

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

September 18, 2014

The Marlboro Township Council held its regularly scheduled Council Meeting on September 18, 2014 at 7:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Metzger opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of the regular meetings of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on January 6, 2014; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building; filed in the office of the Municipal Clerk and placed on the township website and Channel 77.

The Clerk called the Roll.

PRESENT: Councilman Cantor, Councilwoman Marder, Council Vice President Mazzola and Council President Metzger. Councilman LaRocca was absent.

Also present were: 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 announced that the Public Hearing on Resolution #2014-272/Ordinance #2014-20 had been held and closed on August 14th. The following Resolution #2014-272/Ordinance #2014-20 (Providing for Lease Purchase Finance and Acquisition of Police Cars) was introduced by reference, offered by Council Vice President Mazzola, seconded by Councilwoman Marder and passed on a roll call vote of 4 - 0 in favor (Absent: LaRocca).

RESOLUTION # 2014-272

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

which was introduced on July 17, 2014, public hearing held on
August 14, 2014 and tabled, tabled September 4, be adopted on second
and final reading this 18th day of September, 2014.

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

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.

Council President Metzger stated that Ord. #2014-23 had been incorrectly advertised by the Asbury Park Press and therefore must be tabled. Motion to table Resolution #2014-335/Ordinance #2014-23 (Authorizing Acceptance of Deed Restriction by Camelot at Marlboro for Lukas Blvd - B 132, L 18.01 as Affordability Control) to the October 2nd meeting was made Council Vice President Mazzola, seconded by Councilwoman Marder and passed on a roll call vote of 4 - 0 in favor of tabling (Absent: LaRocca).

As the consent agenda, the following resolutions were introduced by reference, offered by Council Vice President Mazzola, seconded by Council President Metzger, and as there was no objection, the Clerk was asked to cast one ballot (Absent: LaRocca): Res. #2014-336 (Award of Bid - Temporary Personnel Agency Services), Res. #2014-337 (Award of Bid - Shingle Roof Replacement at Rec Center), Res. #2014-338 (Authorizing Rejection of Bids - Hamilton Park Septic Improvements), Res. #2014-339 (Authorizing Rejection of Bids - Generator Rental Service), Res. #2014-340 (Supporting No Passing Zone on Route 79 - Vicinity of Girard Street as recommended by NJDOT), Res. #2014-341 (Authorizing Application Hep B Inoculation Reimbursement Program), Res. #2014-342 (Authorizing Final Close out Change Order and Acceptance of Vanderburg Road Phase II Road Improvements) and Res. #2014-343 (Authorizing Lien for Removal of Hazardous Overgrown Vegetation - 11 Quincy Street - Block 213, Lot 17).

RESOLUTION # 2014-336

A RESOLUTION AWARDING CONTRACT TO ANCHOR STAFFING FOR
TEMPORARY PERSONNEL AGENCY SERVICES FOR THE DEPARTMENT
OF PUBLIC WORKS WITHIN THE TOWNSHIP OF MARLBORO

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for TEMPORARY PERSONNEL AGENCY SERVICES FOR THE DEPARTMENT OF PUBLIC WORKS, and on September 4, 2014, received three (3) bids therefor; and

WHEREAS, the three (3) bids received were as follows:

LABORERS - NO OPERATION OF MOTOR VEHICLE						
Company	A. Set-up Inv.	B. Reg Rate/Hr	Subtotal 7,987 Hrs	C. OT Rate/Hr	Subtotal 360 Hrs	TOTAL
Broad Waverly Staffing LLC Red Bank, NJ	0.00	14.10	125,814.30	21.15	9,306.00	135,120.30
Mercado Staffing LLC dba Anchor Staffing East Brunswick, NJ	5.20*	14.45	128,937.35	20.23	8,901.20	137,843.75
Bryant Staffing Corp. Piscataway, NJ	375.00	19.24	171,678.52	28.86	12,689.40	184,751.92

LABORERS - INCLUDING OPERATION OF MOTOR VEHICLE						
Company	D. Set-up Inv.	E. Reg Rate/Hr	Subtotal 7,987 Hrs	F. OT Rate/Hr	Subtotal 360 Hrs	TOTAL
Broad Waverly Staffing LLC Red Bank, NJ	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
Mercado Staffing LLC dba Anchor Staffing East Brunswick, NJ	10.00*	14.45	128,937.35	20.23	8,901.20	137,848.55
Bryant Staffing Corp. Piscataway, NJ	475.00	20.72	184,884.56	31.08	13,675.20	199,034.76

* Bidder indicates price as "per check" rather than lump sum.

; and

WHEREAS, it has been determined that the submission of the apparent low bidder for all services including the operation of motor vehicles, MERCADO STAFFING LLC dba ANCHOR STAFFING is responsive as detailed in a September 11, 2014 memo from the Acting Director of Public Works; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation of the Acting Director of Public Works 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 MERCADO STAFFING LLC dba ANCHOR STAFFING whose address is 754 ROUTE 18, Suite 105, East Brunswick, NJ 08816 for TEMPORARY PERSONNEL AGENCY SERVICES FOR THE DEPARTMENT OF PUBLIC WORKS, for a contract amount at prices specified in the bid proposal not to exceed \$137,848.55 for a term of one year beginning on October 1, 2014,

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 MERCADO STAFFING LLC dba ANCHOR STAFFING, in accordance with this resolution, the bid specifications, and in a form to be approved by the Township Attorney.

BE IT FURTHER RESOLVED funds for the 2014 portion of the contract in the amount of \$34,462.14 have been certified by the Chief Financial Officer in accounts 02-213-11-701-117000 and 02-213-13-703-123000.

BE IT FURTHER RESOLVED that funds for the 2015 portion of the contract will be certified by the Chief Financial Officer subject to approval of the 2015 budget; and

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

- a. MERCADO STAFFING LLC dba ANCHOR STAFFING
- b. Township Business Administrator
- c. Township Acting Director of Public Works
- d. Township Chief Financial Officer

RESOLUTION # 2014-337

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT TO ROOF MANAGEMENT, INC. FOR SHINGLE ROOF REPLACEMENT AT TWO FACILITIES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (DPW)

WHEREAS, the Township of Marlboro as part of its 2014 capital program (122-13,145-14) authorized building improvements to public properties including roof repairs to Municipal Buildings and Municipal Park Complex gazebo; and

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for SHINGLE ROOF REPLACEMENT, and on September 4, 2014, received five (5) bids, as follows:

		Bid Amount
P. Cipollini Inc.	Dover, NJ	\$87,000.00
Roof Management, Inc.	Neptune, NJ	\$134,000.00

VMG Group	Roselle, NJ	\$188,000.00
Gen II Contracting, Inc.	Clarksburg, NJ	\$196,740.00
Arch Concept Construction, Inc.	Haledon, NJ	\$207,210.00

; and

WHEREAS, as per N.J.S.A. 40A:11-23.3 the apparent lowest bidder, P. Cipollini Inc., has submitted a request dated September 8, 2014, to withdraw their bid citing an error in calculations and missing material and labor for carpentry work indicated on the bid drawings; and

WHEREAS, in a letter dated September 8, 2014, the Project Architect has issued a recommendation to accept the withdrawal of P. Cipollini Inc. and award a contract to Roof Management, Inc.; and

WHEREAS, the Qualified Purchasing Agent (QPA) issued a recommendation dated September 15, 2014 to accept the recommendation of the Project Architect and the withdrawal of P. Cipollini Inc.'s bid; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendations of the Project Architect and Qualified Purchasing Agent and accept the withdrawal of P. Cipollini Inc.'s bid; and

WHEREAS, it has been determined that the submission of the second lowest bidder, ROOF MANAGEMENT, INC. is responsive as detailed in a September 8, 2014 memo submitted by the Project Architect; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation of the Project Architect 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 ROOF MANAGEMENT, INC., whose address is 615 Wayside Road, Neptune, NJ 07753 in an amount not to exceed \$134,000.00 for SHINGLE ROOF REPLACEMENT; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, a contract with ROOF MANAGEMENT, INC. in an amount not to exceed \$134,000.00; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that sufficient funds in the amount of \$134,000.00 are available for the aforesaid contract in Capital Account 04-215-14-03G-122288 and Grant Account 02-213-14-765-030000; and

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

- a. ROOF MANAGEMENT, INC.
- b. Township Administrator
- c. Acting Director of Public Works
- d. Chief Financial Officer

RESOLUTION # 2014-338

A RESOLUTION AUTHORIZING THE REJECTION OF BIDS FOR THE PROJECT TITLED HAMILTON PARK SEPTIC IMPROVEMENTS FOR THE TOWNSHIP OF MARLBORO

WHEREAS, on May 8, 2014, bids were opened for the project titled HAMILTON PARK SEPTIC IMPROVEMENTS for the Township of Marlboro; 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 apparent lowest response received from Burlew Mechanical LLC exceeded the Township's budgeted cost by more than 118.5%.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that all bids heretofore received for the project titled HAMILTON PARK SEPTIC IMPROVEMENTS for the Township of Marlboro are 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 # 2014-339

A RESOLUTION AUTHORIZING THE REJECTION OF BIDS FOR GENERATOR RENTAL SERVICE FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, on September 10, 2014, bids were opened for GENERATOR RENTAL SERVICE FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS; 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 lowest response received from Cummins Power Systems, LLC exceeded the Township's budgeted cost by more than 60.64%.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that the bids heretofore received for GENERATOR RENTAL SERVICE FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS 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 # 2014-340

WHEREAS, the New Jersey Department of Transportation (NJDOT) recently completed a traffic investigation on NJ Route 79 in the Township of Marlboro; and

WHEREAS, NJDOT recommends a revision to the centerline pavement markings on Route 79 to create a "No Passing Zone" in the vicinity of M.P. 6.3 (Girard Street) for safety reasons; and

WHEREAS, this project will create safer driving conditions in this area of Route 79;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth, in the State of New Jersey, that it supports the use of a "No Passing Zone" on NJ Route 79 in the Township of Marlboro as recommended by NJDOT.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be forwarded to NJDOT as requested.

RESOLUTION # 2014-341

RESOLUTION AUTHORIZING THE TOWNSHIP OF MARLBORO TO APPLY FOR REIMBURSEMENT OF COSTS OF HEPATITIS B INOCULATIONS FROM THE NEW JERSEY DEPARTMENT OF HEALTH AND SENIOR SERVICES

WHEREAS, the New Jersey Department of Health and Senior Services has announced that funds are available from the Hepatitis

Inoculation Fund for the reimbursement of costs of hepatitis B inoculations for certain emergency medical technicians, firefighters and police officers; and

WHEREAS, each municipality may receive up to \$5,000 in reimbursement for the cost of protecting its emergency medical technicians, firefighters and police officers against hepatitis B; and

WHEREAS, payments of funds to municipalities will be based on the collection of state forfeiture recoveries from confiscated property that had been involved in illegal activity; and

WHEREAS, the Township wishes to apply for reimbursement from the New Jersey Department of Health and Senior Services for up to the maximum amount of funding available.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that the Township is hereby authorized to submit an application to the New Jersey Department of Health and Senior Services and execute an agreement for reimbursement from the Hepatitis Inoculation Fund.

RESOLUTION # 2014-342

A RESOLUTION APPROVING CLOSE OUT CHANGE ORDER TO THE EXISTING CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO AND MECO, INC. AND AUTHORIZING FINAL PAYMENT AND ACCEPTANCE OF IMPROVEMENTS TO VANDERBURG ROAD - PHASE II

WHEREAS, by Resolution #2013-192 the Township of Marlboro authorized the award of a contract to MECO, INC. for the IMPROVEMENTS TO VANDERBURG ROAD - PHASE II project (the "Project"); and

WHEREAS, Closeout Change Order has been requested resulting in a decrease in the original contract amount of \$389,713.19 to \$320,637.25, a net decrease of \$69,075.94; and

WHEREAS, in Letter dated September 10, 2014, the Township Engineer has confirmed that the Project has been completed in accordance with the approved plans and specifications and has recommended approval of the Closeout Change Order, acceptance of the Project improvements, and issuance of final payment in the amount of \$23,008.31; and

WHEREAS, pursuant to the terms of the contract, MECO, INC. has

provided a one-year maintenance bond in an amount equal to 15% of the final contract amount or \$48,095.59; and

WHEREAS, the Township Council of the Township of Marlboro has reviewed the Township Engineer's September 10, 2014 letter and is amenable to approving Closeout Change Order, accepting the Project improvements and issuing a final payment to MECO, INC. in the amount of \$23,008.31 in order that the Project be completed, such Project being in the interests of the public health, safety and welfare.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that Closeout Change Order to the existing contract with MECO, INC., be and is hereby approved, decreasing the original contract amount of \$389,713.19 to \$320,637.25, a net decrease of \$69,075.94.

BE IT FURTHER RESOLVED, by the Township Council of the Township of Marlboro, that the Project improvements be and are hereby accepted, and that final payment in the amount of \$23,008.31 for work completed by MECO, INC. is hereby approved.

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

- a. MECO, INC.
- b. Township Business Administrator
- c. Township Engineer
- d. Township Chief Financial Officer

RESOLUTION # 2014-343

A RESOLUTION AUTHORIZING THE REMOVAL OF HAZARDOUS
OVERGROWN VEGETATION AND THE RECORDING OF A LIEN BY
THE TAX COLLECTOR ON THE PROPERTY LOCATED AT 11 QUINCY STREET,
(BLOCK 213, LOT 17), 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 11 Quincy Street (Block 213, Lot 17); 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 11 Quincy Street (Block 213, Lot 17) at a total cost of \$737.55; and

WHEREAS, it is recommended that the amount of \$737.55 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 11 Quincy Street, (Block 213, Lot 17) in the amount of \$737.55 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 7:25 PM, Council Vice President Mazzola moved that the meeting be adjourned. This was seconded by Councilwoman Marder, and as there was no objection, the Clerk was asked to cast one ballot (Absent: LaRocca).

MINUTES APPROVED: OCTOBER 2, 2014

OFFERED BY: MARDER AYES: 3

SECONDED BY: MAZZOLA NAYS: 0

ABSENT: CANTOR

ABSTAIN: LaROCCA

ALIDA MANCO,
MUNICIPAL CLERK

SCOTT METZGER,
COUNCIL PRESIDENT