

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

August 14, 2014

The Marlboro Township Council held its regularly scheduled Council Meeting on August 14, 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: Councilwoman Marder, Council Vice President Mazzola and Council President Metzger. Councilman Cantor and Councilman LaRocca were absent.

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 President Metzger moved that the minutes of July 17, 2014 be approved. This was seconded by Council Vice President Mazzola and was passed on a roll call vote of 3 - 0 in favor (Absent: Cantor, LaRocca).

Council President Metzger opened the Public Hearing on Resolution #2014-267/Ordinance #2014-15 (Amendment Providing for Remediation of Sink Holes - Bolling Brook/Country Hills Subdivision). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution #2014-267/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 Council Vice President Mazzola

and passed on a roll call vote of 3 - 0 in favor (Absent: Cantor, LaRocca).

RESOLUTION # 2014-267

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 REMEDIATION OF SINK HOLES IN THE BOLLING BROOK/COUNTRY HILLS SUBDIVISION LOCATED IN THE TOWNSHIP AND APPROPRIATED \$83,877.53 THEREFOR FROM THE PORTION OF THE TOWNSHIP'S CAPITAL ACCOUNT EARMARKED AS THE "GROUP CONSTRUCTION ACCOUNT(S)"

which was introduced on July 17, 2014, public hearing held on August 14, 2014, be adopted on second and final reading this 14th day of August, 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 #2014-268/Ordinance #2014-16 (Amending § 320-15 Brush and branches and § 320-16 Leaves). After the Public Hearing was held and closed, the following Resolution #2014-268/Ordinance #2014-16 (Amending § 320-15 Brush and branches and § 320-16 Leaves) was introduced by reference, offered by Council Vice President Mazzola, seconded by Councilwoman Marder and passed on a roll call vote of 3 - 0 in favor (Absent: Cantor, LaRocca).

RESOLUTION # 2014-268

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" ARTCILE 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"

which was introduced on July 17, 2014, public hearing held on August 14, 2014, be adopted on second and final reading this 14th day of August, 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 #2014-269/Ordinance #2014-17 (Amending Chapter 4, Article XX (Administration of Government, Officers and Employees) and Fixing the Salaries of Various Officers and Employees). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution #2014-269/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 Councilwoman Marder and passed on a roll call vote of 3 - 0 in favor (Absent: Cantor, LaRocca).

RESOLUTION # 2014-269

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

which was introduced on July 17, 2014, public hearing held on August 14, 2014, be adopted on second and final reading this 14th day of August, 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 #2014-270/Ordinance #2014-18 (Amending Chapter 103 "Parking: Municipal Facilities" Daily Parking - Manner of Parking; Regulations; Fee). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution #2014-270/Ordinance #2014-18 (Amending Chapter 103 "Parking: Municipal Facilities" Daily Parking - Manner of Parking; Regulations; Fee) was

introduced by reference, offered by Councilwoman Marder, seconded by Council Vice President Mazzola and passed on a roll call vote of 3 - 0 in favor (Absent: Cantor, LaRocca).

RESOLUTION # 2014-270

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

which was introduced on July 17, 2014, public hearing held on August 14, 2014, be adopted on second and final reading this 14th day of August, 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 #2014-271/Ordinance #2014-19 (Amending Chapter 4, Article XIV, § 4-98, Of The Code Of The Township Of Marlboro Entitled "Division Of Police" Amending Table Of Organization} Effective Upon Adoption Pursuant to 40:69a 181(B)). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution #2014-271/Ordinance #2014-19 (Amending Chapter 4, Article XIV, § 4-98, Of The Code Of The Township Of Marlboro Entitled "Division of Police" Amending Table Of Organization} Effective Upon Adoption Pursuant to 40:69a 181(B)) was introduced by reference, offered by Council Vice President Mazzola, seconded by Councilwoman Marder and passed on a roll call vote of 3 - 0 in favor (Absent: Cantor, LaRocca).

RESOLUTION # 2014-271

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

which was introduced on July 17, 2014, public hearing held on August 14, 2014, be adopted on second and final reading this 14th day of August, 2014.

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

BE IT FURTHER RESOLVED that in order to meet critical staffing needs in the Division of Police and protect and preserve the public health, safety and welfare, in accordance with NJSA 40:69A-181 with at least two-thirds of the Township Council approving, this ordinance shall take effect immediately as an emergency.

Council President Metzger opened the Public Hearing on Resolution #2013-272/Ordinance #2014-20. As there was no one who wished to speak, the Public Hearing was closed. Council President Metzger moved that Resolution #2014-272/Ordinance #2014-20 (Providing for Lease Purchase Finance and Acquisition of Police Cars) be tabled to the Sept. 4th meeting. This was seconded by Council Vice President Mazzola and passed on a roll call vote of 3 - 0 in favor of tabling (Absent: Cantor, LaRocca).

Council President Metzger opened the Public Hearing on Resolution #2014-273/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). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution #2014-273/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 Rd Treatment Plant) was introduced by reference, offered by Council Vice President Mazzola, seconded by Council President Metzger and passed on a roll call vote of 3 - 0 in favor (Absent: Cantor, LaRocca).

RESOLUTION # 2014-273

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

which was introduced on July 17, 2014, public hearing held on August 14, 2014, be adopted on second and final reading this 14th day of August, 2014.

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

The following Resolution #2014-274/Ordinance #2014-22 (Amending Ordinance Appropriating Additional \$720,000 from the Affordable Housing Trust Fund for Improvements to the Hamilton Park Septic System) was introduced by reference, offered by Council Vice President Mazzola, seconded by Councilwoman Marder and passed on a roll call vote of 3 - 0 in favor (Absent: Cantor, LaRocca).

RESOLUTION # 2014-274

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

ORDINANCE # 2014-22

AN ORDINANCE APPROPRIATING AN ADDITIONAL \$720,000.00 FROM THE AFFORDABLE HOUSING TRUST FUND FOR THE REBUILDING AND REPLACEMENT OF LEACH FIELDS AT HAMILTON PARK

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 September 4, 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 # 2014-22

AN ORDINANCE APPROPRIATING AN ADDITIONAL \$720,000.00 FROM THE AFFORDABLE HOUSING TRUST FUND FOR THE REBUILDING AND REPLACEMENT OF LEACH FIELDS AT HAMILTON PARK

WHEREAS, the Township Council of the Township of Marlboro petitioned the Council on Affordable Housing (COAH) for substantive certification of its Housing Element and Fair Share Plan on July 22, 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, Hamilton Park was created and credited as affordable housing pursuant to the terms of a 1985 consent order; and

WHEREAS, on October 13, 2010, the Township entered into a lease agreement with the Midway Mobile Homeowners Association, Inc as to Hamilton Park which provided that the Township will assume responsibility, out of the Affordable Housing Trust Fund, for rebuilding or replacement of the "leach fields" should they malfunction; and,

WHEREAS, the Township Engineer initially determined that the four leach fields need to be rebuilt and the estimated cost is \$424,000.00; and

WHEREAS, based upon the Engineer's estimate, the Township Council approved O.2012-12 authorizing \$424,000.00 from the Affordable Housing Trust Fund for this purpose; and

WHEREAS, the Township solicited bids on two separate occasions, on January 7 and again on May 8, 2014; and

WHEREAS, the bids received were substantially in excess of the initial project estimate; and

WHEREAS, the estimated required funds needed for this purpose are currently available in the Affordable Housing Trust Fund of the Township of Marlboro; and

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 an additional \$720,000.00 is hereby appropriated for the aforementioned program from the rebuilding and replacement of leach fields and associated costs at the Hamilton Park from the Township of Marlboro Affordable Housing Trust Fund; and

BE IT FURTHER ORDAINED that the Chief Financial Officer has executed a Certification of Funds and determined that sufficient funds are available for this purpose in the Affordable Housing Trust Fund; and

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

- a. New Jersey Council on Affordable Housing
- b. Kenneth W. Biedzynski, COAH Special Counsel
- c. Community Grants, Planning & Housing
- d. Municipal Housing Liaison
- e. Township Administrator
- f. Chief Financial Officer
- g. DeCotiis, Fitzpatrick & Cole LLP

The following Resolution #2014-275 (Reappoint Gail Gnesin - Library Board) was introduced by reference, offered by Councilwoman Marder, seconded by Council Vice President Mazzola and passed on a roll call vote of 3 - 0 in favor (Absent: Cantor, LaRocca).

RESOLUTION # 2014-275

RESOLUTION REAPPOINTING GAIL GNESIN AS A MEMBER OF THE BOARD OF TRUSTEES OF THE MARLBORO FREE PUBLIC LIBRARY

WHEREAS, pursuant to NJSA 40:54-9 et. seq. and Section 4-34D(4) of the Marlboro Code, the Mayor, subject to the advice and consent of the Township Council desires to reappoint GAIL GNESIN to the Board of Trustees of the Marlboro Free Public Library, for a five year term, such term to expire August 10, 2019.

WHEREAS, the Township Council of the Township of Marlboro does hereby give its advice and consent to the reappointment of GAIL GNESIN.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that the reappointment of GAIL GNESIN as a member of the Board of Trustees of the Marlboro Free Public Library without compensation for a term expiring on August 10, 2019 is hereby confirmed.

BE AND IT IS FURTHER RESOLVED, that this appointment is made pursuant to NJSA 40:54-9 et. seq. and Section 4-93 of the Marlboro Code.

The following Resolution #2014-276 (Authorizing Release of Cash Maintenance Guarantee - Castle Pointe - B 358, Lots 1-2, B 359, Lots 1-7, B 360, Lots 18-20 - Vanderburg Road) was introduced by reference, offered by Councilwoman Marder and seconded by Council Vice President Mazzola. Discussion followed during which CME Engineer Trevor Taylor and Business Administrator Jonathan Capp answered Council's questions. After discussion, the resolution was passed on a roll call vote of 3 - 0 in favor (Absent: Cantor, LaRocca).

RESOLUTION # 2014-276

RESOLUTION AUTHORIZING RELEASE OF A CASH MAINTENANCE GUARANTEE FOR THE SITE KNOWN AS CASTLE POINTE SUBDIVISION, BLOCK 358, LOTS 1-2, BLOCK 359, LOTS 1-7, BLOCK 360, LOTS 18-20, VANDERBURG ROAD, MARLBORO TOWNSHIP, NEW JERSEY

WHEREAS, in accordance with *N.J.S.A. 40:55D-53*, the Township of Marlboro has received a request for release of the Township held Performance Guarantee in the form of a cash deposit for the repair of site improvements ("Public Improvements") on the Site known as "Castle Pointe subdivision" (the "Site"), property known as Block 358, Lots 1-2, Block 359, Lots 1-7 and Block 360, Lots 18-20, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by Toll Brothers, Inc. (the "Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed the Township Engineer's report dated July 31, 2014 and additional report from Maser Consultants dated February 19, 2014, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the aforesaid reports recommend that the current Performance Guarantee in the present amount of \$18,500.00 plus accrued interest which sum has been posted by the Developer as cash, and is being held by the Township, may be released in its entirety; and

WHEREAS, the Township Council desires to release the aforesaid cash Performance Guarantee in accordance with the recommendation of the Township Engineer's report dated July 31, 2014.

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 cash Performance Guarantee in the present amount of \$18,500.00 plus accrued interest posted in connection with the repair of site improvements for the Castle Pointe subdivision, Block 358, Lots 1-2, Block 359, Lots 1-7 and Block 360, Lots 18-20, Marlboro Township, New Jersey shall be released in its entirety; and

BE IT FURTHER RESOLVED, that the above release shall be subject to the posting of any and all outstanding review and/or inspection fees required by the Planning Board and/or Township up to the time of bond release; and

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

- a. Toll Brothers, Inc.
- b. Mayor Jonathan L. Hornik
- c. Township Business Administrator
- d. Township Chief Financial Officer
- e. Township Engineer
- f. DeCotiis, FitzPatrick & Cole, LLP

As the consent agenda, the following resolutions were introduced by reference, offered by Councilwoman Marder, seconded by Council Vice President Mazzola, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Cantor, LaRocca): Res. #2014-277 (Confirming Emergency Contract - Electrical Repair Work - Tennent Road Solar Field), Res. #2014-278 (Authorizing Award of Bid - Route 79 Streetscape Improvements), Res. #2014-279 (Authorizing Award of Bid - 2014 Road, Drainage and Sidewalk Improvements), Res. #2014-280 (Authorizing Award of Bid - Uniforms for Police Department), Res. #2014-281 (Authorizing Rejection of Bids - Temporary Personnel Agency Services), Res. #2014-282 (Award of State Contract - Ammunition for Qualifications and Range Training), Res. #2014-283 (Resolution Accepting Donation of Piano from Mr. & Mrs. James David), Res. #2014-284 (Resolution Accepting Donation of Floor Mats and Paint from Basketball Boosters), Res. #2014-285 (Authorizing Acceptance Of Proceeds From Whole Foods Market's 5% Day Giving Program), Res. #2014-286 (Authorizing Participation in US General Services Administration (GSA) Surplus Property Program), Res. #2014-287 (Authorizing Budget Amendment Ch 159 - NJEDA HDSFR Grant - Municipal Complex/H&L Fields), Res. #2014-288 (Authorizing Budget Amendment Ch 159 - 2014 Drive Sober or Get Pulled Over Grant), Res. #2014-289 (Authorizing One Year Contract Renewal - Type 13 Bulky Waste), Res. #2014-290 (Authorizing Change Order - Construction of Tennent Rd Treatment Plant Project), Res. #2014-291 (Confirming

Emergency Contract Repairs for Filter Parts & Repairs at Harbor Road Water Treatment Plant), Res. #2014-292 (Authorizing Contract for Roadway Ice Control Material), Res. #2014-293 (Amending Agreement with Mon County - Community Development Program), Res. #2014-294 (Appointing Community Development Representative and Alternate to the County of Monmouth Community Development Office), Res. #2014-295 (Authorizing Amendment to Construction Management Services Contract - Tennent Rd Treatment Plant Project), Res. #2014-296 (Mortgage Subordination - 11 Prescott Drive, Marlboro) and Res. #2014-297 (Authorizing Lien for Removal of Hazardous Overgrown Vegetation - 71 Wyncrest Rd - B 243, L 16).

RESOLUTION # 2014-277

A RESOLUTION CONFIRMING EMERGENCY CONTRACT WITH LONGO ELECTRICAL-MECHANICAL, INC. FOR THE PROVISION OF ELECTRICAL REPAIR WORK FOR THE TENNENT ROAD SOLAR FIELD PURSUANT TO N.J.S.A. 40A:11-6 FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS, WATER UTILITY DIVISION

WHEREAS, the Township Water Utility maintains a solar field at the location of the Tennent Road Pump Station which generates electricity to support the water operation and Solar Renewable Energy Credits (SRECs) which provides a revenue stream to the Utility; and

WHEREAS, on or about May 29, 2014 the Water Utility Division reported that the solar field had shut down due to a power failure; and

WHEREAS, the Water Utility Division confirmed that an electrical contractor needed to be secured to assist in troubleshooting the cause and ultimately making the necessary repairs to avoid any extended disruption to Water Utility operations; 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 condition posed a threat to the public health, safety and welfare, constituting an emergency under the terms of N.J.S.A. 40A:11-6; and

WHEREAS, pursuant to N.J.S.A. 40A:11-6, the Township contacted its electrical services contractor, LONGO ELECTRICAL MECHANICAL INC whose address is 1 Harry Shupe Blvd., PO Box 511, Wharton, NJ 07885 to provide the emergency services required at an estimated at an amount not to exceed \$98,000.00; and

WHEREAS, the Chief Financial Officer has certified the availability of funds in Water Utility Capital Account 06-215-13-10A-500288; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that the emergency contract award pursuant to N.J.S.A. 40A:11-6 be confirmed for emergency contract electric service to LONGO ELECTRICAL MECHANICAL INC whose address is 1 Harry Shupe Blvd., PO Box 511, Wharton, NJ 07885 for an amount not to exceed \$98,000.00.

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

- a. LONGO ELECTRICAL MECHANICAL INC
- b. Mayor Jonathan Hornik
- c. Township Chief Financial Officer
- d. Township Director of Public Works

RESOLUTION # 2014-278

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT TO S. BATATA
CONSTRUCTION FOR ROUTE 79 STREETScape IMPROVEMENTS

WHEREAS, the Township of Marlboro as part of its 2013 capital program (060-6) authorized ROUTE 79 STREETScape IMPROVEMENTS; and

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for ROUTE 79 STREETScape IMPROVEMENTS, and on August 6, 2014, received three (3) bids, as follows:

		Bid Amount
S. Batata Construction	Parlin, NJ	\$580,889.00
Custom Concrete Construction Inc.	Marlboro, NJ	\$585,148.25
Black Rock Enterprises, LLC	Old Bridge, NJ	\$587,023.18

; and

WHEREAS, it has been determined that the submission of the lowest bidder, S. BATATA CONSTRUCTION is responsive as detailed in

an August 11, 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 S. BATATA CONSTRUCTION, whose address is 238 Ernston Road, Suite 1R, Parlin, NJ 08859 in an amount not to exceed \$580,889.00 for ROUTE 79 STREETScape IMPROVEMENTS; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, a contract with S. BATATA CONSTRUCTION in an amount not to exceed \$580,889.00; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that sufficient funds in the amount of \$580,889.00 are available for the aforesaid contract in Capital Accounts 04-215-10-16A-120288, 04-215-11-02C-120288, 04-215-12-08A-120288, 04-215-12-08F-120288, 04-215-13-08D-120288 and 04-215-14-03B-060288; and

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

- a. S. BATATA CONSTRUCTION
- b. Township Administrator
- c. Director of Public Works
- d. Township Engineer
- e. Chief Financial Officer

RESOLUTION # 2014-279

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT TO BLACK
ROCK ENTERPRISES, LLC FOR THE 2014 ROAD, DRAINAGE,
AND SIDEWALK IMPROVEMENT PROGRAM

WHEREAS, the Township of Marlboro as part of its 2013 (060-8) and 2014 capital programs (060-1,8) authorized various road, drainage and sidewalk improvements; and

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for THE 2014 ROAD, DRAINAGE, AND SIDEWALK IMPROVEMENT PROGRAM, and on August 6, 2014, received seven (7) bids, as follows:

	Base Bid	Addition Item 'A' (+)	Addition Item 'B' (+)	Addition Item 'C' (+)	Addition Item 'D' (+)	Total Bid
Black Rock Enterprises, LLC Old Bridge, NJ 08857	713,832.00	105,149.25	151,103.00	251,322.00	58,717.00	1,280,123.25
Meco, Inc. Clarksburg, NJ 08510	745,256.30	115,225.50	171,778.70	278,103.15	58,693.70	1,369,057.35
Earle Asphalt Co. Farmingdale, NJ 07727	756,313.13	125,000.00	185,900.00	301,300.00	57,700.00	1,426,213.13
Lucas Construction Group, Inc. Morganville, NJ 07751	760,597.30	100,968.22	154,741.08	260,001.42	49,175.72	1,325,483.74
Cardinal Contracting Co., LLC Southampton, NJ 08088	788,490.65	127,874.95	189,099.80	322,961.70	59,936.70	1,488,363.80
DeFino Contracting Cliffwood Beach, NJ 07735	798,159.00	131,437.55	195,041.00	331,439.00	58,338.50	1,514,415.05
S. Batata Construction, Parlin, NJ 08859	839,210.00	137,794.00	206,756.00	338,784.00	60,209.00	1,582,753.00

; and

WHEREAS, the bid was comprised of a base bid, Addition Item A, Addition Item B, Addition Item C, and Addition Item D; and

WHEREAS, due to funding constraints, the Township is only in the position to award the base bid; and

WHEREAS, it has been determined that the submission of the lowest bidder, BLACK ROCK ENTERPRISES, LLC is responsive as detailed in an August 11, 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 BLACK ROCK ENTERPRISES, LLC, whose address is 1316 Englishtown Road, Old Bridge, NJ 08857 in an amount not to exceed \$713,832.00 for THE 2014 ROAD, DRAINAGE, AND SIDEWALK IMPROVEMENT PROGRAM; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, a contract with BLACK ROCK ENTERPRISES, LLC in an amount not to exceed \$713,832.00; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that sufficient funds in the amount of \$713,832.00 are available for the aforesaid contract in Capital Accounts 04-215-10-16A-120288, 04-215-11-02C-120288, 04-215-12-08A-120288, 04-215-12-08F-120288, 04-215-13-08B-120288, 04-215-13-08D-120288 and 04-215-14-03B-060288 and Reserve Accounts 11-228-55-027 and 11-228-55-028; and

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

- a. BLACK ROCK ENTERPRISES, LLC
- b. Township Administration
- c. Director of Public Works
- d. Township Engineer
- e. Chief Financial Officer

RESOLUTION # 2014-280

A RESOLUTION AWARDDING CONTRACT TO THIS & THAT UNIFORMS, LLC FOR THE PROVISION OF UNIFORMS FOR THE TOWNSHIP OF MARLBORO POLICE DEPARTMENT

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the PROVISION OF UNIFORMS FOR THE TOWNSHIP OF MARLBORO POLICE DEPARTMENT, and on July 23, 2014, received four (4) bids, as follows:

Company	Location	Bid Amount
This & That Uniforms, LLC	Pleasantville, NJ	\$ 96,234.00
Action Uniform Co., LLC	Egg Harbor Twp., NJ	\$ 108,439.00
R23K, Inc. T/A American Uniform & Supply	Howell, NJ	\$ 114,854.00
Red the Uniform Tailor	Lakewood, NJ	\$ 138,493.50

; and

WHEREAS, following a review of the bids, as described in a memo dated July 23, 2014 from the Chief of Police, it has been determined that the submission of the apparent lowest bidder for the PROVISION OF UNIFORMS FOR THE TOWNSHIP OF MARLBORO POLICE DEPARTMENT is responsive; and

WHEREAS, the Police Department has recommended the award of contract to THIS & THAT UNIFORMS, LLC, the apparent lowest bidder; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation of the Chief of Police 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 THIS & THAT UNIFORMS, LLC, whose address is 1500 S. New Road, Pleasantville, NJ 08232 in an amount not to exceed \$45,000.00 for the PROVISION OF UNIFORMS FOR THE TOWNSHIP OF MARLBORO POLICE DEPARTMENT for the period of September 1, 2014 - August 31, 2015, with an option to renew the contract based upon the same terms and conditions as specified in the bid proposal for an additional one (1) two-year period or two (2) one-year periods at the exclusive option of the Township; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness a contract with THIS & THAT UNIFORMS, LLC, 1500 S. New Road, Pleasantville, NJ 08232 in accordance with this resolution, the bid specifications, and in a form to be approved by the Township Attorney.

BE IT FURTHER RESOLVED, that the Chief Financial Officer has certified that sufficient funds in the amount of \$15,000.00 are available for the aforesaid contract in 2014 Budget Account 01-201-25-106-266 and 01-201-25-212-266.

BE IT FURTHER RESOLVED funds in the amount of \$30,000.00 will be made available and certified in 2015 upon adoption of the budget.

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

- a. THIS & THAT UNIFORMS, LLC
- b. Township Business Administrator
- c. Township Chief of Police
- d. Township Chief Financial Officer

RESOLUTION # 2014-281

A RESOLUTION AUTHORIZING THE REJECTION OF BIDS FOR
TEMPORARY PERSONNEL AGENCY SERVICES FOR THE TOWNSHIP
OF MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, on August 5, 2014, bids were opened for TEMPORARY PERSONNEL AGENCY SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS; and

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

Company	A. Reg Rate /Hr	Subtotal 7,987 Hrs	B. OT Rate /Hr	Subtotal 360 Hrs	TOTAL
Broad Waverly Staffing Red Bank, NJ	14.10	125,814.30	21.15	9,306.00	135,120.30
New Wave People, Inc. Millstone Township, NJ	23.19	206,924.37	34.79	15,307.60	222,231.97

; and

WHEREAS, the proposal received from the apparent lowest bidder, Broad Waverly Staffing, included exceptions to the bid which were deemed to be material in nature making it unresponsive; and

WHEREAS, pursuant to N.J.S.A. 40A:11-13.2(b), a contracting unit may reject all bids if the lowest bid substantially exceeds the contracting unit's appropriation for the provision or performance of the goods or services; and

WHEREAS, the response received from New Wave People, Inc. substantially exceeded the Township's budgeted cost.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that all bids heretofore received for TEMPORARY PERSONNEL AGENCY SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS are hereby rejected pursuant to N.J.S.A. 40A:11-23.2(b).

RESOLUTION # 2014-282

RESOLUTION AUTHORIZING AWARD OF STATE CONTRACT #81296
TO EAGLE POINT GUN SHOP FOR THE PURCHASE OF AMMUNITION
FOR THE TOWNSHIP OF MARLBORO POLICE DEPARTMENT

WHEREAS, the Township of Marlboro Police Department is in need of ammunition for qualifications and range training; and

WHEREAS, the Marlboro Police Department has recommended that the Township purchase the ammunition from Eagle Point Gun Shop, 1707 Third Street, Thorofare, New Jersey 08086 under State Contract #81296 in an amount not to exceed \$32,991.79; and

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

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey for the Police Department to obtain the ammunition from Eagle Point Gun Shop; and

WHEREAS, funds are available in Account 01-201-25-106-262644 for an amount not to exceed \$32,991.79 and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase the ammunition from Eagle Point Gun Shop, 1707 Third Street, Thorofare, New Jersey 08086 under State Contract #81296 in an amount not to exceed \$32,991.79; and

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

- a. Eagle Point Gun Shop
- b. Township Administration
- c. Township Police Department
- d. Township Chief Financial Officer

RESOLUTION # 2014-283

A RESOLUTION AUTHORIZING ACCEPTANCE OF DONATIONS
OF A PIANO FROM MR. AND MRS. JIM DAVID

WHEREAS, James and Suzanne David have donated the following items:

1 William Bourne and Son Piano

; and

WHEREAS, the piano will be used during various classes and events at the Recreation Center; and

WHEREAS, the Recreation Department recommends that the Township accept the donation; and

WHEREAS, there has been no promise of future employment, services, goods or other thing of value exchanged in return for said donation.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the donation of the PIANO from James and Suzanne David as described above is hereby accepted.

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

- a. Township Administrator
- b. Township Recreation Director

RESOLUTION # 2014-284

A RESOLUTION AUTHORIZING ACCEPTANCE OF DONATIONS OF A WALL PAINTING AND CUSTOM FLOOR MATS FROM MARLBORO BASKETBALL BOOSTER CLUB

WHEREAS, the Marlboro Basketball Booster Club has donated the following items:

- 1 Wall Painting
- 2 Custom Floor Mats

; and

WHEREAS, the items will be used to enhance the appearance and protect the sport floors at the Recreation Center; and

WHEREAS, the Recreation Department recommends that the Township accept the donation; and

WHEREAS, there has been no promise of future employment, services, goods or other thing of value exchanged in return for said donation.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the donation of the WALL PAINTING AND CUSTOM FLOOR MATS from the Marlboro Basketball Booster Club as described above is hereby accepted.

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

- a. Township Administrator
- b. Township Recreation Director

RESOLUTION # 2014-285

A RESOLUTION AUTHORIZING ACCEPTANCE OF PROCEEDS FROM WHOLE FOODS MARKET'S 5% DAY GIVING PROGRAM

WHEREAS, Whole Foods Market created 5% Days to give back to the local communities surrounding their stores; and

WHEREAS, Whole Foods opened in Marlboro on 05/21/2014; and

WHEREAS, Whole Foods Market Marlboro chose Marlboro Township's Community Garden to be the sole recipient of the opening day '5% Day'; and

WHEREAS, Marlboro Township received 5% of the proceeds received on opening day in the amount of \$12,363.00; and

WHEREAS, there has been no promise of future employment, services, goods or other thing of value exchanged in return for said donation.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the proceeds from Whole Foods Market as described above is hereby accepted.

BE IT FURTHER RESOLVED that the Township Council of the Township of Marlboro hereby extends it thanks and appreciation to Whole Foods management and staff for the store's support of the Marlboro community.

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

RESOLUTION # 2014-286

AUTHORIZING THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS TO PARTICIPATE IN THE UNITED STATES GENERAL SERVICES ADMINISTRATION (GSA) SURPLUS PROPERTY PROGRAM FOR THE TRANSFER OF SURPLUS PERSONAL PROPERTY

WHEREAS, the GSA Program permits State and local governments, nonprofit organizations, and public agencies to obtain surplus personal property that is no longer needed by federal agencies; and

WHEREAS, this is conducted through the State Agent for Surplus Property (SASP). The SASP in New Jersey is the NJSASP. The NJSASP comes under the authority of the New Jersey State Police Office of Emergency Management; and

WHEREAS, the receiving agency is responsible for all costs associated with the property after it is transferred, as well as for all shipping or federal repossession costs; and

WHEREAS, the recipient must accept the property on an as-is, where-is basis; and

WHEREAS, transferred property may not be sold, leased, rented, exchanged, bartered, used to secure a loan, used to supplement the agency's budget or stockpiled for possible future use; and

WHEREAS, the Marlboro Department of Public Works wishes to participate in the program; and

WHEREAS, the Township of Marlboro supports application to the NJSASP in order to obtain surplus personal property from the NJSASP at little or no cost to the Township.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Marlboro that the Department of Public Works is hereby authorized to make application to the NJSASP.

RESOLUTION # 2014-287

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 a revenue in the budget of the year 2014 in the sum of \$102,179.00, which has been received by the municipality for the "Hazardous Discharge Site Remediation" Municipal Grant.

Section 2

BE IT FURTHER RESOLVED that the amount of \$102,179.00 be hereby appropriated under the caption "Hazardous Discharge Site Remediation" Municipal Grant.

RESOLUTION # 2014-288

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 2013 in the sum of \$5,000.00, which has been received by the municipality for the "2014 Drive Sober or get Pulled Over" Grant.

Section 2

BE IT FURTHER RESOLVED that the amount of \$5,000.00 be hereby appropriated under the caption "2014 Drive Sober or get Pulled Over" Grant.

RESOLUTION # 2014-289

A RESOLUTION AUTHORIZING YEAR 3 OF CONTRACT TO FREEHOLD CARTAGE, INC. FOR THE DISPOSAL OF TYPE 13 BULKY WASTE FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (DPW) RECYCLING BUREAU

WHEREAS, by Resolution #2012-306 the Township Council of the Township of Marlboro awarded a contract to FREEHOLD CARTAGE, INC. for the DISPOSAL OF TYPE 13 BULKY WASTE FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (DPW) RECYCLING BUREAU on September 6, 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.2013-261) the Township Council authorized the first one year renewal of the contract through August 31, 2014; and

WHEREAS, in an August 7, 2014 memo, the Acting Director of Public Works has recommended that the Township approve a 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 FREEHOLD CARTAGE, INC. whose address is 825 Highway 33, Freehold, NJ 07728 for a period of one year commencing on September 1, 2014 and expiring on August 31, 2015, in a total amount not to exceed \$53,200.00; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, contracts with FREEHOLD CARTAGE, 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, that the Chief Financial Officer has certified that sufficient funds in the amount of \$17,733.33 are available for the aforesaid contract in the 2014 Budget Account 01-201-32-170-233; and

BE IT FURTHER RESOLVED, that funds for the remaining portion will be made available and certified in 2015 upon adoption of the budget.

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

- a. FREEHOLD CARTAGE, INC.
- b. Township Business Administrator
- c. Department of Public Works
- d. Chief Financial Officer

RESOLUTION # 2014-290

A RESOLUTION APPROVING CHANGE ORDER NO. 1 TO THE EXISTING

CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO AND TOMAR
CONSTRUCTION, LLC FOR TENNENT ROAD WATER TREATMENT PLANT
IMPROVEMENTS FOR THE MARLBORO TOWNSHIP DEPARTMENT
OF PUBLIC WORKS WATER UTILITY DIVISION

WHEREAS, by Resolution #2013-052 the Township of Marlboro authorized the award of a contract to TOMAR CONSTRUCTION, LLC for the construction improvements to the Tennent Road Water Treatment Plant (the "Project"); and

WHEREAS, Change Order No. 1 has been requested resulting in an increase in the original contract amount of \$5,142,100.00 to \$5,579,512.20, a net increase of \$437,412.20 or 8.5%; and

WHEREAS, in letters dated August 8, 2014, the Township's Acting Superintendent of Public Works and Contract Engineer have recommended approval of Change Order No. 1, as alterations from the original design were called for in some areas involving the chemical feed system and the addition of a THM monitor and 10 mg tank mixer, as well as a three (3) month project extension, all due to existing and unforeseen conditions; and

WHEREAS, as described in the August 8, 2014 letters, the items requested in Change Order No. 1 will result in additional water quality safeguards and improvements to the safety and security of the treatment plant operation; and

WHEREAS, the Township Council of the Township of Marlboro has reviewed the support provided, 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.

WHEREAS, funds in the amount of \$437,412.20 have been certified by the Chief Financial Officer for this purpose in Capital Account #06-215-12-26A-500288; 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 TOMAR CONSTRUCTION, LLC, be and is hereby approved, increasing the original contract total of \$5,142,100.00 to \$5,579,512.20, a net increase of \$437,412.20.

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

- a. TOMAR CONSTRUCTION, LLC
- b. Township Administrator

- c. Township Acting Superintendent of Public Works
- d. Township Engineer

RESOLUTION # 2014-291

A RESOLUTION CONFIRMING EMERGENCY CONTRACT WITH EVOQUA WATER TECHNOLOGIES LLC FOR THE SUPPLY OF FILTER PARTS AND REPAIRS FOR THE HARBOR ROAD WATER TREATMENT PLANT PURSUANT TO N.J.S.A. 40A:11-6 FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS, WATER UTILITY DIVISION

WHEREAS, on July 1, 2014, the Water Utility Division reported that a catastrophic failure of filters at the Harbor Road Water Treatment Plant had occurred; and

WHEREAS, the Water Utility Division advised that it was critical for all filters to be in working order; 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 condition posed a serious threat to the public health, safety and welfare, constituting an emergency under the terms of N.J.S.A. 40A:11-6; and

WHEREAS, pursuant to N.J.S.A. 40A:11-6, the Township solicited a quote from the sole manufacturer/Distributor, EVOQUA WATER TECHNOLOGIES LLC, PO Box 360766, Pittsburgh, PA 15250-6766 to provide the emergency replacement filter parts, estimated at an amount not to exceed \$49,003.15; and

WHEREAS, the Chief Financial Officer has certified the availability of funds in Capital Account 05-201-55-500-288020; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that the emergency contract award pursuant to N.J.S.A. 40A:11-6 be confirmed for emergency replacement parts to EVOQUA WATER TECHNOLOGIES LLC, PO Box 360766, Pittsburgh, PA 15250-6766 for an amount not to exceed \$49,003.15.

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

- a. EVOQUA WATER TECHNOLOGIES LLC
- b. Mayor Jonathan Hornik
- c. Township Chief Financial Officer
- d. Township Director of Public Works

RESOLUTION # 2014-292

RESOLUTION AUTHORIZING A CONTRACT FOR THE PROVISION OF DE-ICING MATERIAL (SODIUM CHLORIDE TREATED WITH LIQUID MAGNESIUM CHLORIDE AND ORGANIC BASED PERFORMANCE ENHANCER) THROUGH BIDS OBTAINED BY THE MONMOUTH COUNTY COOPERATIVE PURCHASING PROGRAM

WHEREAS, the Township is authorized to purchase de-icing material (treated sodium chloride) from bids obtained from a cooperative pricing system such as the Monmouth County Cooperative Purchasing Program pursuant to the authority provided by N.J.S.A. 40A:11-11(6); and

WHEREAS, the Monmouth County Cooperative Purchasing Program conducted a public bidding process and awarded a contract to International Salt Company of Clarks Summit, PA, for the provision of de-icing material (treated sodium chloride) at a price of \$72.68 per ton; and

WHEREAS, the Public Works Department has indicated that International Salt Company has agreed to extend the pricing provided to Monmouth County to Marlboro Township through the Monmouth County Cooperative Purchasing Program; and

WHEREAS, at this time, the Public Works Department has recommended the award of contract for 4,000 tons of material at the contract price for a total not to exceed \$290,720.00; 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 de-icing material (treated sodium chloride); and

WHEREAS, funds in the amount of \$159,896.00, for an estimated 2,200 tons, have been certified by the Chief Financial Officer in Account 01-201-26-119-292106; and

WHEREAS, funds for the remaining portion will be certified by the Chief Financial Officer at the time of adoption of the 2015 budget; and

WHEREAS, the Marlboro Township Council, having considered the same, desires to authorize the purchase of 4,000 tons of de-icing material (treated sodium chloride) from International Salt Company, at a price of \$72.68 per ton, pursuant to the bid obtained by the Monmouth County Cooperative Purchasing Program, for a total amount not to exceed \$290,720.00.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase 4,000 tons of de-icing material (treated sodium chloride) from International Salt Company, at a price of \$72.68 per ton, pursuant to the bid obtained by the Monmouth County Cooperative Purchasing Program, for a total amount not to exceed \$290,720.00; and

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

- a. International Salt Company, Clarks Summit, PA
- b. Township Administrator
- c. Township Public Works Department

RESOLUTION # 2014-293

RESOLUTION AUTHORIZING THE MAYOR AND MUNICIPAL CLERK
TO EXECUTE AN AMENDMENT TO THE 2012-14 AGREEMENT WITH MONMOUTH
COUNTY FOR COOPERATIVE PARTICIPATION IN THE COMMUNITY
DEVELOPMENT PROGRAM PURSUANT TO THE INTERLOCAL SERVICES ACT

WHEREAS, certain Federal funds are potentially available to Monmouth County under Title I of the Housing and Community Development Act of 1974, as amended, commonly known as the Community Development Block Grant Program; and

WHEREAS, it is necessary to establish a legal basis for the County and its residents to benefit from this program; and

WHEREAS, an Agreement has been adopted under which the Township of Marlboro and the County of Monmouth in cooperation with other municipalities will establish an Interlocal Services Program pursuant to N.J.S.A. 40:8B-1; and

WHEREAS, it is in the best interest of Marlboro Township to enter into such an agreement.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township

Council of the Township of Marlboro, that the amendment to the agreement entitled "AGREEMENT BETWEEN THE COUNTY OF MONMOUTH AND CERTAIN MUNICIPALITIES LOCATED HEREIN FOR THE ESTABLISHMENT OF A COOPERATIVE MEANS OF CONDUCTING CERTAIN COMMUNITY DEVELOPMENT ACTIVITIES", a copy of which is attached hereto, be and same is hereby approved.

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk be and same are hereby authorized to execute said amendment in accordance with the provisions of law; and

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon its enactment.

RESOLUTION # 2014-294

APPOINTING TOWNSHIP OF MARLBORO COMMUNITY DEVELOPMENT REPRESENTATIVE AND ALTERNATE REPRESENTATIVE TO THE COUNTY OF MONMOUTH COMMUNITY DEVELOPMENT OFFICE

WHEREAS, the County of Monmouth requires that the Township of Marlboro appoint a Community Development Representative and an Alternate Community Development Representative to act as liaison between County's Community Development staff and the Township of Marlboro; and

WHEREAS, the Mayor & Township Council desire to appoint ROBERT MILLER as the Community Development Representative and JONATHAN CAPP as the Alternate Community Development Representative for the year 2014.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Council of the Township of Marlboro that ROBERT MILLER is hereby appointed as Community Development Representative to the County of Monmouth Community Development Office and JONATHAN CAPP be and is hereby appointed as Alternate Community Development Representative.

RESOLUTION # 2014-295

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES CONTRACT BETWEEN CME ASSOCIATES AND THE TOWNSHIP OF MARLBORO FOR CONSTRUCTION MANAGEMENT SERVICES IN CONNECTION WITH THE CONSTRUCTION OF THE TENNENT ROAD WATER TREATMENT PLANT FOR THE WATER UTILITY DIVISION

WHEREAS, on October 4, 2012, the Township Council adopted Resolution 2012-347 authorizing an amendment to the professional

services contract with CME Associates to include construction management services in connection with the construction of the Tennent Road for the Water Utility Division; 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, the construction management services required are a function of the underlying Tennent Road Treatment Plant construction contract; and

WHEREAS, in memos dated August 8, 2014, the Acting Superintendent of Public Works and CME have recommended several changes to the construction contract involving the chemical feed system and the addition of a THM monitor and 10 mg tank mixer, as well as a three (3) month project extension; and

WHEREAS, as a result of the construction change order, additional services will be required under the construction management contract; and

WHEREAS, these circumstances could not have been reasonably anticipated at the time the construction management contract was entered into; and

WHEREAS, in a letter dated August 8, 2014, CME has presented a proposed amendment to the construction management contract totaling \$62,179.50.

WHEREAS, based upon the information presented, it is recommended that the contract amount be increased to reflect work to be performed in accordance with the contract.

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 CME ASSOCIATES 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 \$62,179.50; and

2. The Chief Financial Officer has certified that sufficient funds in the amount of \$62,179.50 are available for the aforesaid contract amendment in Account # 06-215-12-26A-500288; and

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

- a. CME ASSOCIATES
- b. Township Administrator
- c. Township Chief Financial Officer

RESOLUTION # 2014-296

A RESOLUTION OF THE TOWNSHIP OF MARLBORO TOWN COUNCIL AUTHORIZING A SUBORDINATION OF A MORTGAGE DATED MARCH 17, 2011, ON A PROPERTY LOCATED AT 11 PRESCOTT DRIVE, MARLBORO, NEW JERSEY, AND OWNED BY GAETANO IGNARRA AND PAULA HEALY-IGNARRA H/W

WHEREAS, the Township of Marlboro has implemented a housing rehabilitation program in the Township, which was administered in accordance with the New Jersey's Fair Housing Act (N.J.S.A. 52:27D-301 et. seq.) and the administrative rules of the Council on Affordable Housing n/k/a The Office Of Local Planning Services; and

WHEREAS, as part of the foregoing rehabilitation program Marlboro has in fact provided rehabilitation assistance to various residents of The Township of Marlboro; and

WHEREAS, on or about December 13, 2008, the homeowners hereunder, Gaetano Ignarra and Paula Healy-Ignarra ("the Homeowners"), purchased a residence at 11 Prescott Drive in the Township of Marlboro, Block 232, Lot 5 ("the Residence") with said deed being recorded on December 16, 2008, in the Monmouth County Clerk's Office in deed book OR-8750, at page 221 et seq.; and

WHEREAS, the Homeowners had subsequently made application to Marlboro Township's rehabilitation program and they qualified for a loan in order to correct code violations and to correct substandard conditions at the Residence in furtherance of Marlboro's rehabilitation program; and

WHEREAS, the stated repairs had been made to the Residence in compliance with the rehabilitation program's dictates; and

WHEREAS, as a condition of approval into the rehabilitation program Marlboro Township held (and continues to hold) a mortgage in the amount of \$17,890.00 regarding the Residence ("the Marlboro Mortgage") with said mortgage (dated March 17, 2011) being recorded in the Monmouth County Clerk's Office on July 5, 2011, in deed book OR-8897 at page 3182; and

WHEREAS, the Homeowners now desire to refinance an existing mortgage (not the Marlboro Mortgage) with Guaranteed Rate, Inc. and as part and parcel of same, a subordination of the Marlboro Mortgage is sought; and

WHEREAS, the Township of Marlboro previously has granted a similar request as per Resolution No. 2011-364 and subsequently, a subordination of the Marlboro Mortgage was recorded in the Monmouth County Clerk's Office on November 2, 2011, at Book OR-8914, at page 7855; and

WHEREAS, the Township of Marlboro previously has granted a similar request as per Resolution No. 2013-268 (August 1, 2013) and subsequently, a subordination of the Marlboro Mortgage was recorded in the Monmouth County Clerk's Office on August 9, 2013, at Book OR-9030, at page 3844; and

WHEREAS, the Homeowners have now made application with Guaranteed Rate, Inc., for a loan in the amount of \$180,000 for which Guaranteed Rate, Inc., has indicated that the Homeowners are approved for the refinance however, as part and parcel of that refinance Guaranteed Rate, Inc., needs to place a first lien priority mortgage on the Residence; and

WHEREAS, as a result of the foregoing Guaranteed Rate, Inc. and the Homeowners have requested that the Township of Marlboro subordinate the Marlboro Mortgage to the new loan to facilitate the refinance; and

WHEREAS, it has been determined that there is good cause to grant this subordination of the Marlboro Mortgage;

NOW, THEREFORE, BE IT RESOLVED that the Hon. Mayor Jonathan L. Hornik is hereby authorized to execute the attached subordination of the Marlboro Mortgage on the Residence; and

BE IT FURTHER RESOLVED that subsequent to the signature of the said subordination that this subordination 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 # 2014-297

A RESOLUTION AUTHORIZING THE REMOVAL OF HAZARDOUS
OVERGROWN VEGETATION AND THE RECORDING OF A LIEN BY THE TAX

COLLECTOR ON THE PROPERTY LOCATED AT 71 WYNCREST ROAD,
(BLOCK 243, LOT 16), MARLBORO, NEW JERSEY

WHEREAS, the Administration has been advised by the Zoning Officer that a nuisance and hazardous condition in the form of extremely over-grown grass, weeds and brush exists on the property known as 71 Wyncrest Road (Block 243, Lot 16); and

WHEREAS, attempts to abate and remediate such nuisance and hazardous condition have been unsuccessful; and

WHEREAS, pursuant to Chapter 278, Section 188 of the Code of the Township of Marlboro entitled "Abatement of hazard or nuisance by Township; lien.", the Municipality has the authority to abate a nuisance as authorized under N.J.S.A. 40:48-2.14 and "shall cause the cost as shown thereon to be charged against said lands"; and

WHEREAS, the Township has taken the necessary enforcement action and has abated the nuisance located at 71 Wyncrest Road (Block 243, Lot 16) at a total cost of \$329.38; and

WHEREAS, it is recommended that the amount of \$329.38 incurred by the Municipality to abate the nuisance be recorded as a lien against the property.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro, being the governing body thereof, that the Tax Collector is hereby authorized to record a lien against the property known as 71 Wyncrest Road (Block 243, Lot 16) in the amount of \$329.38 to reflect the costs incurred by the Municipality to abate the nuisance to be added to the taxes next to be assessed and levied, the same to bear interest at the same rate as taxes which shall be collected and enforced by the same officers and in the same manner as taxes.

At 7:30PM, Councilwoman Marder moved that the meeting be adjourned. This was seconded by Council Vice President Mazzola, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Cantor, LaRocca).

MINUTES APPROVED: September 4, 2014

OFFERED BY: Marder AYES: 2

SECONDED BY: LaRocca NAYS: 0

ABSTAIN: LaRocca

ABSENT: Cantor, Mazzola

ALIDA MANCO,
MUNICIPAL CLERK

SCOTT METZGER,
COUNCIL PRESIDENT