Engineers ("Professional Services"), at a fee not to exceed \$24,000.00 for such Professional Services, as further described and set forth in CME's Proposal dated January 31, 2013 ("Proposal"), be and is hereby authorized; and

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

BE IT FURTHER RESOLVED, that this Professional Services Contract is awarded without competitive bidding pursuant to N.J.S.A. 40A:11-5(1)(a)(i) and shall provide for compensation in

an amount not to exceed \$24,000.00 for such additional Professional Services for the Project as described in the Proposal; and

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

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

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

- a. CME Associates, 1460 Route 9 South,
Howell, NJ 07731
- b. Business Administrator
- c. Township Chief Financial Officer

As the consent agenda, the following resolutions were introduced by reference, offered by Councilwoman Mazzola, seconded by Council Vice President Marder, and passed on a roll call vote of 5 - 0 in favor: Res. #2013-95 (Authorizing Contract Zetron System Maintenance), Res. #2013-96 (One Year Contract Renewal-Food Concession for Swim), Res. #2013-97 (Authorizing participation in NJ E-Procurement Pilot Program and Award of Bid for Purchase of Electric Power Supplies), Res. #2013-98 (Authorizing 3rd Party Payment Processing Agreements for On-line Recreation Transactions and Amending Cash Management Plan to include Merchant Services Accounts), Res. #2013-99 (Authorizing State Contract - Purchase of Police Vehicles - 2012/2013 MCIA), Res. #2013-100 (Authorizing State Contract - Equipment for Police Vehicles - 2012 Capital 106-3), Res. #2013-101 (Authorizing Application to NJEIT for Financing Harbor Road Treatment Plant Project), Res. #2013-102 (Authorizing Update to County Hazard Mitigation Plan), Res. #2013-103 (Authorizing Purchase of Discount Tickets through NJ Rec. and Parks Assoc.), Res. #2013-104 (Authorizing Purchase of Tickets for Recreation Fee-based Programs), Res. #2013-105 (Authorizing Shared Services - Mon. County Reclamation Center), Res. #2013-106 (Authorizing Bid for Emergency Generator Preventive Maintenance).

RESOLUTION # 2013-95

A RESOLUTION AUTHORIZING CONTRACT WITH WPCS INTERNATIONAL INC. FOR THE MAINTENANCE OF PUBLIC SAFETY COMMUNICATION SYSTEMS IN THE TOWNSHIP OF

MARLBORO POLICE DEPARTMENT UNDER STATE
CONTRACTS #69908 and #53824

WHEREAS, the Township of Marlboro Department Police Department is in need of a contract for 24x7 service and maintenance of the Zetron public safety communication system ("services"); and

WHEREAS, the Police Department has advised that WPCS International Inc. has performed satisfactorily in previous years; and

WHEREAS, the Police Department recommends that the Township obtain the required services through WPCS INTERNATIONAL INC. under State Contracts #69908 and #53824 for an amount not to exceed \$20,400.00; and

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

WHEREAS, the Police Department has reviewed the information received and has recommended that WPCS INTERNATIONAL INC. be awarded the contract based upon the quotation received; and

WHEREAS, funds are available the in Account Number 01-201-25-212-276 and have been certified to by the Chief Financial Officer of the Township of Marlboro.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to contract with WPCS INTERNATIONAL INC. whose address is Lakewood Operations, 1985 Swarthmore Ave., Suite 4, Lakewood, NJ 08701 for the provision of 24x7 service and maintenance of the Zetron public safety communication system under State Contracts #69908 and #53824 in an amount not to exceed \$20,400.00; and

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

- a. WPCS INTERNATIONAL INC.
- b. Township Administrator
- c. Township Police Department

RESOLUTION # 2013-96

RESOLUTION APPROVING A ONE-YEAR RENEWAL OF THE CONTRACT
BETWEEN THE TOWNSHIP OF MARLBORO AND BIG MEAT BBQ, LLC.
FOR FOOD CONCESSION SERVICE AT THE MARLBORO
TOWNSHIP SWIM CLUB

WHEREAS, by Resolution #2012-164, dated April 12, 2012, the Township of Marlboro awarded a contract to BIG MEAT BBQ, LLC. for FOOD CONCESSION SERVICE AT THE MARLBORO TOWNSHIP SWIM CLUB; and

WHEREAS, pursuant to the authorization provided by Resolution #2012-164, the parties entered into a contract for FOOD CONCESSION SERVICE AT THE MARLBORO TOWNSHIP SWIM CLUB for a one (1) year period dated June 6, 2012 (the "Contract"), which is attached hereto and made a part hereof; and

WHEREAS, in accordance with the bid specifications and the terms and conditions of the Contract, the Township of Marlboro reserved the exclusive option to renew the Contract for an additional one year period on the same terms and conditions specified in the bid proposal submitted by BIG MEAT BBQ, LLC.; and

WHEREAS, the Township of Marlboro Recreation Director has recommended that the Township Council approve the renewal of the Contract for a period of one year based upon the same terms and conditions specified in the bid proposal; and

WHEREAS, the Mayor and Council have indicated their desire to renew the contract for FOOD CONCESSION SERVICE AT THE MARLBORO TOWNSHIP SWIM CLUB with BIG MEAT BBQ, LLC. for a one-year term ending on December 31, 2013, for a contract requiring payments to the Swim Club of \$8,000.00 rent, \$4,000.00 for electricity and an estimate of \$800.00 for garbage removal (50% of actual invoiced cost) plus .0475 cents per attendee in accordance with the bid proposal for a term of one year; and

WHEREAS, upon execution of the initial contract a security deposit in the amount of \$3,000 was submitted to the Township for deposit, only to be returned to the contractor following: (1) receipt of all payments due including final payment of \$1,000 + attendance + ½ trash billed to swim club; and (2) clean up to satisfaction of Swim Club Director; and (3) approval by Township Council; and

WHEREAS, the Director of Recreation has stated in a memo dated February 14, 2013, that the aforementioned requirements have been met; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to renew the Contract between the Township of Marlboro and BIG MEAT BBQ, LLC., for FOOD CONCESSION SERVICE AT THE MARLBORO TOWNSHIP SWIM CLUB, for a one (1) year period upon the same terms and conditions specified in the bid proposal and authorized by Resolution #2012-164; and

BE IT FURTHER RESOLVED, that the \$3,000 security deposit shall be returned to BIG MEAT BBQ, LLC.

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

- a. BIG MEAT BBQ, LLC.
- b. Township Administrator
- c. Department of Recreation
- d. Marlboro Swim Club
- e. Chief Financial Officer

RESOLUTION # 2013-97

A RESOLUTION AUTHORIZING PARTICIPATION IN THE
NEW JERSEY E-PROCUREMENT PILOT PROGRAM AND THE AWARD
OF BID FOR THE PURCHASE OF ELECTRIC POWER SUPPLIES

WHEREAS, the Township authorized World Energy Solutions, Inc. to provide procurement services for the supply of electricity (R. 2011-72) for a term not to exceed two (2) years; and

WHEREAS, the Township acting as lead agency and the Marlboro Board of Education participated in an auction in 2011 operating under an approved State of New Jersey Cooperative Pricing System (190MTPCS); and

WHEREAS, contracts were awarded to the lowest bidders for public facilities and street lighting for a period not to exceed two (2) years which have resulted in savings to taxpayers in excess of \$250,000.00; and

WHEREAS, in advance of the expiration of the existing electricity supply contracts, the Township wishes to conduct an auction in 2013 in order to secure future favorable pricing for the municipal and school facilities and street lighting; 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 electric energy supplies; 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 reverse auctions.

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

(1) Conduct internet-based auctions for the sale of electric power supplies 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; and

(2) Award a contract to and execute an agreement, in a form approved by the Township Attorney, with the lowest responsible bidder resulting from the aforementioned internet-based, reverse auctions for the purchase of electric power supplies, provided the bid accepted is less than the rate then being paid by the Township to JCP&L for the same electric generation service and also less than the "Price To Compare" amount established, in advance of the reverse auctions, by World Energy Solutions, Inc., the Township's on-line purchasing agent.

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
- b. Marlboro Township Director of Public Works
- c. Marlboro Township Board of Education
- d. World Energy Solutions, Inc.

RESOLUTION # 2013-98

RESOLUTION AUTHORIZING AGREEMENTS FOR THE PROCESSING OF
CREDIT CARD PAYMENTS, AMENDING THE TOWNSHIP'S CASH
MANAGEMENT PLAN TO REFLECT THE ADDITION OF
ACCOUNTS AND ESTABLISHING A CHANGE FUND FOR
THE DEPARTMENT OF RECREATION

WHEREAS, the Recreation Department ("Recreation") is currently utilizing CommunityPass software provided by CapturePoint.com ("CapturePoint") for program registration, membership, and facility usage, both online and in-person; and

WHEREAS, Recreation desires to allow registrants to pay for various Recreation programs, memberships, and facility usage online using a credit card; and

WHEREAS, CapturePoint utilizes Authorize.net which serves as a payment gateway to allow for credit card transactions; and

HEREAS, under the condition that CapturePoint establishes the account on behalf of the Township, it will provide support for the integration of the Authorize.net payment gateway; and

WHEREAS, CapturePoint has presented the Township with a transaction processing fee agreement which establishes the terms, conditions and fees applicable to the payment gateway services (Attachment A); and

WHEREAS, in order to process credit cards utilizing the Authorize.net gateway account defined above, a Merchant Account must be established through a transaction processor which operates using the Authorize.net platform; and

WHEREAS, the Township solicited and received quotes for merchant account processing; and

WHEREAS, TransFirst has presented the Township with a proposal in the form of a merchant account agreement which establishes the terms, conditions and fees for the transaction processing services (Attachment B); and

WHEREAS, Transfirst is the merchant account partner for Investors Savings Bank, the Township's custodial bank; and

WHEREAS, CapturePoint and TransFirst have reviewed and agreed to comply with the Township's Privacy Policy; and

WHEREAS, the Department of Recreation, Department of Finance and Division of Information Technology have recommended the above described course of action in order to initiate on-line registration and payment processing for recreation programs, and the execution of agreements with CapturePoint/Authorize.net and Transfirst.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that the Mayor and Township Clerk are hereby authorized to execute an agreement in a form acceptable to the Township Attorney with CapturePoint, 215 E. Ridgewood Ave, Ridgewood, NJ 07450 to establish an Authorize.net payment gateway account; and

BE IT FURTHER RESOLVED by the Township Council of the Township of Marlboro that the Mayor and Township Clerk are hereby

authorized to execute a merchant services account agreement in a form acceptable to the Township Attorney with Transfirst Holdings LLC, 12202 Airport Way, Ste 100, Broomfield, CO 80021 in order to process credit card payments for Recreation programs online.

BE IT FURTHER RESOLVED by the Township Council of the Township of Marlboro that the Township's Cash Management Plan is hereby amended to include the necessary payment gateway and merchant services accounts.

BE IT FURTHER RESOLVED by the Township Council of the Township of Marlboro that a Change Fund be established in the Recreation Utility in the amount of \$500.00 for purposes of satisfying the transaction fee processing cash flow requirements.

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

- a. Township Business Administrator
- b. Township Chief Financial Officer
- c. Township Director of Recreation

RESOLUTION # 2013-99

A RESOLUTION AUTHORIZING THE PURCHASE OF FIVE (5)
EQUIPPED 2013 DODGE CHARGER POLICE VEHICLES UNDER
STATE CONTRACT # A-82927, 81336 and 81327
FROM CARMAN DODGE INC.

WHEREAS, the Police Department submitted its 2012 capital plan which included a request for the replacement of police vehicles; and

WHEREAS, on April 12, 2012, the Municipal Council of the Township of Marlboro approved Resolution #2012-158 which authorized Township officials to secure financing for the purchase of six (6) police vehicles; and

WHEREAS, the purchase was delayed due to the phase out of the Ford Crown Victoria police vehicle model and until such time as an award of state contract was made for a suitable replacement model; and

WHEREAS, Carman Dodge Inc. was awarded NJ State Contract # A-82927 for the Dodge Charger vehicle with options; and

WHEREAS, Whelan Engineer was awarded NJ State Contract # 81336 for certain Dodge Charger police vehicle accessories; and

WHEREAS, Pro Gard was awarded NJ State Contract # 81327 for certain Dodge Charger police vehicle accessories; and

WHEREAS, Carman is an authorized distributor of Whelan and Pro Gard NJ State Contract products and will purchase the accessories and outfit the vehicles at NJ State Contract pricing; and

WHEREAS, the Township of Marlboro Division of Police wishes to acquire five (5) equipped 2013 Dodge Charger police vehicles from Carman Dodge, Inc. ("Carman") under State Contracts # A-82927, 81336 and 81327 for the amount of \$162,612.80 pursuant to Carman's quotations (attached); 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, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to purchase five (5) equipped police vehicles utilized by the Division of Police; and

WHEREAS, funds are available in Account 01-201-25-106-297 and have been certified to by the Chief Financial Officer of the Township of Marlboro.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase five (5) 2013 Dodge Charger equipped police vehicles from Carman Dodge, Inc., 196 S. DuPont Hwy., New Castle, DE 19720 under State Contracts # A-82927, 81336 and 81327 for the amount of \$162,612.80 pursuant to Carman's quotation (attached); and

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

- a. Carman Dodge, Inc., 196 S. DuPont Hwy., New Castle, DE19720
- b. Township Administrator
- c. Township Division of Police
- d. Township Chief Financial Officer

RESOLUTION # 2013-100

RESOLUTION AUTHORIZING AWARD OF STATE CONTRACT # A-81330 TO GENERAL SALES ADMINISTRATION, INC. T/A MAJOR POLICE SUPPLY FOR THE PURCHASE OF LIGHT BARS FOR THE TOWNSHIP DIVISION OF MARLBORO POLICE

WHEREAS, the Township of Marlboro Division of Police is in need of replacement light bars for police vehicles; and

WHEREAS, the Marlboro Police Department has recommended that the Township purchase said light bars from General Sales Administration Inc. T/A Major Police Supply, 47 North Dell Avenue, Kenil, New Jersey 07847 under State Contract # A-81330 in an amount not to exceed \$30,492.49; 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, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey for the Police Department to obtain said light bars from Major Police Supply; and

WHEREAS, funds are available in Capital Account 04-215-12-08G-106297 for an amount not to exceed \$30,492.49 and have been certified to by the Chief Financial Officer of the Township of Marlboro in accordance with the quotation dated October 18, 2012; and

WHEREAS, the Township Council desires to approve the purchase of said light bars;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase said light bars from General Sales Administration Inc. T/A Major Police Supply, 47 North Dell Avenue, Kenil, New Jersey 07847 under State Contract # A-81330 in an amount not to exceed \$30,492.49 in accordance with the quotation dated October 18, 2012; and

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

- a. Major Police Supply
- b. Business Administrator
- c. Township Police Department
- d. Township Chief Financial Officer

RESOLUTION # 2013-101

WHEREAS, the Township of Marlboro intends to file an application with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust

(NJEIT) for Harbor Road Water Treatment Plant for the Township of Marlboro Water Utility.

NOW, THEREFORE BE IT RESOLVED, that

Ray Bhatia, P.E.
Water Utility Division

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

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

RESOLUTION # 2013-102

RESOLUTION AUTHORIZING AMENDMENT TO THE MONMOUTH COUNTY HAZARD MITIGATION PLAN TO REFLECT VARIOUS PROJECTS

Whereas, the Township has updated its Capital Program to reflect an updated list of priority hazard mitigation projects since Hurricane Sandy; and

Whereas, certain capital projects identified in the Township's Capital Program may qualify for FEMA Hazard Mitigation through funding made available as a result of federal appropriations for Hurricane Sandy aid; and

Whereas, the Office of Emergency Management, Department of Public Works and Office of the Township Engineer have recommended that the following projects be added to the Hazard Mitigation Plan at this time:

- Soil Stabilization Projects for Deep Run, Big Book and tributaries to Big Brook and Deep Run water courses
- Minor Localized Flood Reduction Projects for Deep Run, Big Brook, and tributaries to Big Brook and Deep Run water courses
- Emergency Generators at Critical Facilities

Now, therefore, be it resolved by the Township Council of the Township of Marlboro that:

- 1) the County-wide Hazard Mitigation Plan be updated to include the following hazard mitigation in Marlboro
 - a. Soil Stabilization Projects for Deep Run, Big Brook and tributaries to Big Brook and Deep Run water courses
 - b. Minor Localized Flood Reduction Projects for Deep Run, Big Brook, and tributaries to Big Brook and Deep Run water courses
 - c. Emergency Generators at Critical Facilities
- 2) the Township Engineer and Emergency Management Coordinator take the necessary steps to secure funding for these projects including the filing of a letter of intent and submission of grant applications

RESOLUTION # 2013-103

WHEREAS, the New Jersey Recreation & Parks Association (NJRPA) is a not-for-profit Professional organization which provides a variety of services to recreation organizations throughout the State of New Jersey; and

WHEREAS, the Township of Marlboro Department of Recreation is a member of the NJRPA; and

WHEREAS, the Department of Recreation utilizes the services of the NJRPA for its Camp and Teen Programs, and for professional recreation training; and

WHEREAS, the NJRPA sponsors a "Community Service Summer Discount Program" which enables the Department of Recreation to purchase tickets for a variety of events at a substantial discount; and

WHEREAS, the total value of the services to be provided for 2013 are estimated at and shall not exceed \$69,000.00 in the aggregate; and

WHEREAS, funds will be certified at the time participation counts are available and tickets are ordered from Accounts # 09-201-55-400-212-485 and 09-201-55-400-212-442.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that the Township Council of the Township of Marlboro, hereby authorizes the Mayor and Town Clerk to execute an agreement with the NJRPA, 13 April Lane, Somerset, NJ 08873-5301 for the services described above.

RESOLUTION # 2013-104

RESOLUTION AUTHORIZING THE PURCHASE OF TICKETS FOR
MARLBORO DEPARTMENT OF RECREATION FEE-BASED PROGRAMS

WHEREAS, the Department of Recreation organizes numerous trips to a variety of destinations for program participants; and

WHEREAS, the trip destinations include theaters, indoor and outdoor amusement facilities, restaurants and parks; and

WHEREAS, program participants register for the trip and the Department of Recreation purchases tickets based upon the demand for a particular trip; and

WHEREAS, participants pay a fee to register for these programs; and

WHEREAS, the Department of Recreation estimates various trips and associated fees for the 2013 program year in an amount not to exceed \$235,000.00; and

WHEREAS, the funding for these trips is generated from user fees and will be available from Recreation Utility Accounts # 09-192-08-471, # 09-192-08-480, and # 09-192-08-485.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that the Township Council of the Township of Marlboro, hereby authorizes the Department of Recreation to register program participants for various fee based programs as described above in an amount not to exceed \$235,000.00.

BE IT FURTHER RESOLVED, should schedule changes occur which do not result in an increased expenditure, the schedule changes may be adopted administratively.

RESOLUTION # 2013-105

AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE
COUNTY OF MONMOUTH RECLAMATION CENTER FOR THE DISPOSAL
OF DEBRIS FOR 2013 FOR THE DEPARTMENT OF PUBLIC WORKS

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

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

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

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

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

WHEREAS, funds for the aforesaid purpose estimated at an amount not to exceed \$51,500.00 have been certified by the Chief Financial Officer in Budget Account 01-201-32-170-233-207 and 01-201-32-170-233-210.

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

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

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

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

- a. Monmouth County Reclamation Center
- b. Township Business Administrator
- c. Department of Public Works
- d. Chief Financial Officer

RESOLUTION # 2013-106

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO
FM GENERATOR FOR THE PROVISION OF EMERGENCY GENERATOR
PREVENTIVE MAINTENANCE FOR THE TOWNSHIP OF MARLBORO
DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro authorized the receipt of bids for the provision of EMERGENCY GENERATOR PREVENTIVE

MAINTENANCE for the Township of Marlboro Department of Public Works (the "Services") and on February 14, 2013 received two (2) bids therefore; and

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

	FM Generator, Canton, MA	Kraft Power Corporation, Pompton Plains, NJ
Category I(A) - Annual Srvc Rate for 5 Generators	3,000.00	24,625.00
Category I(B) - Annual Visual Opacity Reporting	500.00	1,000.00
Category I Total	3,500.00	25,625.00
Category II(A) - Straight Time (Est. 220 Hrs)	105.00/Hr	195.00/Hr
Category II(B) - Overtime (Est. 50 Hrs)	120.00/Hr	390.00/Hr

WHEREAS, the Department of Public Works has reviewed the bids received and recommended that the Contract for the Services be awarded to FM GENERATOR as the lowest bidder, 25 Pequit Street, Canton, Massachusetts 02021, for a contract amount of \$3,500.00 for annual preventive maintenance and for repair service \$105.00 per hour straight time and \$120.00 per hour overtime; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in Account Numbers 01-201-26-122-288126 and 05-201-55-500-288020 for the annual preventive maintenance; and

WHEREAS, funds for the repair service will be certified by the Chief Financial Officer at the time of order; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that the bid for EMERGENCY GENERATOR PREVENTIVE MAINTENANCE for the Township of Marlboro Department of Public Works be and is hereby awarded to FM GENERATOR, 35 Pequit Street, Canton, Massachusetts 02021 for a contract amount of \$3,500.00 for annual preventive maintenance and for repair service \$105.00 per hour straight time and \$120.00 per hour overtime 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 a certified copy of this Resolution shall be provided to each of the following:

- a. FM GENERATOR
- b. Township Administrator
- c. Township Director, Dept. of Public Works
- d. Township Chief Financial Officer

At 8:40PM, Council Vice President Marder moved that the meeting go into executive session for reason of contract negotiations and potential litigation. This was seconded by Council President LaRocca, and the following resolution #2013-107 (Closed Session) was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2013-107

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 21st day of February, 2013 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, namely contract negotiations and potential litigation.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned items and that such executive session should take approximately 10 minutes. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required. Action will be taken following the executive session.

At 8:50 PM, Council Vice President Marder moved that the meeting be opened. This was seconded by Councilwoman Mazzola and as there was no objection, the Clerk was asked to cast one ballot.

The following Resolution #2013-108 (Authorizing Memorandum of Agreement - PBA Local 196) was introduced by reference, offered by Councilman Cantor, seconded by Councilman Metzger and passed on a roll call vote of 5 - 0 in favor. Council President LaRocca commended Business Administrator Jonathan Capp for a job well done.

RESOLUTION # 2013-108

A RESOLUTION AUTHORIZING A MEMORANDUM OF AGREEMENT
BETWEEN THE TOWNSHIP OF MARLBORO AND PBA LOCAL 196

WHEREAS, the Township and PBA Local 196 ("PBA") are parties to a collective bargaining agreement that expired on December 31, 2012; and

WHEREAS, the Township and PBA engaged in negotiations for a successor collective bargaining agreement to cover employees in the PBA; and

WHEREAS, the terms of the settlement are set forth in a Memorandum of Agreement ("MOA"), attached hereto and made a part hereof; and

WHEREAS, such MOA will be incorporated in the successor collective bargaining agreement to the previous collective bargaining agreement that expired on December 31, 2012, for an extended term of January 1, 2013 through December 31, 2016.

NOW, THEREFORE, BE IT RESOLVED, by Township Council of the Township of Marlboro that it hereby approves the terms and conditions contained in the Memorandum of Agreement between the Township of Marlboro and PBA, attached hereto and made a part hereof and that such Memorandum shall be deemed the successor collective bargaining agreement to the collective bargaining agreement that expired on December 31, 2012; and

BE IT FURTHER RESOLVED, the Township Council of the Township of Marlboro that it hereby approves and ratifies the execution of the attached Memorandum of Agreement; and

BE IT FURTHER RESOLVED, that the Township Council of the Township of Marlboro authorizes the execution of any documents necessary to implement the successor collective bargaining agreement; and

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

- a. PBA Local 196
- b. Mayor Jonathan L. Hornik
- c. Township Administrator
- d. Chief Financial Officer
- e. DeCotiis, FitzPatrick & Cole, LLP

At 8:53 PM, Council Vice President Marder moved that the meeting be adjourned. This was seconded by Councilwoman Mazzola, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: March 14, 2013

OFFERED BY: Cantor AYES: 5

SECONDED BY: Metzger NAYS: 0

ALIDA MANCO,
MUNICIPAL CLERK

FRANK LaROCCA,
COUNCIL PRESIDENT