

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

July 17, 2014

The Marlboro Township Council held its regularly scheduled Council Meeting on July 17, 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, Councilman LaRocca, Councilwoman Marder, Council Vice President Mazzola and Council President Metzger.

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 Mazzola moved that the minutes of June 19, 2014 be approved. This was seconded by Councilwoman Marder and was passed on a roll call vote of 3 - 0 in favor, with Councilman Cantor and Council President Metzger abstaining.

Council President Metzger opened the Public Hearing on Resolution #2014-193/Ordinance #2014-11 (Amending Section 220-99 - Signs - Regulating Temporary Political Signs). After the Public Hearing was held and closed, discussion was held. After discussion, Councilman LaRocca motioned to amend the ordinance by striking the following language from Section H - Violations: "or by imprisonment for a term not to exceed 90 days, or both,". This was seconded by

Councilwoman Marder and passed on a roll call vote of 5 - 0. Township Attorney Louis Rainone deemed that this was not a substantial change. The following Resolution #2014-193/Ordinance #2014-11 (Amending Section 220-99 - Signs - Regulating Temporary Political Signs) was introduced as amended by reference, offered by Councilman LaRocca, seconded by Councilwoman Marder and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2014-193

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

ORDINANCE # 2014-11 (As Amended)

AN ORDINANCE AMENDING CHAPTER 220 OF THE CODE OF THE TOWNSHIP OF MARLBORO ENTITLED "LAND USE AND DEVELOPMENT" ARTICLE III ZONING STANDARDS AND REGULATIONS SECTION 220 -99 "SIGNS AND OUTDOOR ADVERTISING REGULATIONS" TO REGULATE TEMPORARY POLITICAL SIGNS

which was introduced on April 3, 2014, tabled on May 15, 2014, tabled on June 19, 2014, public hearing held on July 17, 2014, amended on July 17, 2014, be adopted on second and final reading this 17th day of July, 2014.

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

Council President Metzger opened the Public Hearing on Resolution #2014-244/Ordinance #2014-14 (Amending Code Section 138-37 Entitled "Additional Parking and Traffic Regulations Subsection N to Correctly Identify the Shopping Center (formerly Regal Cinemas). After the public hearing was held and closed, the following Resolution #2014-244/Ordinance #2014-14 (Amending Code Section 138-37 Entitled "Additional Parking and Traffic Regulations Subsection N to Correctly Identify the Shopping Center (formerly Regal Cinemas) was introduced by reference, offered by Councilman LaRocca, seconded by Councilwoman Marder and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2014-244

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

ORDINANCE # 2014-14

AN ORDINANCE AMENDING SECTION 138-37 ENTITLED
"ADDITIONAL PARKING AND TRAFFIC REGULATIONS" OF THE
MARLBORO TOWNSHIP CODE TO AMEND SUBSECTION N
TO CORRECTLY IDENTIFY THE SHOPPING CENTER

which was introduced on June 19, 2014, public hearing held on July 17, 2014, be adopted on second and final reading this 17th day of July, 2014.

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

The following Resolution #2014-245/Ordinance #2014-15 (Amendment Providing for Remediation of Sink Holes - Bolling Brook/Country Hills Subdivision) was introduced by reference, offered by Councilwoman Marder, seconded by Councilman LaRocca and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2014-245

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

ORDINANCE # 2014-15

AN ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCES
2004-23, 2009-26, 2011-23 AND 2013-3 WHICH PROVIDED FOR
REMEDICATION 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)"

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 August 14, 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 # 2014-15

AN ORDINANCE AMENDING AND SUPPLEMENTING
ORDINANCES # 2004-23, 2009-26, 2011-23 AND
2013-3 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)"

WHEREAS, Ordinance #2004-23 the Township of Marlboro was authorized to appropriate the amount of \$83,877.53 ("Sink Hole Remediation Funds") from the portion of the Township's Capital Account earmarked as the "Group Construction Account(s)" (which amount was derived from certain cash bonds with respect to "Bolling Brook Section 2" and "Bolling Brook Section 3") for the purpose of providing funds to be used for the investigation and remediation of sink holes in the respective subdivision lots of Bolling Brook Section 2 and Bolling Brook Section 3 (each a "Subdivision Lot") in the manner set forth in Ordinance #2004-23; and

WHEREAS, Ordinances #2009-26, 2011-23 and 2013-3 authorized an additional time period to receive and process claims for Sink Hole Remediation Funds; and

WHEREAS, the Township Engineer has recommended that the time period for the filing of claims with the Township of Marlboro for Sink Hole Remediation Funds be extended through September 30, 2014; and

WHEREAS, there is a balance of \$3,761.13 remaining in Sink Hole Remediation Funds; and

WHEREAS, the Township of Marlboro desires to amend Ordinance #2013-3 to further extend the time period to receive claims for Sink Hole Remediation Funds through September 30, 2014.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that Ordinance 2013-3, be and is hereby amended and supplemented to extend the deadline for the filing of Claims for Sink Hole Remediation Funds through September 30, 2014.

BE IT FURTHER ORDAINED THAT after passage upon first reading of this Ordinance, the Clerk of the Township is hereby directed to publish the summary of the Ordinance, together with the notice set forth below entitled: "NOTICE OF PENDING ORDINANCE" (with

appropriate completions, insertions and corrections), at least once in a newspaper qualified under N.J.S.A. 40A:2-19, at least seven days prior to the date set for public hearing and further consideration for final passage (which date shall be at least ten days after introduction and first reading). The Clerk is further directed to comply with the all provisions of N.J.S.A. 40A:2-17(b) regarding postings, publications and the provision of copies of this Ordinance.

BE IT FURTHER ORDAINED THAT

(1) after final adoption of this Ordinance, the Clerk is hereby directed to publish the summary of this Ordinance, as finally adopted, together with the notice set forth below entitled: "NOTICE OF ADOPTION OF ORDINANCE" (with appropriate completions, insertions and corrections), at least once in a newspaper qualified under N.J.S.A. 40A:2-19.

(2) if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

(3) if any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

(4) this Ordinance shall take effect upon passage and publication in accordance with applicable law.

The following Resolution #2014-246/Ordinance #2014-16 (Amending § 320-15 Brush and branches and § 320-16 Leaves) was introduced by reference, offered by Councilman LaRocca and seconded by Council President Metzger. After discussion, the resolution/ordinance was passed on a roll call vote of 4 - 1 in favor with Councilman Cantor voting no.

RESOLUTION # 2014-246

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

ORDINANCE # 2014-16

ORDINANCE AMENDING CHAPTER 320 OF THE CODE OF THE TOWNSHIP OF MARLBORO ENTITLED "SOLID WASTE SERVICES"

ARTICLE III "GARBAGE COLLECTION REGULATIONS" BY REPEALING
SECTIONS 320-15 "BRUSH AND BRANCHES" AND 320-16 "LEAVES"
AND ADOPTING NEW SECTION 320-15 "BRUSH, BRANCHES AND LEAVES"

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 August 14, 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 # 2014-16

ORDINANCE AMENDING CHAPTER 320 OF THE CODE OF THE
TOWNSHIP OF MARLBORO ENTITLED "SOLID WASTE SERVICES"
ARTICLE III "GARBAGE COLLECTION REGULATIONS" BY REPEALING
SECTIONS 320-15 "BRUSH AND BRANCHES" AND 320-16 "LEAVES"
AND ADOPTING NEW SECTION 320-15 "BRUSH, BRANCHES AND LEAVES"

BE IT ORDAINED by the Township Council of the Township of
Marlboro, County of Monmouth, that Chapter 320 of the Code of the
Township of Marlboro entitled "SOLID WASTE SERVICES", ARTICLE III
"GARBAGE COLLECTION REGULATIONS" is hereby amended by repealing
existing sections 320-15 "BRUSH AND BRANCHES" and 320-16 "LEAVES"
and adopting new section 320-15 "BRUSH, BRANCHES AND LEAVES" as
follows:

§ 320-15

Brush, Branches and Leaves.

- A. Disposal of brush and tree cuttings by residents.
- (1) Residents shall be permitted to dispose of brush and
tree cuttings removed from a Marlboro property in
accordance with schedules published annually adopted
by the Department of Public Works based on available
resources for the provision of such services that
shall be noticed on the township website and through
other Township communications, in accordance with
Subsection C.
 - (2) Individual brush and tree limbs placed for curbside
collection cannot exceed a maximum length of six (6)
feet, a maximum diameter of four (4) inches and shall

not exceed fifty (50) pounds in weight. Branches less than one inch in diameter shall be tied in neat bundles no more than four (4) feet in length and two (2) feet across.

- (3) Residents shall not include tree stumps, lumber, plywood, fence posts, railroad ties, furniture or other manufactured wood products as part of the curbside collection of brush, leaves and tree cuttings.
- (4) The total amount placed for any single collection shall be no more than ten (10) cubic yards or 3' x 3' x 30'.
- (5) Residents who generate more than ten (10) cubic yards worth of waste and who choose not to store the materials on their property will be individually responsible for the pickup and disposal of the materials.

B. Leaf collection.

- (1) Residents and commercial landscapers shall be permitted to dispose of leaves removed from a Marlboro property via curbside collection in accordance with schedules published annually adopted by the Department of Public Works based on available resources for the provision of such services that shall be noticed on the township website and through other township communications, in accordance with Subsection C.
- (2) Leaves shall either be placed in the street or put in 100% biodegradable and recyclable paper bags, depending upon the number and type of collections authorized by the Township as detailed in its annual schedule.

C. Placement of materials.

- (1) No resident shall be permitted to place any brush, leaves or tree cuttings within the public right-of-way, except as provided in Subsections A and B.

- (2) The disposal of brush, leaves and tree cuttings shall be in conformance with the Township's Stormwater Regulations contained under Chapter 220.
- (3) No brush, leaves or tree cuttings shall be placed in the street so as to cause a safety hazard or interfere with the ability of vehicles or pedestrians to safely use or travel upon the street.
- (4) No brush, leaves or tree cuttings shall be placed, stored or otherwise disposed of on any adjoining property without permission of said adjoining property owner.
- (5) No brush, leaves or tree cuttings shall be placed, stored or otherwise disposed of on any common open space area without approval of the entity controlling said common open space.
- (6) No brush, leaves or tree cuttings shall be placed, stored or otherwise disposed of within ponds, lakes, streams, swamps, marshes, wetlands, wetland buffers, conservation easements, nontidal floodways or similar watercourses.
- (7) Property owners shall not place brush, leaves or tree cuttings for curbside collection more than one (1) week prior to their scheduled collection date.
- (8) Residents and commercial landscapers shall not place brush, leaves or tree cuttings for curbside collection within ten (10) feet of any stormwater inlet or sewer.
- (9) Residents will be individually responsible for the pickup and disposal of brush, leaves and tree cuttings once the Department of Public Works has cleaned a street.
- (10) In no instance shall brush or tree cuttings be combined with leaves.

D. Violations.

- (1) If brush, leaves or tree cuttings are placed for collection in an unauthorized manner, the party responsible must remove the yard waste from the

street. Any person who is found to be in violation of any provision of this article shall be subject to the penalties in Section 4-3 of the Code for each and every violation.

E. Emergencies.

- (1) The Township may temporarily modify these regulations in the event of a state of emergency or to promote the health, safety and welfare of the public.

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 valid 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 #2014-247/Ordinance #2014-17 (Amending Chapter 4, Article XX (Administration of Government, Officers and Employees) and Fixing the Salaries of Various Officers and Employees) was introduced by reference, offered by Council Vice President Mazzola, seconded by Council President Metzger and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2014-247

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

ORDINANCE # 2014-17

ORDINANCE AMENDING CHAPTER 4, ARTICLE XX
(ADMINISTRATION OF GOVERNMENT, OFFICERS AND
EMPLOYEES) AND FIXING THE SALARIES OF VARIOUS
OFFICERS AND EMPLOYEES OF THE
TOWNSHIP OF MARLBORO 2014

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 August 14, 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 # 2014-17

ORDINANCE AMENDING CHAPTER 4, ARTICLE XX
(ADMINISTRATION OF GOVERNMENT, OFFICERS AND
EMPLOYEES) AND FIXING THE SALARIES OF VARIOUS
OFFICERS AND EMPLOYEES OF THE
TOWNSHIP OF MARLBORO 2014

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

SECTION 1. The salaries of the hereinafter designated Township officers and employees in accordance with Schedule "A" are attached hereto.

SECTION 2. All officers and employees having a fixed salary of less than \$5,000.00 per annum shall be paid monthly. All other officials and employees shall be paid semi-monthly.

SECTION 3. Chapter 4 (Administration of Government), Article XX (Officers and Employees), Sections 105, 106, 107, 109, 111, 112, 113, 114, 115 and 116 are hereby eliminated.

SECTION 8. All salary ordinances heretofore adopted are hereby repealed, and all other parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION 9. This Ordinance shall take effect upon passage and publication as required by law.

2014 SCHEDULE A

2014	
Mayor	4,800.00
Councilperson	3,600.00
Business Administrator	85,000.00 - 145,000.00
Municipal Clerk	65,000.00 - 110,000.00
Deputy Municipal Clerk	45,000.00 - 70,000.00
Chief Financial Officer	78,000.00 - 120,000.00
Finance Director	2,500.00 - 5,000.00

Tax Collector	65,000.00 - 90,000.00
Tax Assessor	65,000.00 - 90,000.00
Municipal Presiding Judge	27,000.00 - 50,000.00
Municipal Judge	20,000.00 - 30,000.00
Township Engineer	90,000.00 - 120,000.00
Superintendent of Public Works	99,900.00 - 145,000.00
Recreation Director	70,000.00 - 95,000.00
Chief of Police	107,000.00 - 181,000.00

The following Resolution #2014-248/Ordinance #2014-18 (Amending Chapter 103 "Parking: Municipal Facilities" Daily Parking - Manner of Parking; Regulations; Fee) was introduced by reference, offered by Councilman Cantor, seconded by Councilwoman Marder and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2014-248

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

ORDINANCE # 2014-18

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 258,
 "PARKING AT MUNICIPAL FACILITIES", ARTICLE II,
 "DAILY PARKING SECTION OF UNION HILL RECREATION
 PARK AND PAY LOT", SECTION 258-11, "MANNER OF
 PARKING; REGULATIONS; FEE", SUB-SECTION (A)
 OF THE MARLBORO TOWNSHIP CODE

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 August 14, 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 # 2014-18

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 258,
 "PARKING AT MUNICIPAL FACILITIES", ARTICLE II,
 "DAILY PARKING SECTION OF UNION HILL RECREATION
 PARK AND PAY LOT", SECTION 258-11, "MANNER OF
 PARKING; REGULATIONS; FEE", SUB-SECTION (A)
 OF THE MARLBORO TOWNSHIP CODE

WHEREAS, the Section 258-11 A of the Township Code entitled "Manner of Parking; Regulations; Fee" provides guidelines for the daily parking fee at the Union Hill Recreation Park and Pay Lot in Marlboro Township.

WHEREAS, The Township Council of the Township of Marlboro seeks to amend Section 258-11 A in order to allow for other payment methods including credit cards for use of the parking stalls at the Union Hill Recreation Park and Pay Lot.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, that Chapter 258 of the Code of the Township of Marlboro entitled "Parking: Municipal Facilities", Article II, "Daily Parking Section of Union Hill Recreation Park and Pay Lot", Section 258-11 A, "Manner of Parking; Regulations; Fee" is hereby amended and supplemented to read as follows:

§ 258-11 Manner of parking; regulations; fee.

A. Parking in the daily parking section of the park and pay lot shall be permitted on a first-come, first-served basis and no decal or permit shall be required to park in the aforesaid facility. The daily parking fee shall be \$2.

The remainder of this Section shall remain unchanged and in full force and effect.

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 #2014-249/Ordinance #2014-19 (Amending Chapter 4 - Amending Table of Organization - Police Dept.) was introduced by reference, offered by Councilman Cantor, seconded by Council President Metzger and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2014-249

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

ORDINANCE # 2014-19

AN ORDINANCE AMENDING CHAPTER 4, ARTICLE XIV, § 4-98, OF THE CODE OF THE TOWNSHIP OF MARLBORO ENTITLED "DIVISION OF POLICE" AMENDING TABLE OF ORGANIZATION

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 August 14, 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 # 2014-19

AN ORDINANCE AMENDING CHAPTER 4, ARTICLE XIV, § 4-98, OF THE CODE OF THE TOWNSHIP OF MARLBORO ENTITLED "DIVISION OF POLICE" AMENDING TABLE OF ORGANIZATION

WHEREAS, Chapter 4 of the Code of the Township of Marlboro entitled "Division of Police" provides a Table of Organization for positions within the Division of Police; and

WHEREAS, the Police Chief has recommended that the Township Council amend the Code of the Township of to permit the promotion of an officer to the rank of sergeant pursuant to the current hiring list and certification.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Marlboro, in the County of Monmouth and State of New Jersey, that Chapter 4, Article XIV, § 4-98, Section C(2) of the Code of the Township of Marlboro that the following Table of Organization shall take effect upon adoption of this ordinance:

C(2) The Table of Organization of the Police Division may be staffed up to the maximum number of persons specified herein:

<u>Maximum #</u>	<u>Position established</u>
13	Sergeants

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 on upon passage and publication in accordance with applicable law and shall sunset and be void and of no effect as of October 30, 2014

The following Resolution #2014-250/Ordinance #2014-20 (Providing for Lease Purchase Finance and Acquisition of Police Cars) was introduced by reference, offered by Councilman LaRocca, seconded by Council President Metzger and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2014-250

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

ORDINANCE # 2014-20

ORDINANCE PROVIDING FOR THE LEASE PURCHASE FINANCING AND ACQUISITION OF POLICE CARS FOR AND BY THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY

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 August 14, 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 # 2014-20

ORDINANCE PROVIDING FOR THE LEASE PURCHASE FINANCING AND ACQUISITION OF POLICE CARS FOR AND BY THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of the full membership thereof affirmatively concurring) AS

FOLLOWS:

Section 1. The Township Council of the Township of Marlboro, in the County of Monmouth, New Jersey hereby authorizes the lease purchase financing and acquisition of police cars for the Township pursuant to N.J.S.A. 40A:11-15(7) for a total principal cost of not to exceed \$190,000. The procurement of the police cars is available through a State Contract. The rental payments will be paid over three years at an interest rate per annum to be approved by the chief financial officer of the Township through a procurement process authorized herein and in accordance with law. The chief financial officer of the Township is authorized to take financing bids or proposals or procure financing by other lawful means, including though a national purchasing cooperative, as she deems most cost effective for the Township.

Section 2. The Mayor and/or the Chief Financial Officer are hereby authorized to negotiate, execute and deliver, subject to the review of Bond Counsel, a lease purchase agreement (the "Lease") in accordance with the terms set forth in this ordinance, an agent or an escrow agreement, an assignment agreement, if necessary, and such other documents as may be necessary to consummate the transaction. The Township Council authorizes the Chief Financial Officer to establish an escrow account for the deposit of the lease proceeds and to direct the deposit and investment of the lease proceeds in the escrow for the term of the Lease in accordance with the requirements of law. The Township Council hereby authorizes and directs the Mayor or the Chief Financial Officer to execute the Lease and such other documents as may be required to consummate the transaction in forms approved by Bond Counsel, such approval to be evidenced by the execution of the Lease or such other documents by the Mayor or Chief Financial Officer. The Clerk is authorized to attest to such documents under the seal of the Township. The Mayor and /or the Chief Financial Officer are also authorized and directed to take on behalf of the Township such other actions as shall be necessary and appropriate to accomplish the lease purchase financing of the police cars in accordance with the terms of the Lease and this ordinance and pursuant to the terms of the agreements and instruments authorized to be prepared hereby and to accomplish the performance of the obligations of the Township in respect thereto.

Section 3. The payment of rent or other monies due under the Lease shall be made from operating funds, subject to the availability of funds and appropriation annually of sufficient funds as may be required to meet the obligations of the Lease, and the Lease shall contain a clause making it subject to such appropriation or shall contain an annual cancellation clause. Neither the

Township nor any agency, department or political subdivision thereof shall be obligated to pay any sum to the purchaser or lessor under the Lease from any taxing source for the payment of any sums due under the Lease unless an appropriation is made in a duly approved budget of the Township. The obligations of the Township shall not constitute indebtedness of the Township or of any department, agency or political subdivision thereof. The Lease shall set forth the term of the Lease, the rental payments to be paid by the Township in respect thereof, and the dates on which such rental payments shall be due and payable.

Section 4. The Township Council hereby covenants that it will comply with any conditions subsequent imposed by the Internal Revenue Code of 1986, as amended (the "Code"), in order to preserve the exemption from taxation of the interest portion of rental payments due on the Lease, including the requirement to rebate all net investment earnings on the gross proceeds above the yield on the Lease, if applicable.

Section 5. The Township Council hereby declares its intent to issue the Lease in the expected maximum principal amount of the Lease set forth herein and to use the proceeds of the Lease to pay or reimburse expenditures for the costs of the purpose for which the Lease is authorized herein. This resolution is a declaration of intent within the meaning and for the purposes of Treasury Regulations Section 1.150-2 or any successor provisions of federal income tax law.

Section 6. This ordinance shall take effect 20 days following final publication after final adoption and otherwise as provided by law.

The following Resolution #2014-251/Ordinance #2014-21 (Authorizing Execution of Easement and Right-of Way Agreement to NJNG for Installation, Operation and Maintenance of Natural Gas Service at Tennent Road Treatment Plant) was introduced by reference, offered by Councilman LaRocca, seconded by Councilwoman Marder and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2014-251

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

ORDINANCE # 2014-21

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN EASEMENT AND RIGHT-OF-WAY AGREEMENT FROM THE TOWNSHIP OF MARLBORO AS SUCCESSOR-IN-INTEREST TO THE MARLBORO TOWNSHIP MUNICIPAL UTILITIES AUTHORITY TO NEW JERSEY NATURAL GAS FOR THE INSTALLATION, OPERATION AND MAINTENANCE OF NATURAL GAS SERVICE

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 August 14, 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 # 2014-21

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN EASEMENT AND RIGHT-OF-WAY AGREEMENT FROM THE TOWNSHIP OF MARLBORO AS SUCCESSOR-IN-INTEREST TO THE MARLBORO TOWNSHIP MUNICIPAL UTILITIES AUTHORITY TO NEW JERSEY NATURAL GAS FOR THE INSTALLATION, OPERATION AND MAINTENANCE OF NATURAL GAS SERVICE

WHEREAS, the Township of Marlboro ("Township") is successor to the Marlboro Township Municipal Utilities Authority ("MTMUA"); and

WHEREAS, the Township, as successor-in-interest to the MTMUA, is the owner of properties known as: Block 180, Lot 13, on the Official Tax Map of the Township of Marlboro, and commonly known as the Tennent Road Pump Station ("The Property") located at or near Tennent Road and State Highway 18; and

WHEREAS, the Township is constructing a water treatment plant at the Tennent Road site which requires natural gas to be supplied; and

WHEREAS, New Jersey Natural Gas ("NJNG"), a public utility regulated by the New Jersey Board of Public Utilities, requires an easement and right of way over, under and through a portion of the Property for the purpose of providing natural gas service, pursuant to the recommendation of the Township Engineer; and

WHEREAS, Pursuant to the Local Land and Buildings Law, NJSA 40A: 12-1 et seq., the Township of Marlboro has the power to convey an easement upon any real property; and

WHEREAS, the Township Council of the Township of Marlboro finds that it would be in the best interest of the Township of Marlboro to convey the necessary easement and right of way to New Jersey Natural Gas.

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:

(1) an Easement and Right-of-Way to New Jersey Natural Gas over, under and through a portion of the property known as Block 180, Lot 13 on the Official Tax Map of the Township of Marlboro, and commonly known as the Tennent Road Treatment Plant located at or near Tennent Road and State Highway 18 for the purpose of the installation of natural gas service pursuant to the recommendation of the Township Engineer as further described on the Easement and Right Of Way Agreement attached hereto and made a part hereof as Exhibit "A", for minimal compensation, be and is hereby authorized and approved; and

(2) the Mayor and Township Clerk are hereby authorized to execute and witness an Easement and Right-of-Way Agreement, the form of which shall be subject to the review and approval of the Township Attorney, conveying the aforescribed Easement and Right-of-Way over a portion of the Property from the Township of Marlboro to New Jersey Natural Gas; and

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 apply only to the section paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

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 #2014-252 (Advising and Consenting to Appointment of Director of Community Relations (Deputy Mayor) - Terry Lau) was introduced by reference, offered by Councilman LaRocca, seconded by Councilwoman Marder and passed on a roll call vote of 5 - 0 in favor. Mayor Hornik swore in Deputy Mayor Terry Lau.

RESOLUTION # 2014-252

RESOLUTION CONFIRMING THE APPOINTMENT OF
TERRY LAU AS THE DIRECTOR OF COMMUNITY RELATIONS

WHEREAS, the Mayor has advised the Township Council of his intention to appoint TERRY LAU as the Director of Community Relations for the Township of Marlboro subject to the advice and consent of the Township Council.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that it hereby advises and consents to the appointment of TERRY LAU as the Director of Community Relations for the Township of Marlboro.

The following Resolution #2014-253 (Acceptance of 2013 Municipal Audit) was introduced by reference, offered by Councilwoman Marder, seconded by Councilman LaRocca and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2014-253

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the annual report of audit for the year 2013 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body, and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34, and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of

New Jersey that all members of the governing body have reviewed as a minimum, the sections of the annual audit entitled "Comments and Recommendations", and

WHEREAS, the members of the governing body have personally reviewed at a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations", as evidenced by the group affidavit form of the governing body, and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five (45) days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

As the consent agenda, the following resolutions were introduced by reference, offered by Councilman LaRocca, seconded by Council Vice President Mazzola, and as there was no objection, the Clerk was asked to cast one ballot: Res. #2014-254 (Authorizing Transfer and Acceptance of Military Surplus Equipment Under the U.S. Department of Defense (DoD) 1033 Program), Res. #2014-255 (Authorizing

Rejection of Bids - Roll Off Truck), Res. #2014-256 (Authorizing Rejection of Bids - Pre-Event Disaster Recovery Assistance), Res. #2014-257 (Authorizing Rejection of Bids - 2014 Road and Drainage Improvements), Res. #2014-258 (Authorizing Award of Bid - Generator Replacement at Recreation Center), Res. #2014-259 (Authorizing Award of Bid - Courts Resurfacing Project), Res. #2014-260 (Authorizing Rescission of Contract - Route 79 Streetscape Project), Res. #2014-261 (Authorizing One Year Contract Renewal - Equipment Rental and Operator Service), Res. #2014-262 (Amending Shared Services Agreement with Marlboro Board of Education - School Resource Officers), Res. #2014-263 (Authorizing FEMA Pre-disaster Mitigation Grant Appl), Res. #2014-264 (Authorizing Amendment Special Counsel for Affordable Housing), Res. #2014-265 (Redemption Tax Sale Cert - Block 360.02, Lot 18.06), Res. #2014-266 (Redemption Tax Sale Certs - Various).

RESOLUTION # 2014-254

AUTHORIZING THE TRANSFER AND ACCEPTANCE OF SURPLUS MILITARY EQUIPMENT FROM THE UNITED STATES DEPARTMENT OF DEFENSE (DoD) 1033 PROGRAM FOR THE MARLBORO DIVISION OF POLICE

WHEREAS, the 1033 Program (formerly the 1208 Program) permits the Secretary of Defense to transfer, without charge, excess U.S. Department of Defense (DoD) personal property (supplies and equipment) to state and local law enforcement agencies (LEAs); and

WHEREAS, the Municipal Council authorized the Township through the Division of Police (R 2014-217) to make application to the Department of Defense 1033 Program for military surplus equipment from the United States DoD; and

WHEREAS, the Division of Police made application and has received the transferred surplus equipment identified in Schedule A attached.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Marlboro that the Township through the Division of Police is hereby authorized to accept the military surplus equipment identified in Schedule A from the Department of Defense 1033 Program

RESOLUTION # 2014-255

A RESOLUTION AUTHORIZING THE REJECTION OF BIDS FOR THE PROVISION OF ONE (1) NEW 2014 OR NEWER TRUCK CHASSIS WITH

ROLL OFF FRAME, SNOWPLOW HITCH, AND RELATED EQUIPMENT FOR
THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (DPW)

WHEREAS, on June 11, 2014, bids were opened for THE PROVISION OF ONE (1) NEW 2014 OR NEWER TRUCK CHASSIS WITH ROLL OFF FRAME, SNOWPLOW HITCH, AND RELATED EQUIPMENT; and

WHEREAS, pursuant to N.J.S.A. 40A:11-13.2(a), a contracting unit may reject all bids if the lowest bid substantially exceeds the cost estimates for the goods or services; and

WHEREAS, the base bid of the sole response received from Trius, Inc. exceeded the Township's budgeted cost by more than 15.5%.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that the bid heretofore received for THE PROVISION OF ONE (1) NEW 2014 OR NEWER TRUCK CHASSIS WITH ROLL OFF FRAME, SNOWPLOW HITCH, AND RELATED EQUIPMENT for the Township of Marlboro is hereby rejected pursuant to N.J.S.A. 40A:11-13.2(a).

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

RESOLUTION # 2014-256

A RESOLUTION AUTHORIZING THE REJECTION OF BIDS FOR THE
PROVISION OF PRE-EVENT DISASTER RECOVERY ASSISTANCE
FOLLOWING A NATURAL OR MANMADE DISASTER FOR THE MARLBORO
TOWNSHIP DEPARTMENT OF PUBLIC WORKS

WHEREAS, on May 28, 2014, bids were opened for PRE-EVENT DISASTER RECOVERY ASSISTANCE FOLLOWING A NATURAL OR MANMADE DISASTER; and

WHEREAS, pursuant to N.J.S.A. 40A:11-13.2(d) the contracting unit may reject all bids in order to substantially revise the specifications for the goods or services; and

WHEREAS, the Township wishes to substantially revise the specifications for the goods or services, and as such, desires to reject all bids; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that all bids heretofore received for PRE-EVENT DISASTER RECOVERY ASSISTANCE FOLLOWING A

NATURAL OR MANMADE DISASTER are hereby rejected pursuant to N.J.S.A. 40A:11-13.2(d).

RESOLUTION # 2014-257

A RESOLUTION AUTHORIZING THE REJECTION OF BIDS
FOR THE 2014 ROAD, DRAINAGE, AND SIDEWALK
IMPROVEMENT PROGRAM FOR THE TOWNSHIP OF MARLBORO

WHEREAS, on July 9, 2014, bids were opened for the 2014 ROAD, DRAINAGE, AND SIDEWALK IMPROVEMENT PROGRAM; and

WHEREAS, as a result of the fact that a section of the bid specifications were not available on line as advertised, the intent and purpose of the Local Public Contracts Law (40A:11-1 et seq.) to provide for an open and competitive bid process were not fully satisfied.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that all bids heretofore received for the 2014 ROAD, DRAINAGE, AND SIDEWALK IMPROVEMENT PROGRAM are hereby rejected.

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

RESOLUTION # 2014-258

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT TO BREAKER ELECTRIC, INC. FOR GENERATOR REPLACEMENT AT THE RECREATIONAL COMPLEX

WHEREAS, the Township of Marlboro as part of its 2013 capital program (108-1) authorized Emergency Shelter generator upgrades; and

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for GENERATOR REPLACEMENT AT THE RECREATIONAL COMPLEX, and on July 9, 2014, received three (3) bids, as follows:

#	Bidder	Bidder Address	Total Bid
1	Breaker Electric, Inc.	488 Monmouth Road, Clarksburg, NJ 08510	\$266,500.00
2	Allied Construction Group, Inc.	499 Washington Road, Parlin, NJ 08859	\$269,425.00
3	Sodon's Electric, Inc.	25 West Highland Avenue, Atlantic Highlands, NJ 07716	\$288,750.00

; and

WHEREAS, it has been determined that the submission of the lowest bidder, BREAKER ELECTRIC, INC. is responsive as detailed in a July 10, 2014 memo submitted by the Township Engineer; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation of the Township Engineer to award the bid as set forth herein;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract be awarded to BREAKER ELECTRIC, INC., whose address is 488 Monmouth Road, Clarksburg, NJ 08510 in an amount not to exceed \$266,500.00 for GENERATOR REPLACEMENT AT THE RECREATIONAL COMPLEX; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, a contract with BREAKER ELECTRIC, INC. in an amount not to exceed \$266,500.00; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that sufficient funds in the amount of \$266,500.00 are available for the aforesaid contract in Capital Accounts 04-215-13-08H-108297 and 04-215-12-08B-122288; and

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

- a. BREAKER ELECTRIC, INC.
- b. Township Administration
- c. Acting Director of Public Works
- d. Township Engineer
- e. Chief Financial Officer

RESOLUTION # 2014-259

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT TO AMERICAN
TENNIS COURTS, INC. FOR SWIM CLUB COURT RESURFACING

WHEREAS, the Township of Marlboro as part of its 2014 capital program (145-7,8,9) authorized tennis court reconstruction, handball court improvements and replacement of the existing chain link fence around the tennis and handball courts; and

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for SWIM CLUB COURT RESURFACING, and on July 9, 2014, received two (2) bids, as follows:

	American Tennis Courts, Inc. Baltimore, MD 21222	Hinding Tennis Courts, Inc. West Haven, CT 06516
Base Bid	\$348,254.00*	\$337,000.00
Add Item 1	\$1,000.00	\$10,000.00
Add Item 2	\$30,000.00	\$30,000.00
Add Item 3	\$10,000.00	\$32,000.00
Add Item 4	\$2,500.00	\$4,000.00
Add Item 5	\$11,840.00	\$12,000.00
Add Item 6	\$790.00	\$1,000.00
Grand Total	\$404,384.00	\$426,000.00

*Amount adjusted due to mathematical error.

; and

WHEREAS, the bid was comprised of a base bid and Addition Items 1 through 6; and

WHEREAS, upon a review of the bids by the Township of Marlboro and its contract design engineer, it was determined that the bid submitted by Hinding Tennis Courts, Inc. did not comply with the bid specifications as their base bid amount of \$337,000 included a product alternate and a stipulation that should the product alternate not be chosen, their base bid price should be increased by \$80,000; and

WHEREAS, the bid sheet for Hinding Tennis Courts, Inc. was recalculated by the contract design engineer for the project, CME Associates in accordance with the bid specifications, resulting in an effective base bid price of \$417,000.00 and grand total price of \$506,000.00 resulting in the following tabulation:

	American Tennis Courts, Inc. Baltimore, MD 21222	Hinding Tennis Courts, Inc. West Haven, CT 06516
Base Bid	\$348,254.00*	\$417,000.00
Add Item 1	\$1,000.00	\$10,000.00
Add Item 2	\$30,000.00	\$30,000.00
Add Item 3	\$10,000.00	\$32,000.00
Add Item 4	\$2,500.00	\$4,000.00
Add Item 5	\$11,840.00	\$12,000.00
Add Item 6	\$790.00	\$1,000.00
Grand Total	\$404,384.00	\$506,000.00

; and

WHEREAS, the design engineer has determined that the alternate submitted by Hinding Tennis Courts, Inc. is non-responsive in that it does not meet the product warranty requirements as included in the contract documents and would not be considered an equivalent quality to the specified product; and

WHEREAS, it has been determined that the submission of the lowest bidder, AMERICAN TENNIS COURTS, INC. is responsive as detailed in a July 15, 2014 memo submitted by the Township Engineer; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation of the Township Engineer to award the bid as set forth herein;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract be awarded to AMERICAN TENNIS COURTS, INC., whose address is 4051 N. Point Road, Baltimore, MD 21222-3699 in an amount not to exceed \$404,384.00 for SWIM CLUB COURT RESURFACING; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, a contract with AMERICAN TENNIS COURTS, INC. in an amount not to exceed \$404,384.00; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that sufficient funds in the amount of \$404,384.00 are available for the aforesaid contract in Capital Account 10-215-14-04A-452288; and

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

- a. AMERICAN TENNIS COURTS, INC.
- b. Township Administration
- c. Department of Public Works
- d. Township Engineer
- e. Chief Financial Officer

RESOLUTION # 2014-260

A RESOLUTION AUTHORIZING THE RESCISSION OF THE CONTRACT
FOR THE RT. 79 STREETScape IMPROVEMENT PROJECT

WHEREAS, on August 1, 2013, the Township Council awarded a contract to Custom Concrete Construction Inc., Inc with regards to the "Rt. 79 Streetscape Improvement Project"; and,

WHEREAS, as the result of the delay in the issuance of NJDOT approval and the need to redesign the project the Township has determined to rescind the bid award and rebid the Project all of which is done with the consent and agreement of Custom Concrete Construction Inc.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the contract award to Custom Concrete Construction, Inc. described above is hereby rescinded.

RESOLUTION # 2014-261

A RESOLUTION AUTHORIZING YEAR 3 OF CONTRACT TO LUCAS CONSTRUCTION GROUP, INC. FOR THE PROVISION OF EQUIPMENT RENTAL AND OPERATOR SERVICE FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (DPW)

WHEREAS, by Resolution 2012-288 the Municipal Council of the Township of Marlboro awarded a contract to LUCAS CONSTRUCTION GROUP, INC. for THE PROVISION OF EQUIPMENT RENTAL AND OPERATOR SERVICE FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (DPW) on August 9, 2012; and

WHEREAS, the bid specifications included the option to renew said contract for one two-year or two one-year extensions on the same terms and conditions at the exclusive option of the Township; and

WHEREAS, on August 1, 2013 (R.2013-259) the Municipal Council authorized the first one year renewal of the contract through July 31, 2014; and

WHEREAS, the Director of Public Works has recommended that the Township approve an additional one (1) year renewal of the contract; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract be awarded to LUCAS CONSTRUCTION GROUP, INC. whose address is 173 Amboy Road, Morganville, NJ 07751 for a period of one year commencing on August 1, 2014 and expiring on July 31, 2015, in a total amount not to exceed \$66,450.00; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, contracts with LUCAS CONSTRUCTION GROUP, INC. in accordance with this resolution, the bid specifications, and in a form to be approved by the Township Attorney; and

BE IT FURTHER RESOLVED funds in the amount of \$66,450.00 have been certified by the Chief Financial Officer in Account 04-215-14-03B-060288 for this purpose; and; and

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

- a. LUCAS CONSTRUCTION GROUP, INC.
- b. Township Business Administrator
- c. Department of Public Works
- d. Chief Financial Officer

RESOLUTION # 2014-262

A RESOLUTION OF THE TOWNSHIP OF MARLBORO IN MONMOUTH COUNTY,
NEW JERSEY AMENDING THE SHARED SERVICES AGREEMENT WITH THE MARLBORO
BOARD OF EDUCATION TO PROVIDE FOR SCHOOL RESOURCE OFFICERS
(SROs) IN MARLBORO TOWNSHIP K-8 SCHOOLS

WHEREAS, there are police officers specifically trained in educating, counseling, and protecting the public in an educational setting within the Township of Marlboro Division of Police known as School Resource Officers (SROs); and

WHEREAS, the Township of Marlboro ("Township") and Marlboro Township Board of Education ("MTBOE") are partners in providing for School Resource Officers (SROs), and acknowledge that these officers have been a constructive and valuable presence in the schools; and

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et seq., (the "Act") permits units of local government to share services for particular purposes and to effectuate agreements for any service or circumstance that will aid and encourage a reduction of local expenses; and

WHEREAS, the Township of Marlboro and Marlboro Board of Education are public bodies corporate and politic of the State of New Jersey and are authorized under New Jersey Law to enter into a Shared Services Agreement pursuant to the Act; and

WHEREAS, on March 20, 2014 (R.2014-142) the Municipal Council authorized a Shared Services Agreement to be executed with the Marlboro Board of Education to provide for School Resource Officers (SROs) for the 2013/2014 school year; and

WHEREAS, the Township and the MTBOE have agreed to extend the agreement to include the 2014/2015 school year; and

WHEREAS, the Municipal Council of the Township of Marlboro supports the SRO program in the K-8 schools and endorses this partnership between the Township and the MTBOE.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Marlboro as follows:

1. The above recitals are hereby incorporated into the body of this Resolution as if set forth at length herein.
2. The Shared Services Agreement shall be open to public inspection in the Clerk's office and shall take effect upon the adoption of a resolution and execution of the agreement by both parties.
3. The Mayor and Township Clerk are hereby authorized to execute the Shared Services Agreement.
4. A copy of the finalized Shared Services agreement shall be filed, for informational purposes, with the Division of Local Government Services in the Department of Community Affairs.

RESOLUTION # 2014-263

RESOLUTION AUTHORIZING APPLICATION TO FEMA
FOR PRE-DISASTER MITIGATION GRANT FUNDING

WHEREAS, FEMA's Pre Disaster Mitigation (PDM) program provides funds for hazard mitigation planning and projects on an annual basis; and

WHEREAS, the PDM program was set in place to reduce overall risk to people and structures, while at the same time, also reducing reliance on federal funding if an actual disaster were to occur; and

WHEREAS, the Township of Marlboro wishes to apply to FEMA for pre-disaster funding for the "Minor Localized Flood Reduction Project" which will include but is not limited to the Girard Street Headwall and Church Road Drainage project.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that Marlboro Township hereby authorizes the electronic submission of a grant application to FEMA for the Pre-Disaster Mitigation Grant Program.

BE IT FURTHER RESOLVED, the Mayor and Township Clerk are hereby authorized to accept the terms of the program and execute a grant agreement on behalf of the Township of Marlboro.

RESOLUTION # 2014-264

RESOLUTION AUTHORIZING AMENDMENT TO PROFESSIONAL SERVICES CONTRACT WITH KENNETH BIEDZYNSKI, ESQ. OF THE FIRM GOLDZWEIG, GREEN, EIGER & BIEDZYNSKI, LLC AS SPECIAL COUNSEL FOR AFFORDABLE HOUSING FOR THE TOWNSHIP OF MARLBORO FOR THE YEAR 2014

WHEREAS, on January 2, 2014, the Township Council adopted Resolution 2014-015 authorizing a contract for legal services for SPECIAL COUNSEL FOR AFFORDABLE HOUSING for the period of January 1, 2014 through December 31, 2014; and

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

WHEREAS, in a memo dated July 8, 2014, KENNETH BIEDZYNSKI, ESQ. has requested an increase in the contract amount of \$21,000.00 due to an increase of applications before the Township Council to discharge repayment mortgages and constant foreclosures for affordable units; and

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

1. The Township Council of the Township of Marlboro hereby authorizes and approves an amendment to the Professional Services Contract with KENNETH BIEDZYNSKI, ESQ. OF THE FIRM GOLDZWEIG, GREEN, EIGER & BIEDZYNSKI, LLC pursuant to a fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.4, increasing the contract not to exceed amount by \$21,000.00; and

2. The Chief Financial Officer has certified that sufficient funds in the amount of \$21,000.00 are available for the aforesaid contract in the Affordable Housing Trust Fund 15-228-55-054; and

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

- a. KENNETH BIEDZYNSKI, ESQ. OF THE FIRM OF GOLDZWEIG, GREEN, EIGER & BIEDZYNSKI, LLC.
- b. Township Administrator
- c. Chief Financial Officer

RESOLUTION # 2014-265

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$87,416.37 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 \$87,416.37 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>
2013-115	360.02/18.06	BULKWARK SYSTEMS, LLC	87,416.37
10	Hopkinson Court	22 EMILY ROAD	
		MANALAPAN, NJ 07726	
		Assessed Owner:	
		Maqellara, Nasuf & Emel	

TOTAL: \$87,416.37

RESOLUTION # 2014-266

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$245,634.90 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 \$245,634.90 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>
2013-121	373/18 8 Harvest Court	US BANK CUST FOR PRO CAP II 50 S 16 TH STREET ST 1950 PHILADELPHIA, PA 19102 ASSESSED OWNERS: SPADOLA, ANTHONY & CINDY	1,415.00
2013-041	176/7/C0492 492 Tivoli Court	US BANK CUST FOR PRO CAP II 50 S 16 TH STREET 1950 PHILADELPHIA, PA 19102 ASSESSED OWNERS: TSATURYAN, ARTHUR & MUSHKAROVA	1,397.65
2013-019	147/4.02 248 Spring Valley Rd	CULMAC INVESTORS INC. P.O. BOX 251 MONMOUTH BEACH, NJ 07757 ASSESSED OWNERS: ALBER, THOMAS & MARY LOU	232.17
2012-062	193.13/122 109 Scarborough Way	TOWER FUND SERVICES FOR EBURY 26 BROAD STREET SUITE 4 RED BANK, NJ 07701 ASSESSED OWNERS: CANCILLA, PETER V.	23,520.46
2013-095	287/36 430 Union Hill Road	BULWARK SYSTEMS, LLC 22 EMILY ROAD MANALAPAN, NJ 07726 ASSESSED OWNERS: AVETISYAN, ARTHUR	1,296.70
2012-099	355/6 24 SCHOOL ROAD EAST	SINGH REAL ESTATE 525 ROUTE 73 NORTH SUITE 212 MARLTON, NJ 08053 ASSESSED OWNERS: BUCKDALE, LLC	27,241.95
2012-100	355/7 BUCKLEY ROAD	US BANK CUST/EMPIRE V 50 S 16 TH STREET ST 1950 PHILADELPHIA, PA 19102 ASSESSED OWNERS: BUCKDALE, LLC	41,541.56

SCHEDULE "A" CONTINUED

<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>LIENHOLDER</u>	<u>AMOUNT</u>
2013-072	214/50 156 BOUNDARY RD	CULMAC INVESTORS INC. P.O. BOX 251 MONMOUTH BEACH, NJ 07757 ASSESSED OWNERS: VAMS BROOK LLC	10,556.24
2012-101	355/11 19 SOUTH MAIN STREET	C&E TAX LIEN FUND I P.O BOX 23-1308 NEW YORK, NY 10023 ASSESSED OWNERS: BUCKDALE, LLC	86,773.35
2013-030	160/45 207 CONWAY COURT	US BANK C/F NJ BOARDWALK, LLC LB#005191 P.O. BOX 645191 CINCINNATI, OH 45264 ASSESSED OWNERS: MARRA, JOSEPH & LINDA	3,390.11
2013-063	193.02/54.19 31 PUEBLO COURT	US BANK C/F NJ BOARDWALK, LLC LB#005191 P.O. BOX 645191 CINCINNATI, OH 45264 ASSESSED OWNERS: NIMIROVSKY, MARK & IGNA	1,509.91
2013-040	176/7 C0458 458 TIVIOLI COURT	BULWARK SYSTEMS, LLC 22 EMILY ROAD MANALAPAN, NJ 07726 ASSESSED OWNERS: AVETISYAN, ARTHUR	848.50
2012-024	134/20 3 NELSON STREET	TOWER FUND SERVICES FOR EBURY 26 BROAD STREET SUITE 4 RED BANK, NJ 07701 ASSESSED OWNERS: WELLS FARGO BANK NA	45,911.30

TOTAL: \$245,634.90

At 9:15PM, Council President Metzger moved that the meeting be adjourned. This was seconded by Councilwoman Marder, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: August 14, 2014

OFFERED BY: METZGER

AYES: 3

SECONDED BY: MAZZOLA

NAYS: 0

ABSENT: CANTOR, LA ROCCA

ALIDA MANCO,
MUNICIPAL CLERK

SCOTT METZGER,
COUNCIL PRESIDENT