

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

February 26, 2015

The Marlboro Township Council held its regularly scheduled Meeting on February 26, 2015 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 this meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on January 13, 2015; 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, Councilman Scalea and Council President Metzger.

Also present were: Mayor Jonathan L. Hornik, Louis N. Rainone, Esq., Business Administrator Jonathan Capp and Municipal Clerk Alida Manco

Council Vice President Mazzola moved that the minutes of January 29 and February 12, 2015 be approved. This was seconded by Council President Metzger and passed on a roll call vote of 5 - 0 in favor.

The following Resolution #2015-110/Ordinance #2015-5 (Single Site License Agreement - Diamond) was introduced by reference, offered by Councilman Scalea, seconded by Council President Metzger and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2015-110

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

ORDINANCE # 2015-5

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO IN THE COUNTY OF MONMOUTH, NEW JERSEY, AUTHORIZING THE EXTENSION OF A SINGLE SITE LICENSE AGREEMENT BETWEEN THE TOWNSHIP OF MARLBORO AND DIAMOND TOWERS II LLC TO INSTALL AND OPERATE A WIRELESS COMMUNICATION FACILITY AND ANTENNAE AND AUTHORIZING A CO-LOCATION SUBLEASE AGREEMENT BETWEEN THE TOWNSHIP OF MARLBORO AND SPRINT SPECTRUM, L.P. TO INSTALL, OPERATE AND MAINTAIN THE MARLBORO TOWNSHIP POLICE DEPARTMENT'S UNMANNED RADIO COMMUNICATIONS EQUIPMENT

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

BE IT FURTHER RESOLVED that the same be considered for final passage on March 19, 2015 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 # 2015-5

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO IN THE COUNTY OF MONMOUTH, NEW JERSEY, AUTHORIZING THE EXTENSION OF A SINGLE SITE LICENSE AGREEMENT BETWEEN THE TOWNSHIP OF MARLBORO AND DIAMOND TOWERS II LLC TO INSTALL AND OPERATE A WIRELESS COMMUNICATION FACILITY AND ANTENNAE AND AUTHORIZING A CO-LOCATION SUBLEASE AGREEMENT BETWEEN THE TOWNSHIP OF MARLBORO AND SPRINT SPECTRUM, L.P. TO INSTALL, OPERATE AND MAINTAIN THE MARLBORO TOWNSHIP POLICE DEPARTMENT'S UNMANNED RADIO COMMUNICATIONS EQUIPMENT

WHEREAS, the Township of Marlboro ("Township") entered into a Single Site License Agreement with Diamond Towers II LLC ("Diamond Towers") in order to install, operate and maintain a wireless communications facility and antennae ("Communications Facility") located at Wilson Avenue, Matawan, New Jersey (the "Premises") for use by the Marlboro Township Police Department and other Township emergency services in order to preserve the health, safety and welfare of the citizens of the Township of Marlboro, Monmouth County, New Jersey; and

WHEREAS, Diamond Towers entered into a Single Site License with the Township for the above purposes, for a term of two (2) years, with an option for one (1) additional one (1) year renewal term for compensation in the amount of Three Hundred Dollars and 00/100 (\$300.00) per month, such annual compensation

to be increased by four percent (4%) for each renewal term entered upon; and

WHEREAS, Sprint has agreed to enter into a Co-Location Sub-Lease Agreement with the Township for the installation, operation and maintenance of the Township's Emergency Radio Equipment for a term of two (2) years, with an option for an additional one (1) year renewal term, for minimal compensation therefor; and

WHEREAS, the term of the original and renewal term of the agreement and co-location sub-lease agreement have or are about to expire; and

WHEREAS, the Township of Marlboro has determined that it would continue to serve a public purpose for it to extend the Single Site License with Diamond Towers for the purpose of installing, operating and maintaining the Communications Facility and entering into a Co-Location and Sub-Lease Agreement with Sprint for the purposes of installing, operating and maintaining the Township's Emergency Radio Equipment for the terms described hereinabove; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Township of Marlboro is authorized to adopt an Ordinance for the preservation of public health, safety and welfare; and

WHEREAS, pursuant to N.J.S.A. 40A:12-5(a), the Township of Marlboro is authorized to enter into a Lease Agreement.

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

- (1) The extension of the term of the Single Site License Agreement between the Township of Marlboro and Diamond Towers II LLC to install, operate and maintain a wireless communications facility and antennae ("Communications Facility") for use by the Marlboro Township Police Department and other Township emergency services, at the Premises located at Wilson Avenue, Matawan, New Jersey ("Premises") for an additional term of two (2) years, with an option an additional one (1) year renewal term, for compensation in the amount of Three Hundred Dollars and 00/100 (\$300.00) per month, such

annual compensation to be increased by four percent (4%) for each renewal term entered upon, be and is hereby authorized; and

- (2) The Co-Location Sub-Lease Agreement between the Township of Marlboro and Sprint Spectrum, L.P. permitting the lease of a 2' by 2' space within Sprint Spectrum, L.P.'s ("Sprint") 11.5' by 20' equipment shelter ("Equipment Shelter") located at the Premises, to install, operate and maintain its Police Department's unmanned radio communications equipment and appurtenances (the "Emergency Radio Equipment") for use by the Marlboro Township Police Department and other Township emergency services for a term of an additional two (2) years, with an option for one (1) additional one (1) year renewal term, for minimal compensation therefor, be and is hereby authorized; and

BE IT FURTHER ORDAINED, that the Mayor and Clerk are hereby authorized to execute and witness, respectively, the extension of the Single Site License Agreement and Co-Location Sub-Lease Agreement, copies of which are on file in the Office of the Township Clerk; 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 #2015-111 (Changing March 12 Council Meeting to March 19 and cancelling March 26, 2015) was introduced by reference, offered by Councilwoman Marder, seconded by Council Vice President Mazzola and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2015-111

BE IT RESOLVED by the Township Council of the Township of Marlboro that the Council meeting scheduled for March 12, 2015, be changed to March 19, 2015 at the usual time and place, 7 PM, Town Hall, 1979 Township Drive, Marlboro, New Jersey.

BE IT FURTHER RESOLVED that the regularly scheduled Council Meeting of March 26, 2015 is hereby cancelled.

The following Resolution #2015-112 (Authorizing Agreement with NJDOT for Various Traffic Intersection Upgrades) was introduced by reference, offered by Councilwoman Marder, seconded by Council President Metzger, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2015-112

AUTHORIZING AN AGREEMENT WITH THE STATE OF NEW JERSEY
DEPARTMENT OF TRANSPORTATION FOR GENERATOR ADAPTED
CONTROLLER CABINETS AT VARIOUS INTERSECTIONS

WHEREAS, in order to expedite the safe movement of vehicular traffic during weather emergencies and power outages, and as part of the 2014 capital program (108-3), the Township authorized the installation of generator adapted controller cabinets at five (5) traffic intersections; and

WHEREAS, in response to the Township's request, the State of New Jersey Department of Transportation (NJDOT) has agreed to upgrade the five (5) signals and absorb 75% of the cost of doing so; and

WHEREAS, NJDOT requires a resolution of agreement from Marlboro in order to proceed with the project;

WHEREAS, the Chief Financial Officer has certified that funds in the amount of \$20,175.00 are available in Account No. 04-215-14-03D-108297.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Township Clerk of the Township of Marlboro are hereby authorized to enter into an agreement with the State of New Jersey for the purpose aforesaid, in a form acceptable to the Township Attorney.

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

- a. State of New Jersey Department of Transportation
- b. Township Administrator
- c. Chief of Police

As the consent agenda, the following resolutions were introduced by reference, offered by Councilman Scalea, seconded by Council Vice President Mazzola, and passed on a roll call vote of 5 - 0 in favor: Res. #2015-113 (Authorizing Preliminary Assessment Site Investigation Nolan Road Park), Res. #2015-114 (Authorizing Shared Services Agreement Monmouth County for Disposal of Millings/Street Sweepings), Res. #2015-115 (Authorizing Unexpended 2014 Balances Budget for Snow Removal to be Lapsed into Snow Removal Reserve), Res. #2015-116 (2015 Temporary Emergency Appropriations), Res. #2015-117 (Authorizing Shared Services Agreement with Board of Ed for Recreation Busing), Res. #2015-118 (Authorizing One Year Contract Renewal - Emergency Generator Preventive Maintenance), Res. #2015-119 (Confirming Emergency Contract and Approving Expenditures for Emergency Water Utility System Repairs), Res. #2015-120 (Confirming Emergency Contract and Approving Expenditures for Emergency Purchase of Rock Salt), and Res. #2015-121 (Authorizing Grant Application - Coca Cola Foundation - Keep America Beautiful - Public Space Recycling Container).

RESOLUTION # 2014-113

A RESOLUTION AUTHORIZING AN AMENDMENT TO A PROFESSIONAL SERVICES CONTRACT BETWEEN CME ASSOCIATES AND THE TOWNSHIP OF MARLBORO FOR THE PROVISION OF ENVIRONMENTAL ENGINEERING SERVICES IN CONNECTION WITH BLOCK 127 LOT 11 (NOLAN ROAD PARK)

WHEREAS, the Township has been awarded a \$145,000.00 grant by the Monmouth County Park System for improvements to Nolan Road Park; and

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

WHEREAS, CME Associates has provided a proposal dated February 10, 2015 (the "Proposal") for such Professional Services in connection with the Project; and

WHEREAS, the Township of Marlboro and CME Associates have entered into a Professional Services Contract, awarded under a fair and open process, and seeks to amend such Contract to expand the scope of services to include the Professional Services (as defined hereinabove) for the Project at a fee not to exceed \$3,200.00 for such Professional Services, as further described and set forth in CME's Proposal, attached hereto and made a part hereof; and

WHEREAS, the Township desires to meet the grant conditions by completing the Preliminary Assessment and Site Inspection (PASI) and complete the improvements to the park; and

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

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose from Account # 04-215-11-04A-140291; and

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

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

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

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a Professional Services Contract between CME Associates and the Township of Marlboro, to expand the scope of services to include BLOCK 127 LOT 11 (NOLAN ROAD PARK)("Professional Services"), at a fee not to exceed \$3,200.00 for such Professional Services, as further described and set forth in CME's Proposal dated February 10, 2015, be and is hereby authorized; and

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

BE IT FURTHER RESOLVED, that this Professional Services Contract is awarded without competitive bidding pursuant to N.J.S.A. 40A:11-5(1)(a)(i) and shall provide for compensation in an amount not to exceed \$3,200.00 for such additional Professional Services for the Project as described in the Proposal; and

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

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

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

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

RESOLUTION # 2015-114

AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE COUNTY OF MONMOUTH RECLAMATION CENTER FOR THE DISPOSAL OF DEBRIS FOR 2015 FOR THE DEPARTMENT OF PUBLIC WORKS

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

WHEREAS, the Township of Marlboro wishes to enter into a Shared Services Agreement with the County to dispose of debris including that collected through street sweeping at the Monmouth County Reclamation Center; and

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

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

WHEREAS, funds for the aforesaid purpose estimated at an amount not to exceed \$48,450.00 have been certified by the Chief Financial Officer in Budget Account 01-201-32-170-233.

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

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

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

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

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

RESOLUTION # 2015-115

RESOLUTION AUTHORIZING UNEXPENDED 2014 BALANCES BUDGETED
FOR SNOW REMOVAL TO BE LAPSED INTO SNOW REMOVAL
RESERVE PURSUANT TO NJSA 40A:4-62.1

WHEREAS, NJSA 40A:4-62.1 permits a local unit to establish a snow removal reserve; and

WHEREAS, the Township of Marlboro has established a snow removal reserve; and

WHEREAS, once a snow removal reserve is established, unexpended balances budgeted annually for snow removal may be lapsed into the reserve; and

WHEREAS, due to the severity of the winter of 2013/2014 and the nature of the winter of 2014/2015, during which the Township utilized an extraordinary amount of de-icing agent to maintain the safety of the roadways, it is recommended that the Township transfer \$250,000.00 to the snow removal reserve.

NOW THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth that \$250,000.00 of unexpended 2014 budget appropriations for snow removal be transferred to the snow removal reserve

RESOLUTION # 2015-116

EMERGENCY TEMPORARY APPROPRIATION
PRIOR TO ADOPTION OF THE BUDGET

WHEREAS, N.J.S.A. 40A:4-20 provides authorization for an emergency temporary appropriation after the first thirty days of the fiscal year and before the adoption of the 2015 Municipal budget; and

WHEREAS, this resolution authorizes appropriations representing 50% of the full 2014 appropriations with the exception of debt service and obligations associated with seasonal considerations; and

WHEREAS, the total emergency temporary resolutions adopted in the year CY 2015 pursuant to the provisions of N.J.C.A. 40A 4-20 (Chapter 96, P.L.1951 as amended) including this resolution total: \$20,124,293.51 for the municipal budget, \$1,323,587.50 for the operations of the recreation and swim utility and \$6,407,437.15 for the operations of the water utility; and

NOW THEREFORE, BE IT RESOLVED, that in accordance with the provisions of N.J.S.A. 40A:4-20:

1. An emergency temporary appropriation be and the same is hereby made for each of the accounts listed on the attached.

2. That each said emergency temporary appropriation will be provided for in the CY 2015 budget under the same title as appropriated above.
3. That one certified copy of this resolution be filed with the Director of Local Government Services.

CURRENT FUND:

01-201-20-010-100	MAYOR'S OFFICE S&W	30,784.00
01-201-20-010-200	MAYOR'S OFFICE O/E	1,412.50
01-201-20-020-100	CLERK'S OFFICE S&W	106,967.00
01-201-20-020-200	CLERK'S OFFICE O/E	25,629.50
01-201-20-021-100	TOWNSHIP COUNCIL - SALARIES & WAGES	9,000.00
01-201-20-021-200	TOWNSHIP COUNCIL - OTHER EXPENSES	512.50
01-201-20-030-100	ADMINISTRATION S&W	138,643.00
01-201-20-030-200	ADMINISTRATION O/E	42,690.00
01-201-20-033-100	CENTRAL COMPUTER OFFICE - SALARIES & WAGES	65,053.50
01-201-20-033-200	CENTRAL COMPUTER OFFICE - OTHER EXPENSES	31,214.50
01-201-20-035-200	ETHICS COMMISSION - OTHER EXPENSES	4,824.00
01-201-20-040-100	FINANCE S&W	101,143.50
01-201-20-040-200	FINANCE O/E	5,957.50
01-201-20-043-200	ANNUAL AUDIT O/E	17,874.50
01-201-20-045-100	TAX ASSESSOR S&W	70,089.50
01-201-20-045-200	TAX ASSESSOR O/E	62,293.00
01-201-20-046-100	TAX COLLECTOR S&W	72,926.50
01-201-20-046-200	TAX COLLECTOR O/E	19,214.00
01-201-20-050-200	LEGAL SERVICES O/E	169,355.00
01-201-20-055-200	CABLE - OTHER EXPENSES	20,657.00
01-201-20-060-100	ENGINEERING S&W	92,076.50
01-201-20-060-200	ENGINEERING O/E	51,136.00
01-201-20-083-200	ECONOMIC DEVELOPMENT - OTHER EXPENSES	7,860.00
01-201-20-092-200	INTERGOVT. RELATIONS O/E	1,050.00
01-201-20-093-200	HISTORIC SITES COMMITTEE - OTHER EXPENSE	775.00
01-201-20-140-200	Open Space Comm - OTHER EXPENSES	244.00
01-201-20-158-200	POSTAGE - OTHER EXPENSES	24,367.50
01-201-21-070-100	PLANNING BOARD S&W	33,410.00
01-201-21-070-200	PLANNING BOARD O/E	15,812.50
01-201-21-071-200	PLANNING BOARD CONTRAC. O/E	43,200.00
01-201-21-075-100	ZONING S&W	74,877.50
01-201-21-075-200	ZONING O/E	20,753.00
01-201-21-209-100	AFFORDABLE HOUSING S&W	2,000.00
01-201-23-099-200	UNEMPLOYMENT INSURANCE - OTHER EXPENSES	12,500.00
01-201-23-100-200	EMPLOYEE INSURANCE - OTHER EXPENSES	1,657,608.50
01-201-23-101-200	LIABILITY INSURANCES - OTHER EXPENSES	370,000.00
01-201-23-102-200	WORKER'S COMPENSATION O/E	520,000.00
01-201-23-103-200	HEALTH INSURANCE WAIVERS	0.00
01-201-25-052-100	MUNICIPAL PROSECUTOR - SALARIES & WAGES	15,000.00
01-201-25-104-100	FIRE PREVENTION BUREAU S&W	76,551.00
01-201-25-104-200	FIRE PREVENTION BUREAU O/E	6,755.50
01-201-25-106-100	POLICE S&W	4,208,452.50
01-201-25-106-200	POLICE O/E	175,822.50
01-201-25-108-100	EMERGENCY MANAGEMENT S&W	11,500.00
01-201-25-108-200	EMERGENCY/CIVIL DEFENSE O/E	4,110.00
01-201-25-110-200	CONTRIBUTIONS	60,000.00

01-201-25-178-200	LOSAP	115,880.00
01-201-25-212-100	911 EXPENSES S&W	363,554.50
01-201-25-212-200	911 EXPENSES O/E	93,705.50
01-201-25-226-200	S.F.S.P. O/E	5,426.50
01-201-26-117-100	RECYCLING - S&W	1,500.00
01-201-26-117-200	RECYCLING - OTHER EXPENSES	310,000.00
01-201-26-119-100	SNOW REMOVAL S&W	166,500.00
01-201-26-119-200	SNOW REMOVAL - OTHER EXPENSES	1,000,000.00
01-201-26-120-100	ROAD MAINTENENANCE S&W	719,888.50
01-201-26-120-200	ROAD MAINTENANCE O/E	101,178.00
01-201-26-121-100	VEHICLE MAINTENANCE S&W	197,223.50
01-201-26-121-200	VEHICLE MAINTENANCE O/E	122,287.00
01-201-26-122-100	GROUNDS MAINTENANCE S&W	91,944.00
01-201-26-122-200	GROUNDS MAINTENANCE O/E	190,375.44
01-201-26-125-100	PUBLIC WORKS S & W	147,206.00
01-201-26-125-200	PUBLIC WORKS O/E	6,505.00
01-201-26-126-200	CONDOMINIUM SERVICES ACT - OTHER	80,598.00
01-201-26-129-200	SHADE TREE - OTHER EXPENSES	1,131.50
01-201-27-130-100	REGISTRAR S&W	11,038.07
01-201-27-130-200	REGISTRAR O/E	530.00
01-201-27-134-100	DRUG ABUSE S&W	12,006.50
01-201-27-134-200	DRUG ABUSE CONTROL O/E	9,188.50
01-201-27-136-100	ANIMAL REGULATIONS S & W	25,814.50
01-201-27-136-200	ANIMAL REGULATIONS O/E	0.00
01-201-27-138-100	ENVIRONMENTAL COMMITTEE S&W	1,000.00
01-201-27-138-200	ENVIRONMENTAL PROTEC. O/E	480.50
01-201-28-123-100	PARKS & RECREATION - S&W	228,129.00
01-201-28-123-200	PARKS OTHER EXPENSES	39,900.00
01-201-28-145-100	RECREATION S & W	176,916.00
01-201-28-145-200	RECREATION O/E	66,702.00
01-201-28-146-200	RECREATION TEEN PROGRAMS O/E	1,837.50
01-201-29-150-200	PUBLIC LIBRARY O/E	5,000.00
01-201-30-173-200	PRIOR YEARS BILLS	1,250.00
01-201-30-184-100	ACCUMULATED ABSENCES	500.00
01-201-31-160-200	STREET LIGHTING O/E	325,216.00
01-201-31-161-200	ELECTRIC O/E	164,114.50
01-201-31-162-200	TELEPHONE O/E	59,140.00
01-201-31-164-200	WATER O/E	17,791.50
01-201-31-165-200	SEWER O/E	4,796.00
01-201-31-167-200	NATURAL GAS O/E	42,651.00
01-201-31-168-200	GASOLINE	211,407.50
01-201-32-170-200	LANDFILL DISPOSAL COSTS	90,814.50
01-201-35-180-200	Contingent	5,000.00
01-201-36-174-200	POLICE & FIREMENS RETIREMENT	1,850,000.00
01-201-36-175-200	PUBLIC EMPLOYEES RETIREMENT	890,000.00
01-201-36-176-200	EMPLOYER'S PORTION FICA	568,555.00
01-201-36-179-200	DEFINED CONTRIBUTION RETIREMENT PROGRAM	500.00
01-201-41-313-000	Drunk Driving Enforc Grant	0.00
01-201-41-339-000	ALCOHOL REHABILITATION GRANT	0.00
01-201-41-343-000	Clean Communities Grant	0.00
01-201-41-347-000	Recycling Tonnage Grant	0.00
01-201-41-361-000	Municipal Drug Alliance	40,148.00
01-201-41-363-000	COPS IN SHOPS	0.00
01-201-41-365-000	Body Armor Grant	0.00
01-201-41-366-000	Drive Sober or get Pulled Over Grant	0.00
01-201-41-367-000	Chap 159 - 2013 Highway Safety Fund	0.00
01-201-41-368-000	Chap 159 - 2013 NRCS Grant	0.00

01-201-41-369-000	Chapter 159 - 2013 DDEF	0.00
01-201-41-370-000	Chapter 159 - Clean Communities Grant	0.00
01-201-41-371-000	Chapter 159 - Drive sober Grant	0.00
01-201-43-207-100	MUNICIPAL COURT S&W	174,209.50
01-201-43-207-200	MUNICIPAL COURT O/E	22,189.00
01-201-43-211-100	PUBLIC DEFENDER S&W	8,397.00
01-201-44-222-200	CAPITAL IMPROVEMENT FUND	175,000.00
01-201-45-220-200	BOND PRINCIPAL	1,609,000.00
01-201-45-221-200	LEASE PRINCIPAL	115,600.00
01-201-45-230-200	BOND-INTEREST - OTHER EXPENSES	675,000.00
01-201-45-231-200	DEBT SERVICE LEASE - INTEREST	7,600.00
01-201-45-235-200	NOTE INTEREST	96,000.00
01-201-45-236-200	NOTE PRINCIPAL	165,000.00
01-201-45-240-200	GREEN TRUST DEBT SERVICE	28,865.00
01-201-46-335-200	Deferred Charges Unfunded	0.00
01-201-50-299-200	RESERVE FOR UNCOLLECTED TAXES	0.00
TOTAL		<u>20,124,293.51</u>

WATER UTILITY FUND:

05-201-55-500-100	SALARY & WAGES	416,412.00
05-201-55-500-200000	WATER UTILITY OE	2,977,174.68
05-201-55-501-200000	WATER CAPITAL OUTLAY	2,500.00
05-201-55-503-254010	SOCIAL SECURITY - WATER EMPLOYEE BENEFIT	31,850.47
05-201-55-503-260040	Deferred Charges - NJEIT Payment	0.00
05-201-55-503-261010	Unemployment	2,500.00
05-201-55-503-287010	PENSION - WATER EMPLOYEE BENEFITS	0.00
05-201-55-504-000	Emergency Approp - NJEIT Financing	0.00
05-201-55-509-200000	Emergency Approp - Hurricane Sandy	0.00
05-201-55-520-260040	Bond Principal	1,580,000.00
05-201-55-530-290040	Interest on Bonds	566,000.00
05-201-55-535-260040	Note Principal	33,000.00
05-201-55-535-290040	Interest on Notes	33,000.00
05-201-55-540-260040	NJEIT Loan Principal	610,000.00
05-201-55-545-290040	NJEIT Loan Interest	155,000.00
05-201-55-550-000000	NJEIT Loan Fees	0.00
TOTAL		<u>6,407,437.15</u>

RECREATION UTILITY FUND:

09-201-55-400-101000	RECREATION - SALARY & WAGES	583,161.57
09-201-55-400-200020	RECREATION - OE	668,189.93
09-201-55-451-000000	Capital Outlay	0.00
09-201-55-481-260	Note Principal	13,000.00
09-201-55-481-290	Interest on Notes	14,000.00
09-201-55-487-254413	Social Security Payment	42,736.00
09-201-55-487-261413	Unemployment	2,500.00
09-201-55-487-287413	Pension	0.00
TOTAL		<u>1,323,587.50</u>

RESOLUTION # 2015-117

AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE MARLBORO TOWNSHIP BOARD OF EDUCATION FOR BUS TRANSPORTATION SERVICES

OF CHILDREN TO AND FROM THE TOWNSHIP OF MARLBORO'S 2015
SUMMER RECREATION CAMP PROGRAM

WHEREAS, the Marlboro Township Board of Education (the "Board") owns/leases a fleet of school buses used to transport children to and from schools that comprise the Marlboro Township School District (the "District"); and

WHEREAS, the Township of Marlboro (the "Township") intends to operate a Summer Camp Recreation Camp Program ("Summer Camp") for the Township's resident children, some of whom shall require transportation to and from home to the various camp sites (schools), as well as some of whom shall require transportation to and from the Township Recreation Center for the pre and after camp program to the various camp sites, as well as all campers who will require transportation to and from the various camp sites to the Aquatics Center, as well as all campers who will require transportation to and from the camp sites to other trip destinations inside and outside of the Township for Summer Camp activities (the "Transportation Services"); and

WHEREAS, pursuant to N.J.S.A. 18A:39-22, the Board is authorized to permit the use of school buses it owns or leases for the purpose of transporting children and adults participating in a recreation or other program operated by the municipality in which the Board's School District is located; and

WHEREAS, the Township and the Board desire to enter into a Shared Services Agreement to provide Transportation Services for the Summer Camp for the period commencing on or about June 29, 2015 and terminating on August 7, 2015; and

WHEREAS, the costs of the Transportation Services for Summer Camp shall be paid by the Township to the Board as follows:

- (1) Transportation to and from the camper's home to the various camp sites at the rates specified below for an amount not to exceed \$53,155.00:
 - (a) \$325.00 for each six week Summer Camp participant
 - (b) \$275.00 for each five week Summer Camp participant
 - (c) \$200.00 for each three week Summer Camp participant

- (2) For shuttle services comprising transportation of Summer Camp participants not to exceed \$42,000.00:
 - (a) to and from the Township Recreation Center for the pre and after camp program to the various camp sites
 - (b) to and from the various camp sites to the Aquatics Center

- (3) Transportation to and from trip destinations as determined by the Township Recreation Department, \$275.00 per day, per bus plus the cost of tolls and parking fees: for an amount not to exceed \$51,600.00.

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

WHEREAS, the proposed Shared Services Agreement for the Transportation Services is on file in the Township Clerk's office in accordance with the provisions of N.J.S.A. 40A:65-5(b); and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in Account Number 09-201-55-400-288480 in a total amount not to exceed \$146,755.00; and

WHEREAS, the Mayor and Marlboro Township Council desire to enter into the proposed Shared Services Agreement with the Board pursuant to the above-described terms and conditions for a total contract amount not to exceed \$146,755.00.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Mayor and Township Clerk are hereby authorized and directed to execute and witness, respectively, the proposed Shared Services Agreement in a form substantially similar as that attached hereto for the provision of transportation services for the Marlboro Township Summer Camp Program for the term and conditions described hereinabove; and

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

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

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

- a. Marlboro Township Board of Education
- b. Township Business Administrator
- c. Township Chief Financial Officer
- d. Township Recreation Director

RESOLUTION # 2015-118

A RESOLUTION AUTHORIZING YEAR 3 OF CONTRACT TO FM GENERATOR, INC. FOR THE PROVISION OF EMERGENCY GENERATOR MAINTENANCE, REPAIRS AND REBUILDS FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, on February 21, 2013 (R.2013-106) the Municipal Council of the Township of Marlboro awarded a contract to FM GENERATOR, INC. for the PROVISION OF EMERGENCY GENERATOR MAINTENANCE, REPAIRS AND REBUILDS FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS; and

WHEREAS, the bid specifications included the option to renew said contracts 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 February 6, 2014 (R.2014-087) the Municipal Council of the Township of Marlboro awarded a one-year contract renewal to FM GENERATOR, INC. for the PROVISION OF EMERGENCY GENERATOR MAINTENANCE, REPAIRS AND REBUILDS FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS; and

WHEREAS, the Director of the Department of Public Works has recommended that the Township approve a final 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 one-year contract renewal be awarded to FM GENERATOR, INC. whose address

is 35 Pequit Street, Canton, Massachusetts 02021 for a period of one year beginning on March 1, 2015 through February 28, 2016, in a total amount not to exceed \$3,500.00 for annual preventive maintenance and for repair service \$105.00 per hour straight time and \$120.00 per hour overtime; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, contracts with FM GENERATOR, 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, the Chief Financial Officer has certified that sufficient funds are available in Account Number 01-201-26-122-276126 in a total amount not to exceed \$3,500.00 for the annual preventive maintenance; and

BE IT FURTHER RESOLVED, funds for the repair service will be certified by the Chief Financial Officer at the time of order; and

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

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

RESOLUTION # 2015-119

A RESOLUTION CONFIRMING EMERGENCY CONTRACT WITH LUCAS
CONSTRUCTION GROUP, INC. FOR THE PROVISION OF EMERGENCY
WATER UTILITY SYSTEM REPAIRS PURSUANT TO N.J.S.A. 40A:11-6
FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC
WORKS WATER UTILITY DIVISION

WHEREAS, during the winter season of 2014/2015 the Department of Public Works Water Utility Division has reported water main breaks in various areas of the Township designated as Emergency #1502; and

WHEREAS, on January 28, 2015, the Water Utility Engineer reported that the septic system at the site of the Harbor Road Treatment Plant appeared to be failing, and immediate investigation and repair work was required, designated as Emergency #1504; 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 contacted its current water main repair contractor, LUCAS CONSTRUCTION GROUP, INC., 173 Amboy Road, Morganville, NJ 07751 to provide the emergency water utility system repairs, estimated at an amount not to exceed \$17,126.43; and

WHEREAS, the Chief Financial Officer has certified the availability of funds in 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 water utility system repairs to LUCAS CONSTRUCTION GROUP, INC., 173 Amboy Road, Morganville, NJ 07751 for an amount not to exceed \$17,126.43.

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. Township Chief Financial Officer
- d. Township Superintendent of Public Works

RESOLUTION # 2015-120

A RESOLUTION CONFIRMING AN EMERGENCY CONTRACT WITH LUCAS CONSTRUCTION, INC. FOR THE PURCHASE OF PRE-TREATED ROCK SALT PURSUANT TO N.J.S.A. 40A:11-6 FOR THE TOWNSHIP OF MARLBORO

WHEREAS, on January 26, 2015, the Governor issued Executive Order 172 declaring a State of Emergency in response to winter storm Juno; and

WHEREAS, the Township utilized a substantial amount of material during the two-day event, and in the snow and ice events that immediately followed; and

WHEREAS, in preparation for and following the State of Emergency, deliveries of rock salt by the Township's contract providers have continued to be intermittent and unpredictable, and the National Oceanic and Atmospheric Administration projected continued freezing temperatures and precipitation extending into the middle of February, designated as Emergency #1505; 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 Superintendent of Public Works and Department of Administration determined that the emergency purchase of pre-treated rock salt was critical in order to address matters concerning the health, safety and welfare of the public; and

WHEREAS, pursuant to N.J.S.A. 40A:11-6, the Township authorized an emergency contract with Lucas Construction, Inc. for the purchase of 500 tons of pre-treated rock salt at \$80.00 per ton; and

WHEREAS, funds in the amount of \$40,000.00 will be certified by the Chief Financial Officer at the time of the adoption of the 2015 budget.

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 the purchase of rock salt.

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

- a. Business Administrator
- b. Emergency Management Coordinator

- c. Chief Financial Officer
- d. Superintendent of Public Works

RESOLUTION # 2015-121

RESOLUTION AUTHORIZING APPLICATION FOR GRANT FUNDING TO
THE 2015 COCA COLA FOUNDATION/KEEP AMERICA BEAUTIFUL
PARK BIN GRANT PROGRAM THROUGH THE DPS/KAB PUBLIC
SPACE RECYCLING BIN GRANT PROGRAM

WHEREAS, the Township has received notice that a public park recycling grant offering is being sponsored by the Coca Cola Foundation and Keep America Beautiful; and

WHEREAS, the DPS/KAB Public Space Recycling Bin Grant program is designed to help local, regional and state parks establish or expand recycling opportunities for visitors; and

WHEREAS, the Township of Marlboro is committed to expanding recycling opportunities in its public areas; and

NOW, THEREFORE, BE IT RESOLVED THAT the Township Council of the Township of Marlboro hereby authorizes application to be made to Coca Cola Foundation and Keep America Beautiful for recycling bins for public spaces.

The following Resolution #2015-122 (Expressing Opposition to Atlantic Tree Recycling Facility) was introduced by reference, offered by Councilwoman Marder, seconded by Council Vice President Mazzola and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2015-122

A RESOLUTION OF THE TOWNSHIP OF MARLBORO OPPOSING THE
ATLANTIC TREE APPLICATION TO THE MONMOUTH COUNTY SOLID
WASTE ADVISORY COUNCIL FOR A CLASS B RECYCLING FACILITY
PROPOSED TO BE LOCATED IN MARLBORO

WHEREAS, in 2012, after withdrawing submitting and then subsequently withdrawing a variance application to the Township of Marlboro ("Marlboro") Zoning Board of Adjustment, Atlantic Tree Realty (the "Applicant"), submitted an application for a Class B Recycling Facility (the "Project") to the Monmouth County Solid Waste Advisory Council ("SWAC") for consideration for inclusion within the Monmouth County Solid Waste Management Plan (the "County Plan"); and

WHEREAS, the Project is proposed to be located on Block 172, Lot 58, located along Tennant Road in Marlboro (the "Proposed Project Site"); and

WHEREAS, the zoning associated with the Proposed Project Site is Land Conservation Zoning District, which is characterized by low density residential development and environmentally sensitive areas; and

WHEREAS, the Proposed Project Site is located in close proximity to, and/or bordered by, sensitive land uses including residential developments, the Marlboro Early Learning Center and preserved open space; and

WHEREAS, following a public hearing in Marlboro on February 8, 2013, SWAC concluded that the Applicant's application was incomplete and the Applicant was directed to provide new additional information necessary to address the concerns and comments raised by Marlboro and its residents concerning the Project; and

WHEREAS, in December 2014, following the submission of certain new additional information by the Applicant, SWAC deemed the Applicant's revised application administratively complete; and

WHEREAS, on February 19, 2015, SWAC held a public hearing in Marlboro to accept comments and concerns from Marlboro residents concerning the revised application; and

WHEREAS, the Mayor, Jonathan Hornik, and the residents of Marlboro overwhelmingly expressed their opposition to the Project and implored SWAC to recommend to the Monmouth County Board of Chosen Freeholders that they not include the Project within the County Plan; and

WHEREAS, SWAC may consider voting at its March 2014 meeting on whether or not to recommend to the Monmouth County Board of Chosen Freeholders to include the Project in the Plan; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro are having heard the comments and concerns of the residents of Marlboro, and Marlboro's professionals concerning the Project finds it necessary and appropriate to express its opposition to the Project to SWAC, the Monmouth County Board of

