

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

May 1, 2014

The Marlboro Township Council held its regularly scheduled Council Meeting on May 1, 2014 at 7:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Metzger opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of the regular 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 6, 2014; 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, Councilwoman Marder, Council Vice President Mazzola and Council President Metzger.
Councilman LaRocca was absent.

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

Council Vice President Mazzola moved that the minutes of April 3, 2014 be approved. This was seconded by Councilwoman Marder and was passed on a roll call vote of 4 - 0 in favor (Absent: LaRocca).

The following Resolution #2014-169/Ordinance #2014-12 (Fixing the Salary of Chief Financial Officer) was introduced by reference, offered by Councilman Cantor, seconded by Council President Metzger and passed on a roll call vote of 4 - 0 in favor (Absent: LaRocca).

RESOLUTION # 2014-169

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

ORDINANCE # 2014-12

AN ORDINANCE FIXING THE SALARY OF THE
CHIEF FINANCIAL OFFICER

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 May 15, 2014 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 # 2014-12

AN ORDINANCE FIXING THE SALARY OF THE
CHIEF FINANCIAL OFFICER

BE IT ORDAINED by the Municipal Council of the Township of Marlboro, County of Monmouth, as follows:

SECTION 1. The salary range established for the Chief Financial Officer is \$78,000 -\$120,000.

SECTION 2. The Chief Financial Officer shall receive no other fees or payments above the salary herein designated.

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; and

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

The following Resolution #2014-170/Ordinance #2014-13 (Appropriating \$470,000 from Capital Surplus for Improvements to Storm Drainage System at 4 Taylor Rd.) was introduced by reference, offered by Councilwoman Marder, seconded by Council Vice President Mazzola and passed on a roll call vote of 4 - 0 in favor (Absent: LaRocca).

RESOLUTION # 2014-170

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

ORDINANCE # 2014-13

AN ORDINANCE APPROPRIATING \$470,000.00 FROM CAPITAL SURPLUS FOR IMPROVEMENTS TO STORM DRAINAGE SYSTEM AT 4 TAYLOR ROAD IN THE TOWNSHIP OF MARLBORO

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 May 15, 2014 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 # 2014-13

AN ORDINANCE APPROPRIATING \$470,000.00 FROM CAPITAL SURPLUS FOR IMPROVEMENTS TO STORM DRAINAGE SYSTEM AT 4 TAYLOR ROAD IN THE TOWNSHIP OF MARLBORO

WHEREAS, the Township of Marlboro suffered damage to the storm drainage infrastructure located in the vicinity of 4 Taylor Road in the wake of Superstorm Sandy; and

WHEREAS, the Township applied to FEMA to fund the necessary improvements and received a notice of award on April 3, 2014; and

WHEREAS, FEMA has committed to funding 90% of the estimated construction cost ("in-kind" replacement option) of \$342,061.10, or \$307,854.99; and

WHEREAS, the required funds needed for this purpose are currently available in the Capital Surplus Account in the General Capital Fund of the Township of Marlboro.

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 a sum of \$470,000.00 is hereby appropriated for the aforementioned work from the Township Capital Surplus account; and

BE IT FURTHER ORDAINED that the Acting Chief Financial Officer has executed a Certification of Funds and determined that sufficient funds are available for this purpose in the Capital Surplus Account; and

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

The following Resolution #2014-171 (Confirming Appointment of Chief Financial Officer) was introduced by reference, offered by Councilwoman Marder and seconded by Council Vice President Mazzola and passed on a roll call vote of 4 - 0 in favor (Absent: LaRocca).

RESOLUTION # 2014-171

A RESOLUTION CONFIRMING THE MAYOR'S
APPOINTMENT OF LORI A. RUSSO AS CHIEF
FINANCIAL OFFICER FOR THE TOWNSHIP OF MARLBORO

WHEREAS, the Township of Marlboro is in need of a Chief Financial officer; and

WHEREAS, Mayor Jonathan L. Hornik has appointed LORI A. RUSSO as the Chief Financial Officer for the Township of Marlboro; and

WHEREAS, LORI A. RUSSO is licensed and qualified to perform the services as Chief Financial Officer for in accordance with the Township Code and State law; and

WHEREAS, pursuant to law, the appointment of LORI A. RUSSO as Chief Financial Officer of the Township of Marlboro is subject to the advice and consent of the Township Council; and

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

1. The aforesaid recitals are incorporated herein by reference as if set forth at length.
2. The Township Council of the Township of Marlboro hereby confirms and gives its advice and consent to the appointment of LORI A. RUSSO as the Chief Financial Officer for the Township of Marlboro; and
3. A certified copy of this resolution shall be provided to Mayor Jonathan Hornik.

The following Resolution #2014-172 (Authorize Release of Performance Guarantee for Water Improvements - Ambten Road Assoc. (316 Tennent Road, B 172, L 41) was introduced by reference, offered by Councilwoman Marder and seconded by Council President Metzger. CME Engineer Trevor Taylor answered Council's questions, after which the resolution was passed on a roll call vote of 4 - 0 in favor (Absent: LaRocca).

RESOLUTION # 2014-172

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES
FOR THE WATER IMPROVEMENTS AT A SITE KNOWN AS Ambten Road
Associates, BLOCK 172, LOT 41, #316 Tennent Road,
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 Sheldon Rogers for release of the Township held Performance Guarantees in the form of a Bond and cash deposit for site improvements ("Water Improvements") on the Site known as "Ambten Road Associates" (the "Site"), property known as Block 172, Lot 41, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by Ambten Road Associates (the "Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed the Township Engineer's report dated April 8, 2014, regarding the completion of the Water 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. 3378 issued by Bondex Insurance Co. in the original and current amount of \$26,239.68, as well as cash deposit in the amount of \$2,915.52 (excludes accrued interest) 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 the posting of a two (2) year fifteen percent (15%) maintenance bond in the amount of \$3,644.40; 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 Guarantee in the

form of a Bond, Bond No. 3378 issued by Bondex Insurance Co. in the original and current amount of \$26,239.68, as well as cash deposit in the amount of \$2,915.52 (excludes accrued interest) 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 the posting of a two (2) year fifteen percent (15%) maintenance bond in the amount of \$3,644.40; and

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

- a. Bondex Insurance Company
- b. Ambten Road Associates
- c. Township Business Administrator
- d. Township Chief Financial Officer
- e. Township Engineer

The following Resolution #2014-173 (Authorizing Contract - Affordable Housing Administrative Agent Services) was introduced by reference, offered by Council President Metzger and seconded by Councilwoman Marder. Discussion followed, during which Township Attorney Louis N. Rainone explained the resolution. After discussion, the resolution was passed on a roll call vote of 3 - 0 in favor with Councilman Cantor abstaining. (Absent: LaRocca).

RESOLUTION # 2014-173

RESOLUTION APPOINTING COMMUNITY GRANTS, PLANNING & HOUSING, LLC AS
AFFORDABLE HOUSING AGENT AND AUTHORIZING AFFORDABLE HOUSING
ADMINISTRATION SERVICES CONTRACT FOR THE YEAR 2014 PURSUANT TO A
FAIR AND OPEN PROCESS IN ACCORDANCE WITH N.J.S.A. 19:44A-20.4

WHEREAS, the Township re-petitioned the Council on Affordable Housing (COAH) for substantive certification of its Housing Element and Fair Share Plan in July of 2010; and

WHEREAS, the Township of Marlboro's Fair Share Plan promotes an affordable housing program pursuant to the Fair Housing Act (N.J.S.A. 52:27D-301, et. seq.) and COAH's Third Round Substantive Rules (N.J.A.C. 5:97-1, et. seq.); and

WHEREAS, a municipality's fair share obligation pursuant to N.J.A.C. 5:97-2.2(a) is comprised, in part, of an owner-occupied rehabilitation obligation as well a rental rehabilitation obligation

which pertains to housing units that are both deficient and occupied by low and/or moderate households; and

WHEREAS, the Township has an Affordability Assistance obligation pursuant to N.J.A.C.5:97-8.8; and

WHEREAS, the Township of Marlboro requires the services of an Administrative Agent, same to be appointed pursuant to a fair and open process pursuant to the provisions of N.J.S.A 19:44A-20.5; and

WHEREAS, the Township received a response dated November 26, 2013 from COMMUNITY GRANTS, PLANNING & HOUSING, LLC (the "Business Entity") in response to a Request for Qualifications for the services of an Affordable Housing Administrative Agent issued by the Township ("proposal") which sets forth the terms and conditions under which such services are to be rendered by the Business Entity under a contract to be awarded pursuant to a fair and open process in accordance with the provisions of N.J.S.A 19:44A-20.4; and

WHEREAS, COMMUNITY GRANTS, PLANNING & HOUSING, LLC employs licensed professional planners that are certified affordable housing administrative agents; and

WHEREAS, it has been determined that the value of the contract will exceed \$17,500.00; and

WHEREAS, COMMUNITY GRANTS, PLANNING & HOUSING, LLC will provide the day-to-day Administrative Agent services for a fixed annual rate of \$12,000 to be paid in equal monthly payments of \$1,000 per month; and

WHEREAS, the additional costs under this contract are variable in nature depending upon program demand, and have been estimated as follows:

Sale of Units	\$2,750.00 x 10 = \$27,500.00
Rehabilitation of Units	\$ 725.00 x 20 = \$14,500.00
Affordability Assistance	\$6,354.17 x 6 = \$38,125.00

WHEREAS, with the goal of maximizing the preservation of the Township's affordable unit housing stock, the Administrative Agent's fees associated with the resale of units which are included under this contract will be absorbed by the Affordable Housing Trust Fund; and

WHEREAS, funds in the amount of \$92,125.00 have been certified by the Chief Financial Officer in trust account 15-228-55-054 for this purpose; and

WHEREAS, the Township has been provided with the Business Entity's Disclosure of Campaign Contributions at least ten (10) days prior hereto, as required by P.L. 2005, c.271.

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 of the award of contract to COMMUNITY GRANTS, PLANNING & HOUSING, LLC pursuant to a fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.4; and

2. The contract shall provide for compensation at the rates set forth in the proposal dated November 26, 2013, a copy of which is attached hereto, in an amount not to exceed \$92,125.00; and

3. The Mayor and Township Clerk are hereby authorized to sign such Agreement after approval of same from the New Jersey Council on Affordable Housing; and

4. The Business Entity Disclosure of Campaign Contributions and the Determination of Value shall be placed on file with this Resolution in accordance with P.L. 2005, c.271; and

5. That notice of the award of this contract shall be published in accordance with law.

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

- a. COMMUNITY GRANTS, PLANNING & HOUSING, LLC
- b. Municipal Housing Liaison
- c. Special Counsel on COAH
- d. New Jersey Council on Affordable Housing

The following Resolution #2014-174 (Authorizing Contract Engineering Services - Phase II Tennent Road Parcel (Baydock) was introduced by reference, offered by Councilwoman Marder and seconded by Council President Metzger and passed on a roll call vote of 4 - 0 in favor (Absent: LaRocca).

RESOLUTION # 2014-174

A RESOLUTION AUTHORIZING AN AMENDMENT TO A PROFESSIONAL SERVICES CONTRACT BETWEEN CME ASSOCIATES AND THE TOWNSHIP OF MARLBORO FOR THE PROVISION OF PHASE II ENVIRONMENTAL SITE INVESTIGATION SERVICES IN CONNECTION WITH BLOCK 172 LOT 48 LOCATED ON TENNENT ROAD

WHEREAS, the Township authorized the purchase of the property on Tennent Road, Marlboro, New Jersey, also known as Block 172, Lot 48 ("Property"), for the public purposes of open space preservation and for recreation within the Township of Marlboro; and

WHEREAS, the Township is required to complete a Preliminary Assessment and Site Inspection (PASI) in order for the acquisition to be eligible for 50% reimbursement under the Planning Incentive Grant program; and

WHEREAS, CME Associates was authorized to perform the PASI (R 2014-100) and has completed the work; and

WHEREAS, areas of concern (AOCs) were identified which require additional environmental investigation ("Project"); and

WHEREAS, CME Associates has provided a proposal dated April 24, 2014 (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 \$14,500.00 for such Professional Services, as further described and set forth in CME's Proposal, attached hereto and made a part hereof; and

WHEREAS, the Township desires to meet the Green Acres grant conditions by completing the Site Investigation and resolving the outstanding AOCs; 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 # 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 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 PHASE II ENVIRONMENTAL SITE INVESTIGATION SERVICES IN CONNECTION WITH BLOCK 172 LOT 48 LOCATED ON TENNENT ROAD ("Professional Services"), at a fee not to exceed \$14,500.00 for such Professional Services, as further described and set forth in CME's Proposal dated April 24, 2014, 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 \$14,500.00 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. Township Administrator
- c. Township Chief Financial Officer

The following Resolution #2014-175 (Authorizing Contract Engineering Services - Phase II Marlboro Country Park (O/S Grant - Ballfield Project) was introduced by reference, offered by Councilman Cantor and seconded by Councilwoman Marder and passed on a roll call vote of 4 - 0 in favor (Absent: LaRocca).

RESOLUTION # 2014-175

A RESOLUTION AUTHORIZING AN AMENDMENT TO A PROFESSIONAL SERVICES CONTRACT BETWEEN CME ASSOCIATES AND THE TOWNSHIP OF MARLBORO FOR THE PROVISION OF PHASE II ENVIRONMENTAL SITE INVESTIGATION SERVICES IN CONNECTION WITH BLOCK 255 LOT 55 (MARLBORO COUNTRY PARK) LOCATED AT GORDONS CORNER ROAD and MASEPE TRAIL

WHEREAS, the Township has been awarded a \$250,000 grant by the Monmouth County Park System for improvements to Marlboro Country Park; and

WHEREAS, as a condition of the grant, the Township is required to complete a Preliminary Assessment and Site Inspection (PASI); and

WHEREAS, CME Associates was authorized to perform the PASI (R 2014-078) and has completed the work; and

WHEREAS, areas of concern (AOCs) were identified which require additional environmental investigation ("Project"); and

WHEREAS, CME Associates has provided a proposal dated April 24, 2014 (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 \$9,250.00 for such Professional Services, as further described and set forth in CME's Proposal, attached hereto and made a part hereof; and

WHEREAS, the Township desires to meet the grant conditions by completing the Site Investigation and resolving the outstanding AOCs; 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 # 10-215-13-09A-452288; 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 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 PHASE II ENVIRONMENTAL SITE

INVESTIGATION SERVICES IN CONNECTION WITH BLOCK 255 LOT 55 (MARLBORO COUNTRY PARK) LOCATED AT GORDONS CORNER ROAD and MASEPE TRAIL ("Professional Services"), at a fee not to exceed \$9,250.00 for such Professional Services, as further described and set forth in CME's Proposal dated April 24, 2014, 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 \$9,250.00 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. Township Administrator
- c. Township Chief Financial Officer

The following Resolution #2014-176 (Authorizing Sale of Plenary Retail Distribution License) was introduced by reference, offered by Council Vice President Mazzola and seconded by Council President Metzger and passed on a roll call vote of 3 - 0 in favor with Councilman Cantor abstaining (Absent: LaRocca).

RESOLUTION # 2014-176

RESOLUTION OF THE TOWNSHIP OF MARLBORO AUTHORIZING THE SSUANCE OF ONE (1) ADDITIONAL PLENARY RETAIL DISTRIBUTION LICENSE.

WHEREAS, pursuant to *N.J.S.A. 33:1-12.14*, a municipality is permitted to issue new plenary retail distribution licenses in ratio to a municipality's population; and

WHEREAS, in accordance with the information from the 2010 federal census counts, the Township of Marlboro has a population of 40,191; and

WHEREAS, in light of the such census information, the Township of Marlboro is permitted to issue up to four (4) plenary retail distribution licenses, and three (3) have been issued; and

WHEREAS, the Mayor and Township Council, having considered the same, desire to authorize the issuance of one (1) additional plenary retail distribution license and the advertisement for the receipt of sealed bids therefor as set forth hereinbelow.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, in the County of Monmouth and State of New Jersey, that the issuance of one (1) plenary retail distribution license and the advertisement for the receipt of sealed bid(s) therefor is hereby authorized pursuant to *N.J.S.A. 33:1-19, et seq.*; and

BE IT FURTHER RESOLVED, that the Township of Marlboro shall hold a public sealed bid sale for the aforesaid plenary retail distribution license.

BE IT FURTHER RESOLVED, that the following requirements and conditions must be met by any and all prospective bidders:

1. Only the bids of bidders qualified to have an interest in a plenary retail distribution license under the standards set forth in the *Alcoholic Beverage Control Act*, the regulations promulgated thereunder and any applicable provisions of the Code of the Township of Marlboro will be opened.

2. To pre-qualify, a prospective bidder must, on or before 10:00 AM on June 17, 2014, submit the following to the Township Clerk at 1979 Township Drive in Marlboro, New Jersey:

- (a) A full and complete twelve (12) page Alcoholic Beverage Control License Application form, including the required municipal license fee of \$2,220.00 (the municipal license fee of an unsuccessful bidder shall be returned after the award of the license, less an administrative fee of ten percent (10%) of such license fee), and the required State license fee of \$200.00;

(b) A separate signed Certification of Proof of Compliance by the prospective bidder that it/he/she meets any and all conditions or requirements contained in this Resolution, and that the prospective bidder knows of no reason why it/he/she would be disqualified from having an interest in a plenary retail distribution license in New Jersey under the standards set forth in the *Alcoholic Beverage Control Act* and the rules and regulations promulgated thereunder; and

(c) a separately sealed envelope with the prospective bidder's deposit fee of \$75,000.00 (by bank check or certified check) which shall be non-refundable to the successful bidder after the award of bid.

3. The minimum bid for the plenary retail distribution license is \$750,000.00. The Mayor and Township Council reserve the right to reject all bids if the highest bid is not accepted.

4. Sealed bids shall be received on or before 10:00 AM on June 17, 2014 at the office of the Marlboro Township Clerk, 1979 Township Drive, Marlboro, New Jersey. The outside of the sealed envelope shall state:

- (a) "2014 Liquor Distribution License bid"; and
- (b) Name of the Bidder.

5. At 3:00 P.M. on June 17, 2014, the Township Clerk shall publicly announce those prospective bidders who have pre-qualified. A list of such pre-qualified bidders shall also be posted on the public announcements bulletin board in the Municipal Building.

6. The Clerk of the Township of Marlboro will open any and all sealed bids received from pre-qualified bidders at 10:00 AM on June 19, 2014 at the office of the Marlboro Township Clerk, 1979 Township Drive, Marlboro, New Jersey. No bid will be opened from or on behalf of any bidder who does not pre-qualify or has not submitted proof of qualification. Immediately after opening the sealed bids of the pre-qualified bidders, the Township Clerk shall publicly announce the amount of each bid received and the name of each bidder.

7. The Township Council, shall, by written Resolution, adopted at a public meeting, either award the license to the highest qualified bidder or reject all bids. If the award is made to the highest qualified bidder, the ultimate issuance of the license shall be subject to each of the following terms and conditions:

(a) Payment of the balance of the bid by certified check made payable to the "Township of Marlboro" by November 17, 2014. Failure to make timely payment of such balance shall, at the option of the Township, result in voiding of the license award and forfeiture of the successful bidder's deposit whereupon the Township may award the license to the remaining highest qualified bidder or determine to take no action;

(b) Payment of the State License Application Fee;

(c) Payment of the annual municipal plenary retail distribution license fee;

(d) Satisfactory outcome of further municipal background checks to investigate the source of funds used to purchase the plenary retail distribution license;

(e) Receipt of favorable State and/or Federal criminal background checks; and

(f) Compliance with the publication, hearing and Resolution requirements under *N.J.A.C. 13:2-2.1 et seq.*

The deposit(s) of all unsuccessful bidders shall be returned within ten (10) days of the date of the award.

8. The Township hereby reserves the right to reject all bids when the highest qualified bid is not accepted.

9. The sale of the plenary retail distribution license may be postponed or canceled at any time prior to the opening of the bids.

10. Prospective bidders shall also comply with all other provisions of *N.J.A.C. 13:2-2.1 et seq.*, including, but not limited to, publication of the Notice of Application.

11. If no new plenary retail distribution license has been issued pursuant to this Resolution by December 18, 2014, no new plenary retail distribution license shall thereafter be issued without a further Resolution of the Township Council determining to issue a new plenary retail distribution license.

BE IT FURTHER RESOLVED, that notice of the public sale of the plenary retail distribution license shall be in conformance with *N.J.S.A. 33:1-19.4*; 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 Chief Financial Officer
- c. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2014-177 (Authorizing Sale of Plenary Retail Consumption License) was introduced by reference, offered by Councilwoman Marder and seconded by Council Vice President Mazzola and passed on a roll call vote of 3 - 0 in favor with Councilman Cantor abstaining (Absent: LaRocca).

RESOLUTION # 2014-177

RESOLUTION OF THE TOWNSHIP OF MARLBORO AUTHORIZING THE ISSUANCE
OF ONE (1) ADDITIONAL PLENARY RETAIL CONSUMPTION LICENSE

WHEREAS, pursuant to *N.J.S.A. 33:1-12.14*, a municipality is permitted to issue new plenary retail consumption licenses in ratio to a municipality's population; and

WHEREAS, in accordance with the information from the 2010 federal census counts, the Township of Marlboro has a population of 40,191; and

WHEREAS, in light of the recent census counts, the Township of Marlboro is permitted to issue up to one (1) additional plenary retail consumption licenses; and

WHEREAS, in light of the such census information, the Township of Marlboro is permitted to issue up to thirteen (13) plenary retail consumption licenses, and twelve (12) have been issued; and

WHEREAS, the Mayor and Township Council, having considered the same, desire to authorize the issuance of one (1) additional plenary retail consumption license and the advertisement for the receipt of sealed bids therefor as set forth below.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, in the County of Monmouth and State of New Jersey that the issuance of one (1) plenary retail consumption license and the advertisement for the receipt of sealed bid therefor is hereby authorized pursuant to *N.J.S.A. 33:1-19, et seq.*

BE IT FURTHER RESOLVED that the Township of Marlboro shall hold a public sealed bid sale for the aforesaid license; and

BE IT FURTHER RESOLVED that the following requirements and conditions must be met by any and all prospective bidders:

1. Only the bids of bidders qualified to have an interest in a retail alcoholic beverage license under the standards set forth in the *Alcoholic Beverage Control Act, N.J.S.A. 33:1-19 et seq.*, the regulations promulgated thereunder and any applicable provisions of the Code of the Township of Marlboro will be opened.

2. To pre-qualify, a prospective bidder must, on or before 10:30 AM on June 17, 2014, submit the following to the Township Clerk at 1979 Township Drive in Marlboro, New Jersey:

(a) A full and complete twelve (12) page Alcoholic Beverage Control License Application form, including the required municipal license fee of \$2,500.00 (the municipal license fee of an unsuccessful bidder shall be returned after the award of the license, less an administrative fee of ten percent (10%) of such license fee), and the required State license fee of \$200.00;

(b) A separate signed Certification of Proof of Compliance by the prospective bidder that it/he/she meets any and all conditions or requirements contained in this Resolution, and that the prospective bidder knows of no reason why it/he/she would be disqualified from having an interest in a Retail Liquor License in New Jersey under the standards set forth in the *Alcoholic Beverage Control Act* and the rules and regulations promulgated thereunder; and

(c) a separately sealed envelope with the prospective bidder's deposit fee of \$90,000.00 (by bank check or certified check) which shall be non-refundable to the successful bidder after the award of bid.

3. The minimum bid for the plenary retail consumption license is \$900,000.00. The Mayor and Township Council reserve the right to reject all bids if the highest bid is not accepted.

4. Sealed bids shall be received on or before 10:30 AM on June 17, 2014 at the office of the Marlboro Township Clerk, 1979 Township Drive, Marlboro, New Jersey. The outside of the sealed envelope shall state:

(a) "2014 Liquor Consumption bid"; and

(b) Name of the Bidder

5. At 3:30 PM on June 17, 2014, the Township Clerk shall publicly announce those prospective bidders who have pre-qualified. A list of such pre-qualified bidders shall also be posted on the public announcements bulletin board in the Municipal Building.

6. The Clerk of the Township of Marlboro will open any and all sealed bids received from pre-qualified bidders at 10:30 AM on June 19, 2014 at the office of the Marlboro Township Clerk, 1979 Township Drive, Marlboro, New Jersey. No bid will be opened from or on behalf of any bidder who does not pre-qualify or has not submitted proof of qualification. Immediately after opening the sealed bids of the pre-qualified bidders, the Township Clerk shall publicly announce the amount of each bid received and the name of each bidder.

7. The Township Council, shall, by written Resolution, adopted at a public meeting, either award the license to the highest qualified bidder or reject all bids. If the award is made to the highest qualified bidder, the ultimate issuance of the license shall be subject to each of the following terms and conditions:

(a) Payment of the balance of the bid by certified check made payable to the "Township of Marlboro" on a date to be established by the Administration and contained in the Notice of advertising the Township of Marlboro's intention an additional plenary retail consumption license. Failure to make timely payment of such balance shall, at the option of the Township, result in voiding of the license award and forfeiture of the successful bidder's deposit whereupon the Township may award the license to the remaining highest qualified bidder or determine to take no action;

(b) Payment of the State License Application Fee;

(c) Payment of the Annual Municipal Retail License Fee;

(d) Satisfactory outcome of further municipal background checks to investigate the source of funds used to purchase the license;

(e) Receipt of favorable State and/or Federal criminal background checks; and

(f) Compliance with the publication, hearing and Resolution requirements under *N.J.A.C. 13:2-2.1 et seq.*

The deposit(s) of all unsuccessful bidders shall be returned within ten (10) days of the date of the award.

8. The Township reserves the right to reject all bids where the highest qualified bid is not accepted.

9. The sale may be postponed or canceled at any time prior to the opening of the bids.

10. Prospective bidders shall also comply with all other provisions of *N.J.A.C. 13:2-2.1 et seq.*, including, but not limited to, publication of notice of application.

11. If no new plenary retail consumption license has been issued pursuant to this Resolution by a date that is six (6) months from the date that the sealed bids are received and opened pursuant to Paragraph 4 hereof, no new plenary retail consumption license shall thereafter be issued without a further Resolution of the Township Council determining to issue a new plenary retail consumption license; and

BE IT FURTHER RESOLVED that notice of the public sale of the plenary retail consumption licenses be in conformance with *N.J.S.A. 33:1-19.4*.

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

- a. Township Administrator
- b. Township Chief Financial Officer
- c. DeCotiis, FitzPatrick & Cole, LLP

Council President Metzger asked to move Res. #2014-183 (Authorizing Change Order - Purchase of Ambulance) from the Consent Agenda and considered separately. Councilman Cantor recused himself and left the room. The following Resolution #2014-183 (Authorizing Change Order - Purchase of Ambulance) was introduced by reference, offered by Councilwoman Marder and seconded by Council Vice President Mazzola and passed on a roll call vote of 3 - 0 in favor (Absent: Cantor, LaRocca).

RESOLUTION # 2014-183

A RESOLUTION APPROVING CHANGE ORDER NO. 1 TO THE EXISTING CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO AND BAY HEAD INVESTMENTS, INC. FOR THE PROVISION OF ONE (1) NEW 2013 FORD E-450 AMBULANCE

WHEREAS, the Township of Marlboro as part of its 2013 capital program (105-1) authorized the acquisition of a replacement ambulance for the Department of Public Safety; and

WHEREAS, the Township of Marlboro authorized the acceptance of bids for the PROVISION OF ONE (1) NEW 2013 FORD E-450 AMBULANCE, and on June 11, 2013, received one (1) bid therefor; and

WHEREAS, the sole bid received was as follows:

COMPANY	PRICE	TRADE-IN (DELETION ITEM "A")	TOTAL WITH TRADE-IN OPTION
BAY HEAD INVESTMENTS, INC. 43 Jefferson Avenue Berlin, NJ 08009	\$192,078.00	\$10,000.00	\$182,078.00

; and

WHEREAS, by Resolution #2013-230 the Township of Marlboro authorized the award of a contract to BAY HEAD INVESTMENTS, INC. for the PROVISION OF ONE (1) NEW 2013 FORD E-450 AMBULANCE; and

WHEREAS, at the time of award it was determined that a trade-in option would not be exercised; and

WHEREAS, the Township of Marlboro has now determined that it wishes to exercise the trade-in option of a 2001 Ford E-450 Horton Ambulance, resulting in a net reduction in the contract price; and

WHEREAS, Change Order No. 1 has been requested resulting in a decrease in the original contract amount of \$192,078.00 to \$182,078.00, a net decrease of \$10,000.00; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that Change Order No. 1 to the existing contract with BAY HEAD INVESTMENTS, INC., be and is hereby approved, decreasing the original contract total of \$192,078.00 to \$182,078.00, a net decrease of \$10,000.00.

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

- a. BAY HEAD INVESTMENTS, INC.
- b. Township Administrator
- c. Township Department of Public Works

As the consent agenda, the following resolutions were introduced by reference, offered by Council Vice President Mazzola, seconded by Councilwoman Marder, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Cantor, LaRocca):

Res. #2014-178 (Authorizing Somerset County Co-op Contract Industrial & Commercial Equipment & Supplies), Res. #2014-179 (Authorizing Change Order Route 79 Streetscape Improvements), Res. #2014-180 (Authorizing Final Payment and Close Out Electrical Upgrades to Wells #3 & 4), Res. #2014-181 (Authorizing Final Payment and Close Out Stream Cleaning and De-Snagging), Res. #2014-182 (Confirming Contract Roll-Off Rental Service for Leaf Removal), Res. #2014-184 (Discharge of Mortgage - 55 Thrasher Court), Res. #2014-185 (Budget Amendment Chapter 159 - 2014 Municipal Alliance Grant), Res. #2014-186 (Authorizing Application 2014 Bulletproof Vest Partnership Grant), Res. #2014-187 (Authorizing Amendment to Contract - Emergency Generator Rental), Res. #2014-188 (Redemption Tax Sale Certs - Various), Res. #2014-189 (Refund for Tax Court Judgment - 2012 Taxes - Conway - B. 155.03, L. 4), Res. #2014-190 (Refund for Tax Court Judgment - 2013 Taxes - Conway - B. 155.03, L. 4).

RESOLUTION # 2014-178

RESOLUTION AUTHORIZING A CONTRACT FOR THE REPLACEMENT
OF MECHANIC'S EQUIPMENT THROUGH BIDS OBTAINED BY
THE SOMERSET COUNTY COOPERATIVE PRICING SYSTEM

WHEREAS, the Township of Marlboro as part of its 2014 capital program (121-11.1 thru 121-11.5) authorized the acquisition of MECHANIC'S EQUIPMENT including a tire changer, tire balancer, air compressor, tire pressure monitoring kit, plasma cutter and heavy duty truck scan kit for the Public Works Department; and

WHEREAS, the Township is authorized to purchase said equipment from bids obtained from a cooperative pricing system such as SOMERSET COUNTY pursuant to the authority provided by N.J.S.A. 40A:11-11(6); and

WHEREAS, SOMERSET COUNTY conducted a public bidding process and awarded a contract to Snap-On Industrial for the provision of MECHANIC'S EQUIPMENT; and

WHEREAS, the Public Works Department has indicated that Snap-On Industrial has agreed to extend the pricing provided through SOMERSET COUNTY to Marlboro Township; and

WHEREAS, at this time, the Public Works Department has recommended the award of contract for the purchase of replacement MECHANIC'S EQUIPMENT for a total amount not to exceed \$35,000.00; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to purchase said MECHANIC'S EQUIPMENT through SOMERSET COUNTY; and

WHEREAS, funds in the amount of \$30,734.91 have been certified to by the Chief Financial Officer in Capital Account 04-215-14-03F-121297 for this purpose; and

WHEREAS, funds for the remaining balance of \$4,265.09 will be certified by the Chief Financial Officer at the time of order; and

WHEREAS, the Marlboro Township Council, having considered the same, desires to authorize the purchase of MECHANIC'S EQUIPMENT from Snap-On Industrial, at pricing pursuant to the bid obtained by SOMERSET COUNTY, for a total amount not to exceed \$35,000.00.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase replacement MECHANIC'S EQUIPMENT, at pricing pursuant to the bid obtained by the MRESC, for a total amount not to exceed \$35,000.00; and

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

- a. Snap-On Industrial
- b. Township Administrator
- c. Township Public Works Department

RESOLUTION # 2014-179

A RESOLUTION APPROVING CHANGE ORDER NO. 1 TO THE EXISTING CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO AND CUSTOM CONCRETE CONSTRUCTION, INC. FOR ROUTE 79 STREETScape IMPROVEMENTS

WHEREAS, by Resolution #2013-266 the Township of Marlboro authorized the award of a contract to CUSTOM CONCRETE CONSTRUCTION, INC. for Route 79 Streetscape Improvements (the "Project"); and

WHEREAS, following the contract award and as a result of additional conditions associated with the permit issued by the New

Jersey Department of Transportation (NJDOT), substantive changes are required at the intersections of Route 79 and School Road (East and West) and Route 79 and Buck Lane, including additional sidewalk, curbing, manhole modifications and detectible warning surfaces; and

WHEREAS, Change Order No. 1 has been requested to address these changes in scope resulting in an increase in the original contract amount of \$463,959.50 to \$489,209.25, a net increase of \$25,249.75, or 5.4% of the original contract amount; and

WHEREAS, in letter dated April 25, 2014, the Township's Consulting Engineer, CME Associates, has recommended approval of Change Order No. 1, as the work requested after the contract award and issuance of a permit by the NJDOT could not have reasonably been effectuated by a separately bid contract without unduly disrupting the basic work, or without imposing adverse cost consequences on the Township; and

WHEREAS, the Township Council of the Township of Marlboro has reviewed the Township Consulting Engineer's April 25, 2014 letter and is amenable to approving Change Order No. 1 in order that the Project be completed, such Project being in the interests of the public health, safety and welfare.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that Change Order No. 1 to the existing contract with CUSTOM CONCRETE CONSTRUCTION, INC., be and is hereby approved, increasing the original contract total of \$463,959.50 to \$489,209.25, a net increase of \$25,249.75.

BE IT FURTHER RESOLVED, the Chief Financial Officer has certified that funds in the amount of \$25,249.75 are available for this purpose from Account # 04-215-11-02C-120288, 04-215-12-08F-120288 and 04-215-12-08A-120288.

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

- a. CUSTOM CONCRETE CONSTRUCTION, INC.
- b. Township Administrator
- c. Township Engineer
- d. Township Chief Financial Officer

RESOLUTION #2014-180

A RESOLUTION APPROVING FINAL CLOSE OUT PAYMENT APPLICATION TO THE EXISTING CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO AND

DEMAIO ELECTRICAL COMPANY, INC. AND AUTHORIZING FINAL PAYMENT
AND ACCEPTANCE OF THE ELECTRICAL UPGRADES TO WELLS #3 AND #4

WHEREAS, by Resolution #2013-163 the Township of Marlboro authorized the award of a contract to DeMaio Electrical Company, Inc. for the Electrical Upgrades to Wells #3 and #4 project (the "Project"); and

WHEREAS, in Letter dated April 14, 2014, the Township Engineer has confirmed that the project has been completed in accordance with the approved plans and specifications and has recommended approval of the Final Closeout Payment Estimate No. 6, acceptance of the Project improvements, and issuance of final payment in the amount of \$2,845.74; and

WHEREAS, pursuant to the terms of the contract, DeMaio Electrical Company, Inc. has provided a two-year maintenance bond in an amount equal to 15% of the final contract amount or \$21,343.04; and

WHEREAS, the Township Council of the Township of Marlboro has reviewed the Township Engineer's April 14, 2014 letter and is amenable to approving Final Closeout Payment Application No. 6, accepting the Project improvements and issuing a final payment to DeMaio Electrical Company, Inc. in the amount of \$2,845.74 in order that the Project be completed, such Project being in the interests of the public health, safety and welfare.

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 \$2,845.74 for work completed by DeMaio Electrical Company, Inc. is hereby approved.

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

- a. DeMaio Electrical Company, Inc.
- b. Township Administrator
- c. Township Engineer

RESOLUTION # 2014-181

A RESOLUTION APPROVING CLOSE OUT TO THE EXISTING CONTRACT
BETWEEN THE TOWNSHIP OF MARLBORO AND BRENNAN BROTHERS
CONTRACTING LLC AND AUTHORIZING FINAL PAYMENT AND
ACCEPTANCE OF THE STREAM CLEANING AND DE-SNAGGING PROJECT

WHEREAS, by Resolution #2013-331 the Township of Marlboro authorized the award of a contract to Brennan Brothers Contracting LLC for the Stream Cleaning and De-Snagging project (the "Project"); and

WHEREAS, in a Letter dated April 21, 2014, the Township Engineer has confirmed that the project has been completed in accordance with the approved plans and specifications and has recommended acceptance of the Project improvements, and issuance of final payment in the amount of \$33,957.00; and

WHEREAS, the Township Council of the Township of Marlboro has reviewed the Township Engineer's April 21, 2014 letter and is amenable to approving Final Closeout Payment, accepting the Project improvements and issuing a final payment to Brennan Brothers Contracting, LLC in the amount of \$33,957.00 for work completed, such Project being in the interests of the public health, safety and welfare.

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 \$33,957.00 for work completed by Brennan Brothers Contracting, LLC is hereby approved.

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

- a. Brennan Brothers Contracting, LLC
- b. Township Administrator
- c. Township Engineer

RESOLUTION # 2014-182

A RESOLUTION CONFIRMING CONTRACT WITH FREEHOLD CARTAGE, INC.
FOR RENTAL SERVICE OF TWO (2) ROLL-OFF TRUCKS IN CONNECTION
WITH CONTRACT LEAF REMOVAL FOR THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro is in need of roll-off trucks to perform leaf removal from the streets and roads within the Township; and

WHEREAS, the Department of Public Works solicited quotes for two trucks for an estimated 48 hours of service from qualified vendors and received three responses, as follows:

Vendor Name	Price Per Hour	Total for Two Trucks Per Estimated 48 Hours
Freehold Cartage, Inc.	\$100.00	\$9,600.00
Waste Management of New Jersey, Inc.	\$122.88	\$12,288.00
NRTC Construction	\$139.20	\$13,920.00

; and

WHEREAS, the Township of Marlboro authorized the rental of two (2) roll-off trucks from the lowest respondent, Freehold Cartage, at the proposed cost of \$100.00 per hour per an estimated 48 hours for a total estimated cost of \$9,600.00; and

WHEREAS, the rental hours actually required, 128 hours was substantially more than the initial estimate, for a total of \$25,600.00; and

WHEREAS, given that the vendor had already mobilized and material was in the process of being removed, authorization was given by the Qualified Purchasing Agent to remove and dispose of all of the material necessary; and

WHEREAS, by R. 2014-047 the Township Council authorized the Qualified Purchasing Agent to award contracts up to \$25,000.00; and

WHEREAS, N.J.S.A. 40A:11-9 permits governing bodies to authorize the Qualified Purchasing Agent to award contracts up to \$36,000.00; and

WHEREAS, in accordance with New Jersey Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) the Township of Marlboro is in the process of advertising for and receiving sealed bids for curbside leaf and brush collection; and

WHEREAS, the Township Council wishes to confirm the determination of the Qualified Purchasing Agent to award the contract for the rental of two (2) roll-off trucks to Freehold Cartage, Inc. whose address is PO Box 5010, Freehold, New Jersey 07728 in an amount not to exceed \$25,600.00; and

WHEREAS, funds have been certified by the Chief Financial Officer in account 01-201-26-120-288104.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, hereby confirms the contract with Freehold Cartage, Inc. in the amount of \$25,600.00 for the

rental of two (2) roll-off trucks in connection with contract leaf removal for the Department of Public Works.

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

- a. Business Administrator
- b. Chief Financial Officer
- c. Director of Public Works

RESOLUTION # 2014-184

A RESOLUTION OF THE MARLBORO TOWNSHIP TOWN COUNCIL
AUTHORIZING A DISCHARGE OF A REPAYMENT MORTGAGE DATED
FEBRUARY 15, 2011, WHICH WAS RECORDED AGAINST A
RESIDENTIAL PROPERTY LOCATED AT 55 THRASHER COURT,
MARLBORO, NEW JERSEY

WHEREAS, a residential unit commonly known as 55 Thrasher Court, a/k/a Lot 307, Qualifier C0055, Block 412, Marlboro, New Jersey ("the Property"), is an affordable unit and its affordability controls are governed by the provisions of New Jersey's Fair Housing Act (N.J.S.A. 52:27D-301 et seq.) and the substantive and procedural rules of the Council on Affordable Housing (N.J.A.C. 5:96-1 and 5:97-1 et seq.); and

WHEREAS, on or about February 15, 2011, Vito Pollaci, as the record owner of the Property at that time, executed a "Repayment Mortgage" ("the Mortgage"), in favor of the Department of Community Affairs which was an agency and an instrumentality of the Township of Marlboro; and

WHEREAS, the foregoing Mortgage was subsequently recorded in the Monmouth County Clerk's Office on February 23, 2011, in Mortgage Book OR-8879, at Page 8301 et seq.; and

WHEREAS, on or about March 10, 2014, the current record owner, Vito Pollaci, entered into a contract for sale with Elizabeth A. Seber for the sale of the Property for a stated consideration; and

WHEREAS, in anticipation of the sale of the Property to Elizabeth A. Seber, both Vito Pollaci and Elizabeth A. Seber wish to have the Mortgage discharged; and

WHEREAS, the Marlboro Township Council finds that there is good cause for the release and discharge of the foregoing Mortgage for the reasons sets forth herein and because of the anticipated change

in ownership from Vito Pollaci to Elizabeth A. Seber;

NOW THEREFORE BE IT RESOLVED that the Honorable Mayor Jonathan L. Hornik is hereby authorized to sign the attached discharge of Mortgage as aforesaid;

BE IT FURTHER RESOLVED that subsequent to Mayor Hornik's signature of said discharge of the foregoing Mortgage and Agreement that it will be recorded in the Monmouth County Clerk's Office;

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

- a. Township Business Administrator, Jonathan Capp;
- b. Lynn Franco, Municipal Housing Liaison;
- c. Kenneth W. Biedzynski, Affordable Housing Special Counsel.

RESOLUTION # 2014-185

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

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

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

Section 1

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro, in the County of Monmouth, New Jersey, hereby requests the Director of Local Government Services to approve the insertion of an revenue in the budget of the year 2014 in the sum of \$31,526.00, which has been received by the municipality for the "2014 Municipal Alliance" Grant.

Section 2

BE IT FURTHER RESOLVED that the amount of \$31,526.00 be hereby appropriated under the caption "2014 Municipal Alliance" Grant.

RESOLUTION # 2014-186

RESOLUTION AUTHORIZING THE TOWNSHIP OF MARLBORO TO APPLY
FOR THE OFFICE OF JUSTICE PROGRAMS BULLETPROOF VEST
PARTNERSHIP GRANT ACT, U.S. DEPARTMENT OF JUSTICE
(BVP) FOR THE MARLBORO TOWNSHIP POLICE

WHEREAS, the U.S Department of Justice, FY 2014 Bulletproof Vest Partnership Grant Act (BVP) is provided to assist all eligible law enforcement agencies in offsetting costs of purchasing body armor vests for their officers; and

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

WHEREAS, \$19,277 in funds are currently available to the Township; and

WHEREAS, the Township wishes to apply for the maximum amount of funding available to offset the costs for replacement vests due for officers during years August 2014 to August, 2016; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that the Township is hereby authorized to submit a grant application to the U.S. Department of Justice, Ballistic Vest Partnership (BVP) and execute an agreement for funding from the FY2014 Bulletproof Vest Partnership.

RESOLUTION # 2014-187

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE EMERGENCY CONTRACT WITH CUMMINS POWER SYSTEMS FOR EMERGENCY GENERATOR RENTAL FOR THE HARBOR ROAD AND TENNENT ROAD WATER FACILITIES PURSUANT TO N.J.S.A. 40A:11-6 FOR THE TOWNSHIP OF MARLBORO

WHEREAS, by Resolution #2012-396 the Township of Marlboro confirmed an emergency contract with Cummins Power Systems for emergency generator rental for the Harbor Road and Tennent Road Water Treatment Plants in preparation for the arrival of Hurricane Sandy; and

WHEREAS, at the time of Superstorm Sandy, the contract estimate of \$206,893.00 was calculated based upon an approximate timeframe to repair the Township's Tennent Road facility generator; and

WHEREAS, additional time was required to obtain a commitment for insurance reimbursement and have the generator repaired and reinstalled; and

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

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

WHEREAS, the Mayor and Office of Emergency Management determined that the emergency generator rental was 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 an emergency contract with Cummins Power Systems; and

WHEREAS, the Township wishes to increase the contract amount by \$5,001.62; and

WHEREAS, funds in the amount of \$5,001.62 have been certified by the Chief Financial Officer in account 05-203-55-500-215030.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that an amendment to the emergency contract award pursuant to N.J.S.A. 40A:11-6 be confirmed for the emergency generator rental.

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 # 2014-188

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$174,412.51 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 \$174,412.51 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>
2013-079 3 Stockton Drive	226/2	US BANK CUST FOR TOWER, DBW 50 S 16 TH STREET ST 1950 TOW PHILADELPHIA, PA 19102 Assessed Owner: HOMELAND FUNDING, LLC	30,117.96
2013-133 22 Thrasher Ct.	412/307/C0022	BULKWARK SYSTEMS, LLC 22 EMILY ROAD MANALAPAN, NJ 07726 Assessed Owner: Fitzpatrick, Kathleen	637.56
2013-029 197 Independence Way	159.01/8	US BANK CUST FOR PRO CAP II 50 S 16 TH STREET 1950 PHILADELPHIA, PA 19102 Assessed Owner: Lemos, Silvio & Rosineire	425.97
2012-038 4 Orchard Hills Rd.	157/23	SINGH REAL ESTATE 525 ROUTE 73 NORTH, STE 212 MARLTON, NJ 08053 Assessed Owner: Abadeer, Ramy S.	143,231.02
TOTAL:			\$174,412.51

RESOLUTION # 2014-189

WHEREAS, the Tax Court of New Jersey has granted a judgment in the amount of \$1,520.58 for the year 2012 for Block 155.03 Lot 4, located at 403 Westminster Drive, assessed to Conway, William Anthony & Mary,

WHEREAS, the 2012 taxes have been paid in full, the Tax Collector is directed to refund the amount of \$1,520.58,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$1,520.58 to Conway, William Anthony & Mary c/o The Irwin Law Firm.

RESOLUTION # 2014-190

WHEREAS, the Tax Court of New Jersey has granted a judgment in the amount of \$1,584.61 for the year 2013 for Block 155.03 Lot 4, located at 403 Westminster Drive, assessed to Conway, William Anthony & Mary,

WHEREAS, the 2013 taxes have been paid in full, the Tax Collector is directed to refund the amount of \$1,584.61

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$1,584.61 to Conway, William Anthony & Mary c/o The Irwin Law Firm.

At 8:00PM, Councilman Cantor moved that the meeting go into executive session for reason of contract negotiations. This was seconded by Council Vice President Mazzola, and the resolution was passed on a roll call vote of 4 - 0 in favor (Absent: LaRocca).

RESOLUTION # 2014-191

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 1st day of May, 2014 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.

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 25 minutes. Those items

discussed in executive session shall remain confidential until such time as confidentiality is no longer required. Action may be taken following the executive session.

At 8:25PM, Councilwoman Marder moved that the meeting be opened. This was seconded by Council Vice President Mazzola, and as there was no objection, the Clerk was asked to cast one ballot (Absent: LaRocca).

The following Resolution #2014-192 (Authorizing Memorandum of Agreement CWA Local 1075 Supervisory/Professional Unit) was introduced by reference, offered by Councilman Cantor and seconded by Councilwoman Marder and passed on a roll call vote of 4 - 0 in favor (Absent: LaRocca).

RESOLUTION # 2014-192

A RESOLUTION AUTHORIZING A MEMORANDUM OF AGREEMENT
BETWEEN THE TOWNSHIP OF MARLBORO AND COMMUNICATIONS
WORKERS OF AMERICA LOCAL 1075 (SUPERVISORY/PROFESSIONAL UNIT)

WHEREAS, the Communications Workers of America (CWA) Local 1075 has been certified as the exclusive bargaining representative for the supervisory and professional white collar employees of the Township; and

WHEREAS, the Township and the CWA engaged in negotiations for a collective bargaining agreement; and

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

WHEREAS, such MOA will be incorporated into a collective bargaining agreement for a term ending on December 31, 2015.

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 the CWA, attached hereto and made a part hereof and that such Memorandum shall be deemed the collective bargaining agreement that expires December 31, 2015.

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

