

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

May 7, 2015

The Marlboro Township Council held its regularly scheduled Meeting on May 7, 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,
Councilman Scalea, Council Vice President
Mazzola and Council President Metzger.

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

Councilman Scalea moved that the minutes of April 16, 2015 be approved. This was seconded by Council President Metzger and passed on a roll call vote of 4 - 0 in favor (Abstain: Mazzola).

Council President Metzger opened the Public Hearing on Ord. #2015-8. As there was no one who wished to speak, the Public Hearing was closed. The following Res. #2015-191/Ord. #2015-8 (Appropriating \$250,000 Grant - Improvements to Marlboro Country Park) was introduced by reference, offered by Councilman Cantor, seconded by Councilwoman Marder and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2015-191

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

ORDINANCE # 2015-8

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO,
IN THE COUNTY OF MONMOUTH, NEW JERSEY,
APPROPRIATING A \$250,000 GRANT TO BE
RECEIVED BY THE TOWNSHIP FOR IMPROVEMENTS
TO MARLBORO COUNTRY PARK IN AND FOR THE
TOWNSHIP OF MARLBORO, IN THE COUNTY
OF MONMOUTH, NEW JERSEY

which was introduced on April 16, 2015, public hearing held on May 7, 2015, be adopted on second and final reading this 7th day of May, 2015.

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

ORDINANCE # 2015-8

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO,
IN THE COUNTY OF MONMOUTH, NEW JERSEY,
APPROPRIATING A \$250,000 GRANT TO BE
RECEIVED BY THE TOWNSHIP FOR IMPROVEMENTS
TO MARLBORO COUNTRY PARK IN AND FOR 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 a majority of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The \$250,000 grant expected to be received by the Township from the Monmouth County Municipal Open Space Grant Program is hereby appropriated for the purpose of providing funds for ballfield improvements, including all work and materials necessary therefor and incidental thereto.

Section 2. The capital budget or temporary capital budget, as applicable, of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form

promulgated by the Local Finance Board showing full detail of the amended capital budget or temporary capital budget, as applicable, and capital program as approved by the Director of the Division of Local Government Services is on file with the Township Clerk and is available there for public inspection.

Section 3. This ordinance shall take effect in accordance with law.

Council President Metzger opened the Public Hearing on Ord. #2015-9. As there was no one who wished to speak, the Public Hearing was closed. The following Res. #2015-192/Ord. #2015-9 (Appropriating \$145,000 Grant - Improvements to Nolan Road Park) was introduced by reference, offered by Councilman Cantor, seconded by Council Vice President Mazzola, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2015-192

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

ORDINANCE # 2015-9

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO,
IN THE COUNTY OF MONMOUTH, NEW JERSEY,
APPROPRIATING A \$145,000 GRANT TO BE
RECEIVED BY THE TOWNSHIP FOR IMPROVEMENTS
TO NOLAN ROAD PARK IN AND FOR THE TOWNSHIP
OF MARLBORO, IN THE COUNTY OF MONMOUTH,
NEW JERSEY

which was introduced on April 16, 2015, public hearing held on May 7, 2015, be adopted on second and final reading this 7th day of May, 2015.

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

ORDINANCE # 2015-9

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO,
IN THE COUNTY OF MONMOUTH, NEW JERSEY,
APPROPRIATING A \$145,000 GRANT TO BE
RECEIVED BY THE TOWNSHIP FOR IMPROVEMENTS
TO NOLAN ROAD PARK IN AND FOR 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 a majority of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The \$145,000 grant expected to be received by the Township from the Monmouth County Municipal Open Space Grant Program is hereby appropriated for the purpose of providing funds for tennis court improvements, including all work and materials necessary therefor and incidental thereto.

Section 2. The capital budget or temporary capital budget, as applicable, of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or temporary capital budget, as applicable, and capital program as approved by the Director of the Division of Local Government Services is on file with the Township Clerk and is available there for public inspection.

Section 3. This ordinance shall take effect in accordance with law.

The following Res. #2015-193/Ord. #2015-7 As Amended (Amending Section 138-38 - Schedule I - No Parking - To Include a Section of Prince William Road) was introduced by reference, offered by Councilman Cantor, seconded by Council President Metzger, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2015-193

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

ORDINANCE # 2015-7 (As Amended)

AN ORDINANCE AMENDING SECTION 138-38 ENTITLED
"SCHEDULE I: NO PARKING" OF THE MARLBORO TOWNSHIP
CODE TO INCLUDE PRINCE WILLIAM ROAD

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

BE IT FURTHER RESOLVED that the same be considered for final passage on May 21, 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 # 2015-7 (As Amended)

AN ORDINANCE AMENDING SECTION 138-38 ENTITLED
"SCHEDULE I: NO PARKING" OF THE MARLBORO TOWNSHIP
CODE TO INCLUDE PRINCE WILLIAM ROAD

WHEREAS, the Section 138-38 of the Township Code entitled "Schedule I: No Parking" provides guidelines for parking regulations on public streets or parts of public streets in Marlboro Township.

WHEREAS, currently there is a paved pedestrian access from Township recreational facilities to the cul-de-sac bulb of Prince William Road, and whereby currently, parking is permitted along the cul-de sac bulb of Prince William Road.

WHEREAS, The Township Council of the Township of Marlboro has concerns regarding emergency access to municipal property, including Block 255 Lots 24 and 55, as well as the ability to maintain vehicular maneuverability in the event of an emergency, and therefore seeks to amend Section 138-38, Schedule I: No Parking to include a parking restriction within the cul-de-sac bulb of Prince William Road. The restriction shall be 15 feet beyond the easterly end, and 140 feet beyond the westerly end of the intersection of the paved pedestrian walkway and Prince William Road.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, that Section 138-38 of the Code of the Township of Marlboro entitled "Schedule I: No Parking" is hereby amended and supplemented to include the following:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Prince William Road	Cul-de-sac bulb	A distance of 15 feet as measured beyond the easterly end and 140 feet beyond the westerly end of the pedestrian access

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the Courts to be invalid, such adjudication shall only apply to the section, paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed invalid and effective.

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

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

The following Res. #2015-194/Ord. #2015-10 (Amending Section 4-64.2 - Recreation and Swim Advisory Committee - Increase Members) 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 # 2015-194

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

ORDINANCE # 2015-10

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO AMENDING
THE CODE OF THE TOWNSHIP OF MARLBORO CHAPTER 4,
"ADMINISTRATION OF GOVERNMENT" ARTIVLE XIII "DEPARTMENT OF
RECREATION" §4-64.2 "RECREATION AND SWIM ADVISORY COMMITTEE"

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

BE IT FURTHER RESOLVED that the same be considered for final passage on May 21, 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 # 2015-10

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO AMENDING
THE CODE OF THE TOWNSHIP OF MARLBORO CHAPTER 4,
"ADMINISTRATION OF GOVERNMENT" ARTICLE XIII "DEPARTMENT OF
RECREATION" §4-64.2 "RECREATION AND SWIM ADVISORY COMMITTEE"

WHEREAS the Recreation and Swim Advisory Committee was established to advise the Mayor and the Director of the Recreation Department on the operation of the Township's swimming facilities, parks, playgrounds and indoor and outdoor recreation programs and such other advisory duties as may be assigned to it by the Mayor; and

WHEREAS, the Township of Marlboro's population has grown and the Township's Community Recreational needs have grown as well; and

WHEREAS, it has been recommended to increase the membership on the recreation and swim advisory committee from seven (7) members and two (2) alternate members to nine (9) members and two (2) alternate members.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Marlboro that the Code of the Township of Marlboro, Chapter 4, "Administration of Government" Article XIII, "Department of Recreation" §4-64.2 Recreation and Swim Advisory Committee is hereby amended to increase the membership of the Recreation and Swim Advisory Committee from seven (7) members and two (2) alternate members to nine (9) members and two (2) alternate members and shall be amended as follows:

§ 4-64.2 A.

A Recreation and Swim Advisory Committee shall be established as a division within the Department of Recreation, which shall advise the Mayor and the Director of the Recreation Department on the operation of the Township swimming facilities, parks, playgrounds, and indoor and outdoor recreation programs and such other advisory duties as may be assigned to it by the Mayor.

A. The Recreation and Swim Advisory Committee shall consist of nine members and two alternate members, appointed by the Mayor, all of whom shall be residents of the Township of Marlboro. All members, including alternates, shall serve without compensation, except as hereinafter provided. The Mayor shall designate one of the members to serve as Chairman and presiding officer of the Committee. Alternate members shall be designated at the time of appointment as "Alternate No. 1" and "Alternate No. 2."

All other provisions of § 4-64.2 shall remain in full force and effect.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall 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.

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

Councilwoman Marder recused herself. The following Res. #2015-195 (Consenting to Mayor's Reappointment of Liza L. Conselyea and Appointment of Lena M. Ackerman - Ethics Board) was introduced by reference, offered by Council Vice President Mazzola, seconded by Council President Metzger and passed on a roll call vote 4 - 0 in favor (Absent: Marder)

RESOLUTION # 2015-195

A RESOLUTION CONSENTING TO THE MAYOR'S REAPPOINTMENT
OF LIZA L. CONSELYEA AND APPOINTMENT OF
LENA M. ACKERMAN TO THE MARLBORO TOWNSHIP ETHICS BOARD

WHEREAS, Section 4-102 of the Code of the Township of Marlboro establishes the Marlboro Township Ethics Board; and

WHEREAS, said Board shall consist of six (6) members who shall be appointed by the Mayor with the advice and consent of the Township Council; and

WHEREAS, the members of the Marlboro Township Ethics Board shall be chosen by virtue of their known and consistent reputation for integrity and their knowledge of local government affairs; and

WHEREAS, by Resolution #2010-213, LIZA L. CONSELYEA was appointed to the Marlboro Township Ethics Board for a term of five (5) years; and

WHEREAS, the Mayor desires to re-appoint LIZA L. CONSELYEA to the Marlboro Township Ethics Board for a five (5) year term; and

WHEREAS, there is currently a vacancy on the Ethics Board for unexpired term of Steven Sukel, such term expiring March 31, 2018; and

WHEREAS, Mayor Jonathan L. Hornik desires to appoint LENA M. ACKERMAN to the Marlboro Township Ethics Board for such term effective immediately ending on March 31, 2018; and

WHEREAS, the Township Council desires to consent to the Mayor's reappointment of LIZA L. CONSELYEA for a five-year term and appointment of LENA M. ACKERMAN to the Marlboro Township Ethics Board to fill the unexpired term of Steven Sukel, expiring March 31, 2018.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that it hereby consents to the Mayor's reappointment of LIZA L. CONSELYEA and the Mayor's appointment of LENA M. ACKERMAN to the Marlboro Township Ethics Board in the positions specified above, and for the terms indicated above.

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

- a. Liza L. Conselyea
- b. Lena M. Ackerman
- c. Marlboro Township Ethics Board
- d. Mayor Jonathan L. Hornik
- e. Township Business Administrator
- f. DeCotiis, FitzPatrick & Cole, LLP

As the Consent Agenda, the following resolutions were introduced by reference, offered by Council Vice President Mazzola,

seconded by Councilwoman Marder, and as there was no objection, the Clerk was asked to cast one ballot: Res. #2015-196 (Authorizing Amendment to Contract for Legal Defense of Tax Appeals), Res. #2015-197 (Authorizing Application Click It or Ticket Grant), Res. #2015-198 (Authorizing Shared Services Agreement - Marlboro Bd of Ed - Architectural Services - Building Improvements), Res. #2015-199 (Authorizing Shared Services Agreement - Marlboro Bd of Ed - Concession Marlboro Swim Club), Res. #2015-200 (Authorizing Agreement Marlboro Basketball Booster Club - Refereeing Services for Rec. Basketball Leagues), Res. #2015-201 (Authorizing Agreement Marlboro Soccer Booster Club - Refereeing Services for Marlboro Dept. of Rec), Res. #2015-202 (Authorizing State Contract Purchase - Computer Hardware, Software and Website and Cloud Services Renewal), Res. #2015-203 (Authorizing State Contract Purchase - Equipment for Replacement Police Vehicles), Res. #2015-204 (Rescinding Dedicated Trust by Rider for Board of Recreation Commission), Res. #2015-205 (Confirming Amendment to Emergency Contract and Approving Expenditures - Aboveground Storage Tank Removal and Authorizing Amendment to Contract for Engineering Services), and Res. #2015-206 (Redemption Tax Sale Certs - Various).

RESOLUTION # 2015-196

A RESOLUTION AUTHORIZING AMENDMENT TO A PROFESSIONAL SERVICES CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO AND SUKEL, HALL & MCMORROW, P.A. FOR SPECIAL TAX CONFLICT COUNSEL SERVICES

WHEREAS, the Township entered into an agreement with SUKEL, HALL & MCMORROW, P.A. to provide special tax conflict counsel services, awarded pursuant to a fair and open process in accordance with the provisions of N.J.S.A 19:44A-20.5 (R. 2015-018); and

WHEREAS, in a letter dated April 27, 2015, the Tax Assessor has reported that an additional \$10,000.00 is required in order provide for the proper defense of tax appeals through the end of 2015; and

WHEREAS, payment for services associated with the defense of 2015 appeals requires an amendment to the 2015 agreement; 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 in the amount of \$10,000.00 are available for this purpose from Account # 01-201-20-050-226230; 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 Township has been provided with the Business Entity's Disclosure of Campaign Contributions at least ten (10) days prior hereto, as required by P.L. 2005, c.271.

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

1. The Township Council of the Township of Marlboro hereby authorizes and approves an amendment to the Professional Services Contract to SUKEL, HALL & MCMORROW, P.A. pursuant to a fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.5; and

2. The Professional Services Contract is awarded without competitive public bidding pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-5(1)(a)(i) and shall provide for compensation at the rates set forth in the proposal dated November 3, 2014, in an additional amount not to exceed \$10,000.00; and

3. The Mayor and Township Clerk are hereby authorized and directed to execute, seal and deliver said Contract for Professional Services on behalf of and in the name of the Township of Marlboro; and

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

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

- a. SUKEL, HALL & MCMORROW, P.A.
- b. Special Tax Counsel
- c. Township Administrator
- d. Township Chief Financial Officer
- e. Tax Assessor

RESOLUTION # 2015-197

RESOLUTION SUPPORTING THE CLICK IT OR TICKET
MOBILIZATION OF MAY 18 - MAY 31, 2015

WHEREAS, a large percentage of the motor vehicle occupants killed in traffic crashes were not wearing a seat belt; and

WHEREAS, use of a seat belt remains the most effective way to avoid death or serious injury in a motor vehicle crash; and

WHEREAS, the National Highway Traffic Safety Administration estimates that 11,949 lives were saved by seat belt usage nationally in the year 2011; and

WHEREAS, the State of New Jersey will participate in the nationwide "CLICK IT OR TICKET" seat belt mobilization from May 18 - May 31, 2015 in an effort to raise awareness and increase seat belt usage through a combination of enforcement and education; and

WHEREAS, the Division of Highway Traffic Safety has set a goal of increasing the seat belt usage rate in the state from the current level of 91% to 100%; and

WHEREAS, a further increase in seat belt usage in New Jersey will save lives on our roadways;

NOW THEREFORE, be it resolved that the Township of Marlboro declares its support for the "CLICK IT OR TICKET" seat belt mobilization both locally and nationally from May 18 - May 31, 2015 and pledges to increase awareness of the mobilization and the benefits of seat belt use.

RESOLUTION # 2015-198

A RESOLUTION OF THE TOWNSHIP OF MARLBORO IN MONMOUTH COUNTY,
NEW JERSEY AUTHORIZING A SHARED SERVICES AGREEMENT
WITH THE MARLBORO BOARD OF EDUCATION TO PROVIDE
ARCHITECTURAL SERVICES FOR THE MARLBORO TOWNSHIP
DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro ("Township") is in need of architectural services in support of public works projects authorized under the 2014 - 2015 capital plan and 2014 energy audit, and

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et seq., (the "Act") permits units of local government to share services for particular purposes and to

effectuate agreements for any service or circumstance that will aid and encourage a reduction of local expenses; and

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

WHEREAS, the BOE has awarded a contract pursuant to the Local Public Contracts Law (N.J.S.A. 40A:11) for architectural services for the maintenance of the school buildings; and

WHEREAS, the BOE and the Township have negotiated the terms of a Shared Services Agreement, included as EXHIBIT A and incorporated into this resolution as if set forth at length herein; and

WHEREAS, the Administration and Department of Public Works have recommended the proposed agreement as representing the best value for Marlboro taxpayers; and

WHEREAS, the Municipal Council has indicated its desire to accept the recommendation of the Administration and Department of Public Works; and

WHEREAS, the Chief Financial Officer has certified that funds in the amount of \$9,700.00 are available for this purpose from Account 04-215-12-08B-122288; and

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

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

Local Government Services in the Department of Community Affairs.

RESOLUTION # 2015-199

AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE
MARLBORO TOWNSHIP BOARD OF EDUCATION FOR CONCESSION
SERVICES FOR THE MARLBORO RECREATION DEPARTMENT

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

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

WHEREAS, the Township operates the Marlboro Swim Club ("Swim Club") for Marlboro Township and area residents which has a snack bar; and

WHEREAS, the Board contracts with Chartwells, Inc. ("Vendor") as its food service provider for the provision of food service within the schools that comprise the Marlboro Township School District; and

WHEREAS, the Board has agreed to be the lead agency and supply concession services to the Township under its existing service contract; and

WHEREAS, the Township and the Board desire to enter into a Shared Services Agreement with a term of one (1) year, commencing on or about May 1, 2015 and terminating on April 30, 2016, with actual services to be provided from May 1, 2015 through September 7, 2015; and

WHEREAS, the parties are of the opinion that the provision of such services can be more efficiently provided through a joint agreement which will ultimately benefit Marlboro residents; 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 for the Concession 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 Mayor and Marlboro Township Council desire to enter into the proposed Shared Services Agreement with the Board of Education substantially in the form attached hereto and made a part hereof as Exhibit A.

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 Shared Services Agreement; 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 Director of Recreation
- d. Chief Financial Officer

RESOLUTION # 2015-200

RESOLUTION AUTHORIZING AGREEMENT WITH THE MARLBORO BASKETBALL BOOSTER CLUB, INC. ("BOOSTER CLUB") FOR THE PROVISION OF REFEREEING SERVICES FOR THE MARLBORO TOWNSHIP DEPARTMENT OF RECREATION BASKETBALL LEAGUES

WHEREAS, the BOOSTER CLUB is a not-for-profit organization which provides refereeing services to the Marlboro Township Department of Recreation; and

WHEREAS, the Township of Marlboro Department of Recreation and Recreation Commission are in need of refereeing services for the 2015/2016 Fall/Winter basketball season; and

WHEREAS, the BOOSTER CLUB has supplied a proposal to provide such services for the 2015/2016 Fall/Winter basketball season; and

WHEREAS, the total value of the services to be provided for 2015/2016 are estimated at and shall not exceed \$14,000.00 in the aggregate; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose from Account #09-201-55-400-296402.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that the Township Council of the Township of Marlboro, hereby authorizes the Mayor and Town Clerk to enter into an agreement with the BOOSTER CLUB for the services described above.

RESOLUTION # 2015-201

RESOLUTION AUTHORIZING AGREEMENT WITH THE MARLBORO SOCCER ASSOCIATION BOOSTERS, INC. (BOOSTER CLUB) FOR THE PROVISION OF REFEREEING SERVICES FOR THE MARLBORO TOWNSHIP DEPARTMENT OF RECREATION SOCCER LEAGUES

WHEREAS, the BOOSTER CLUB is a not-for-profit organization which provides refereeing services to the Marlboro Township Department of Recreation; and

WHEREAS, the Township of Marlboro Department of Recreation and Recreation Commission are in need of refereeing services for the 2015 Spring and Fall soccer seasons; and

WHEREAS, the BOOSTER CLUB has supplied a proposal to provide such services for the 2015 Spring and Fall soccer seasons; and

WHEREAS, the total value of the services to be provided for 2015 are estimated at and shall not exceed \$64,980.00 in the aggregate; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose from Account #09-201-55-400-296409.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that the Township Council of the Township of Marlboro, hereby authorizes the Mayor and Town Clerk to enter into an agreement with the BOOSTER CLUB, P.O. Box 436, Marlboro, New Jersey 07746 for the services described above.

RESOLUTION # 2015-202

RESOLUTION AUTHORIZING AWARD OF STATE CONTRACTS TO VARIOUS VENDORS FOR THE PURCHASE OF REPLACEMENT COMPUTER HARDWARE, SOFTWARE AND WEBSITE AND CLOUD SERVICES RENEWAL FOR THE TOWNSHIP OF MARLBORO INFORMATION TECHNOLOGY AND POLICE DIVISIONS

WHEREAS, the Township of Marlboro as part of its 2015 capital program (033-2) authorized the purchase of replacement rack mount servers for the Information Technology and Police Divisions; and

WHEREAS, the Township of Marlboro currently utilizes Spatial Data Logic software for permitting and complaint tracking in several municipal departments and wishes to renew the software license; and

WHEREAS, the Township of Marlboro currently utilizes website and cloud services to operate and maintain the Township's official website and email system and wishes to renew the service; and

WHEREAS, the Division of Information Technology has reviewed the requests and has recommended that the Township purchase the replacement hardware, software and website and cloud services renewal under various State contracts as follows:

Vehicle/ Description	SC#	Vendor	Cost	Dept.	Source
Rack Mount Servers	70262	Derive Technologies	22,509.44	IT/Police	Capital 2015
Spatial Data Logic License Renewal	77560	SHI International	44,000.00	IT	Current Budget 2015

Website & Cloud Service Renewal	77560	SHI International	15,014.00	IT	Current Budget 2015
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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 to purchase the replacement hardware, software and website and cloud services renewal; and

WHEREAS, funds are available and have been certified by the Chief Financial Officer in an amount not to exceed \$81,523.44 from accounts #04-215-15-02A-033297, #01-201-20-055-288 and #01-201-20-033-281, and

WHEREAS, the Township Council desires to approve the purchase of the replacement hardware, software and website and cloud services renewal; and

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 replacement vehicles from the vendors and under the State Contracts identified above in an amount not to exceed \$81,523.44.

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 Information Officer
- c. Township Chief Financial Officer

RESOLUTION # 2015-203

RESOLUTION AUTHORIZING AWARD OF STATE CONTRACTS
TO VARIOUS VENDORS FOR PURCHASE OF POLICE
VEHICLE EQUIPMENT FOR THE POLICE DIVISION
OF THE TOWNSHIP OF MARLBORO

WHEREAS, on April 16, 2015, the Township Council of the Township of Marlboro approved Resolution #2015-183 which

authorized Township officials to purchase (7) replacement vehicles for the Division of Police; and

WHEREAS, the Township of Marlboro as part of its 2014 capital program (106-4) and 2015 capital program (106-1, 106-1.2) authorized the purchase of equipment for the replacement vehicles for the Division of Police; and

WHEREAS, the Chief of Police has reviewed the requests and has recommended that the Township purchase the below vehicle equipment under various State contracts as follows:

<i>Equipment/ Description</i>	<i>Qty</i>	<i>SC#</i>	<i>Vendor</i>	<i>Cost</i>	<i>Ext. Cost</i>	<i>Dept.</i>	<i>Source</i>
Flashback 2 to Flashback 3 upgrades	11	8131 1	L3 Mobile- Vision, Inc.	4,029.87 6	44,328.64	Police Patrol	Capital 2014 / 2015
Warning Lights and Emergency Equipment for Ford Interceptor (Explorer)	1	8133 6 8132 7	Emergency Accessorie s & Instal	4,337.34	4,337.34	Police Patrol	Highway Safety Grant
Warning Lights and Emergency Equipment for Dodge Chargers	4	8133 6 8132 7	Emergency Accessorie s & Instal	5,565.78	22,263.12	Police Patrol	Capital 2015
Computer mounts	5	8134 4	Emergency Accessorie s and Instal	542.046	2,710.23	Police Patrol	Capital 2015
Lightbars and Siren Controllers	5	8133 0	Major Police Supply	4,356.07	21,780.35	Police - Patrol	Capital 2015
Police Vehicle Computers	7	7026 2	Hewlett- Packard	4282.74	29,979.21	Police Patrol / Detective	Capital 2015

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 to purchase the vehicle equipment to be utilized by the Police Division; and

WHEREAS, funds are available and have been certified by the Chief Financial Officer in an amount not to exceed \$125,398.89

from accounts #04-215-14-03C-106297, #04-215-15-02F-106297 and #02-213-14-804-106-000, and

WHEREAS, the Township Council desires to approve the purchase of the police vehicle equipment; and

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 police vehicle equipment from the vendors and under the State Contracts identified above in an amount not to exceed \$125,398.89.

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 of Police
- c. Township Chief Financial Officer

RESOLUTION # 2015-204

Resolution Rescinding the Dedicated Trust by Rider for the Board of Recreation Commission

WHEREAS, the Director of the Division of Local Government Services approved a dedication by rider of revenues received and expenditures made by the Board of Recreation Commission on September 7, 1995, and

WHEREAS, the Township Council of the Township of Marlboro, Monmouth County, State of New Jersey, dissolved the Board of Recreation Commission on December 31, 2012.

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

The Mayor and Council hereby rescind the Dedicated Trust by Rider for the Board of Recreation Commission.

The Municipal Clerk of the Township of Marlboro is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

RESOLUTION # 2015-205

A RESOLUTION CONFIRMING AMENDMENT TO THE EMERGENCY CONTRACT WITH CME ASSOCIATES INC. FOR LICENSED SITE REMEDIATION PROFESSIONAL (LSRP) SERVICES AND AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES CONTRACT BETWEEN CME ASSOCIATES INC. AND THE TOWNSHIP OF MARLBORO FOR ENGINEERING SERVICES FOR THE RELOCATION OF THE REFUELING PUMP SYSTEM, ASSOCIATED WITH THE FAILURE OF THE ABOVEGROUND DIESEL STORAGE TANK LOCATED ON TOWNSHIP PROPERTY PURSUANT TO N.J.S.A. 40A:11-6 FOR THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, on October 16, 2014 the Director of Public Works reported to the Business Administrator that the aboveground diesel storage tank at the Township garage was failing; and

WHEREAS, the Township promptly reported the resulting spill to the New Jersey Department of Environmental Protection (NJDEP), the Monmouth Joint Insurance Fund and the Environmental Joint Insurance Fund (EJIF), and the Business Administrator in consultation with the Director of Public Works and the Township Engineer determined that this constituted an emergency under the terms of N.J.S.A. 40A:11-6; and

WHEREAS, the Township Council authorized a contract with Aurora Environmental, Inc. under State Contract #75554 for the removal and replacement of the failed aboveground diesel storage tank at the Township garage (R.2014-362) in an amount not to exceed \$77,186.00; and

WHEREAS, under State Contract #75554, Aurora Environmental, Inc. supplied proposals and were authorized to perform spill response, tank relocation and temporary tank installation and related services confirmed by the Township Council on January 29, 2015 (R.2015-066) totaling \$69,970.00;

WHEREAS, the Township utilized CME Associates Inc., the Township's Consulting Engineer for the required oversight of the spill response, temporary tank installation, proposal solicitation and contract administration (R.2015-066) at an estimated cost of \$15,000.00; and

WHEREAS, pursuant to the Site Remediation Reform Act N.J.S.A. 58:10C-1, a Response Action (RAO) for the entire site must be prepared by a Licensed Site Remediation Professional (LSRP); and

WHEREAS, it was found that affected area was larger than originally estimated, and as a result an immediate site

investigation was initiated and a contract was awarded to CME Associates, Inc. for the required LSRP services (R.2015-066), estimated at \$35,925.00; and

WHEREAS, the LSRP directed that excavation activities commence on an expedited basis; and

WHEREAS, under the direction of the Engineer and following consultation with the EJIF Engineer, proposals were solicited and received from Aurora to perform the necessary excavation and remediation services (R.2015-066), totaling \$32,750.00; and

WHEREAS, as required by the LSRP additional services were required by Aurora Environmental Inc. for the disposal of contaminated groundwater and to restore the site (R.2015-177), estimated at \$22,363.50; and

WHEREAS, during the remediation process a temporary aboveground tank rented from Aurora Environmental, Inc. under State Contract #75554 will be required for an additional three month period (R.2015-177) at a total cost of \$8,400.00; and

WHEREAS, additional LSRP services were required including site investigation activities and investigation reporting services for an additional cost of \$1,812.55 (R.2015-177); and

WHEREAS, at this time, additional LSRP are required by CME Associates, including site investigation activities and investigation reporting services for an additional cost of \$15,000.00; and

WHEREAS, on April 10, 2015, the Township received a report from Accurate Testing, Inc. indicating that the underground piping to the diesel fuel tank had failed inspection; and

WHEREAS, the LSRP, Township Engineer and Superintendent of Public Works, in consultation with the EJIF determined that the relocation of the refueling pump system was the most efficient approach to completing the analysis of the piping and tank area and remediation while remaining fully operational; and

WHEREAS, CME Associates, Inc. has provided a proposal for the engineering services required to relocate the refueling pump system in an amount not to exceed \$22,000.00; 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 Township Council deems it necessary and in the best interest of the Township of Marlboro to confirm an amendment to the emergency contract awarded to CME Associates

totaling \$15,000.00 and an amendment to the engineering services contract with CME Associates totaling \$22,000.00; and

WHEREAS, funds have been certified by the Chief Financial Officer in the amount of \$37,000.00 in account # 01-286-55-004 for this purpose.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that an amendment to the contract with CME Associates with an address of 1460 Route 9 South, Howell, NJ 07731 in an amount not to exceed \$37,000.00 for LICENSED SITE REMEDIATION PROFESSIONAL SERVICES AND ENGINEERING SERVICES FOR THE RELOCATION OF THE REFUELING PUMP SYSTEM ASSOCIATED WITH THE FAILURE OF THE ABOVEGROUND DIESEL STORAGE TANK LOCATED ON TOWNSHIP PROPERTY PURSUANT TO N.J.S.A. 40A:11-6 FOR THE DEPARTMENT OF PUBLIC WORKS, be and is hereby confirmed; and

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

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

RESOLUTION # 2015-206

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$154,681.59 as per Schedule "A",

WHEREAS, the holders of the above-mentioned tax sale certificates are entitled to the amount of the sale plus interest and costs,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the amount of \$154,681.59 be refunded to the certificate holders as per Schedule "A",

SCHEDULE "A"

<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>LIENHOLDER</u>	<u>AMOUNT</u>
2014-057 9 Old Scots Road	194/12	Christiana Trust as Custodian 2020 Howell Mill Road C-513 Atlanta, GA 30318 Assessed Owner: Saks, Paul & Sue	118,170.04
10-145 17 Thomas Lane	106/6	Brian Walsh 111 Sandalwood Drive Marlboro, NJ 07746 Assessed Owner: Dickman, Steve	20,467.62
2014-003 17 Thomas Lane	106/6	PC 5, LLC US BANK CUST 50 S. 16 TH Street Suite 2050 Philadelphia, PA 19102 Assessed Owner: Dickman, Steve	16,043.93
Totals:			\$154,681.59

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

MINUTES APPROVED: MAY 21, 2015

OFFERED BY: MAZZOLA AYES: 3

SECONDED BY: METZGER NAYS: 0

ABSENT: MARDER, SCALEA

ALIDA MANCO
MUNICIPAL CLERK

SCOTT METZGER
COUNCIL PRESIDENT