

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

September 10, 2015

The Marlboro Township Council held its regularly scheduled Meeting on September 10, 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: Councilwoman Marder, Councilman Scalea and Council President Metzger. Councilman Cantor, Council Vice President Mazzola was absent.

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

Councilwoman Marder moved that the minutes of August 13, 2015 be approved. This was seconded by Council President Metzger, and passed on a roll call vote of 2 - 0 in favor with Councilman Scalea abstaining (Absent: Cantor, Mazzola).

Council President Metzger opened the Public Hearing on Ord. #2015-13. As there was no one who wished to speak, the Public Hearing was closed. A motion was offered by Council President Metzger to table Res. #2015-280/Ord. #2015-13 (Providing for the Lease Purchase Financing and Acquisition Of Police Cars) to the September 24th meeting, which was seconded by Councilman Scalea and passed on a roll call vote of 3 - 0 in favor of tabling. (Absent: Cantor, Mazzola).

The following Res. #2015-281/Ord. #2015-14 (Appropriating a \$240,000 Grant to be received by the Township for Road Improvements to Texas Road) was introduced by reference, offered by Councilman Scalea, seconded by Councilwoman Marder and passed on a roll call vote of 3 - 0 in favor (Absent: Cantor and Mazzola).

RESOLUTION # 2015-281

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

ORDINANCE # 2015-14

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING A \$240,000 GRANT TO BE RECEIVED BY THE TOWNSHIP FOR IMPROVEMENTS TO TEXAS ROAD IN AND FOR THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY

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

BE IT FURTHER RESOLVED that the same be considered for final passage on September 24, 2015 at 7:00 p.m. at Rosemont Estates Clubhouse, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2015-14

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING A \$240,000 GRANT TO BE RECEIVED BY THE TOWNSHIP FOR IMPROVEMENTS TO TEXAS ROAD 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 \$240,000 grant expected to be received by the Township from the State of New Jersey Department of Transportation FY 2015 Municipal Aid Program is hereby appropriated for the purpose of providing funds for improvements to Texas Road, 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. #2015-282/Ord. #2015-15 (Appropriating a \$250,000 Grant to be received by the Township for the Acquisition of an Emergency Generator) was introduced by reference, offered by Councilwoman Marder, seconded by Councilman Scalea, and passed on a roll call vote of 3 - 0 in favor (Absent: Cantor and Mazzola).

RESOLUTION # 2015-282

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

ORDINANCE # 2015-15

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 THE ACQUISITION OF AN EMERGENCY GENERATOR IN AND FOR THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY

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

BE IT FURTHER RESOLVED that the same be considered for final passage on September 24, 2015 at 7:00 p.m. Rosemont Estates Clubhouse, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2015-15

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 THE ACQUISITION

OF AN EMERGENCY GENERATOR 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 Federal Emergency Management Agency Hazard Mitigation Program is hereby appropriated for the purpose of providing funds for the acquisition of an emergency generator, 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. #2015-283/Ord. #2015-16 (Amending Chapter 206 - Jewelry, Gems and Precious Metals) was introduced by reference, offered by Councilwoman Marder, seconded by Councilman Scalea, and passed on a roll call vote of 3 - 0 in favor (Absent: Cantor and Mazzola).

RESOLUTION # 2015-283

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

ORDINANCE # 2015-16

AN ORDINANCE AMENDING CHAPTER 206 OF THE CODE
OF THE TOWNSHIP OF MARLBORO ENTITLED
"JEWELRY, GEMS AND PRECIOUS METALS"

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

BE IT FURTHER RESOLVED that the same be considered for final passage on September 24, 2015 at 7:00 p.m. at Rosemont Estates Clubhouse, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2015-16

AN ORDINANCE AMENDING CHAPTER 206 OF THE CODE
OF THE TOWNSHIP OF MARLBORO ENTITLED
"JEWELRY, GEMS AND PRECIOUS METALS"

BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that the Chapter 206 of the Code of the Township of Marlboro, entitled "JEWELRY, GEMS AND PRECIOUS METALS", is hereby deleted and replaced in its entirety with the following provisions:

Chapter 206, "PRECIOUS METALS / SECOND HAND BUYERS"

§206-1 Purpose and Intent

The purpose and intent of this chapter is to assist law enforcement officials and victims of crime in recovering stolen precious metals and other secondhand goods by requiring minimum identification, reporting, maintenance, and distribution criteria for licensed dealers in these goods.

No person shall use, exercise, or carry on the business, trade, or occupation of the buying, selling, or pawning of precious metals or other secondhand goods without complying with the requirements of this chapter in the exact manner described herein.

§ 206-2 Definitions

"ACCEPTABLE IDENTIFICATION" means a current valid New Jersey Driver's License or Identification Card, a current valid photo driver's license issued by another US state, a valid United States Passport, or other verifiable US Government issued identification, which will be recorded on the receipt retained by the dealer and subsequently forwarded to the local police department on request.

"ADMINISTRATIVE HOLD" means an order issued by a police officer, to hold on site, certain merchandise, obtained through a transaction covered under this ordinance, and not to dispose of said property until a police investigation is completed and the property hold is released.

"DEALER" means any person, partnership, limited liability company, corporation, or other entity who, either wholly or in part, engages in or operates any of the following trades or businesses: the buying for purposes of resale of precious metals, jewelry, or other secondhand goods as defined herein; pawnbrokers as defined herein; itinerant businesses as defined herein. For the purposes of this ordinance, transient buyers, as defined herein, are subject to the same licensing and reporting requirements as any other dealers.

"ITINERANT BUSINESS" means a dealer who conducts business intermittently within the municipality or at varying locations.

"PAWNBROKER" means any person, partnership, association or corporation: lending money on deposit or pledge of personal property, other than choses in action, securities, or printed evidences of indebtedness; purchasing personal property on condition of selling it back at a stipulated price; or doing business as furniture storage warehousemen and lending money on goods, wares or merchandise pledged or deposited as collateral security.

"PRECIOUS METALS" means gold, silver, platinum, palladium, and their alloys as defined in N.J.S.A. 51:5-1 et seq. and N.J.S.A. 51:6-1 et seq.

"PUBLIC" means individuals and retail sellers, not to include wholesale transactions or transactions between other merchants.

"REPORTABLE TRANSACTION" means every transaction conducted between a dealer and a member of the public in which precious metals, jewelry, or any other secondhand goods as defined herein are purchased or pawned.

"SECONDHAND GOODS" means used goods such as antiques, gold, silver, platinum, or other precious metals, jewelry, coins, gemstones, gift cards, any tools, telephones, typewriters, word processors, GPS devices, computers, computer hardware and software, television sets, radios, record or stereo sets, electronic devices, musical instruments, sporting goods, automotive equipment, collectibles, game cartridges, DVDs, CDs, and other electronically recorded material, firearms, cameras and camera equipment, video equipment, furniture, clothing, and other valuable articles. For the purposes of this ordinance, secondhand goods shall not include goods transacted in the following manner: i) judicial sales or sales by executors or administrators; ii) occasional or auction sales of household goods sold from private homes; iii) auctions of real estate; iv) the occasional sale, purchase, or exchange of coins or stamps by

a person at his permanent residence or in any municipally owned building who is engaged in the hobby of collecting coins or stamps and who does not solicit the sale, purchase, or exchange of such coins or stamps to or from the general public by billboard, sign, handbill, newspaper, magazine, radio, television, or other form of printed or electronic advertising.

"SELLER" means a member of the public who sells or pawns used goods such as precious metal, jewelry, or other secondhand goods to a dealer.

"TRANSIENT BUYER" means a dealer, as defined herein, who has not been in a registered retail business continuously for at least six (6) months at any address in the municipality where the Dealer is required to register or who intends to close out or discontinue all retail business within six (6) months.

§ 206-3 License Requirement for dealers

- A) No person, partnership, Limited Liability Company, corporation, or other entity shall engage in the business of buying, selling, or pawning of precious metals or other secondhand goods, as defined above, within the jurisdiction of the municipality, without having first obtained a license therefore from the Business Administrator, which license shall bear a number issued by the Business Administrator. The application for a license to the Business Administrator shall set forth the name, date of birth, and address of the dealer, whether or not he or she is a citizen of the United States, and whether or not he or she has ever been convicted of any crime(s), disorderly person's offense(s), or municipal ordinance violation(s), and the date(s) thereof, along with information pertaining to the structure and history of the business to be licensed.
- B) Advertising in any print or electronic media or by sign that any of those articles or secondhand goods referred to in § 206-2 above are being bought in any location within the municipality shall constitute engaging in business as a dealer of secondhand goods for purposes of this chapter. No person, partnership, Limited Liability Company, corporation or other entity shall place or cause to be placed any advertisement for purchase of such articles or goods without stating in the advertising the license number issued to a person or entity by the municipality. In any print advertisement, the license number shall appear in type no smaller than eight point in the lower-right-hand corner of the advertisement. In any advertisement in electronic media, the license number

shall be visually or audibly stated. Failure to state or indicate the license number shall be a violation of this chapter and shall be subject to the penalties established in §206-9.

- C) This Chapter shall not apply to purchases made by Dealers from wholesalers or other legitimate suppliers, but shall only apply to those purchases made from the public which includes other retailer sellers as defined in Section§ 206-2. The Dealer shall keep records of all wholesale purchases for a period of six (6) months from the date of such purchase, which records shall be opened to investigation by the Marlboro Township Police Department, or any sworn law enforcement officer in the performance of their duties.
- D) The following are exempt from the requirements of this Ordinance:

- 1) Garage Sales: As used in this Section, a garage sale is defined as the sale of used personal property by the lawful residents of residentially zoned property that is not conducted on a periodic or ongoing basis. A garage sale shall be deemed to be periodic or ongoing if a garage sale is held by the lawful resident of residentially zoned property more than five (5) days in any consecutive ninety (90) day period;
- 2) Sales or purchases which are regulated by the licensing laws of the State of New Jersey, including automobile dealers, used parts dealers and automotive parts recyclers;
- 3) Antique Dealers: As used in this Section, an antique dealer is defined as one who derives seventy-five (75%) percent of his/her gross sales each year from the sale of antiques and/or primitives. As used in this Section, an antique or primitive is defined as an old and valuable art object or article no longer in production that is at least fifty (50) years old. As used in this Section, the term "sale" does not include an exchange, trade, or swap of items.

§ 206-4 Application process for dealers; approval or denial

- A) Upon receipt of an application completed pursuant to this chapter, the Business Administrator shall refer such application to the Chief of Police, who shall

make an investigation of the prospective licensee, pursuant to this chapter for the purpose of determining the suitability of the applicant for licensing. The investigation shall include, but shall not be limited to the following:

- 1) The experience of the applicant in the business of purchase and sale of those articles or goods referred to in § 206-2 above, although nothing in this section shall be construed to warrant denial of a license solely on the basis of lack of experience;
 - 2) The reputation of the applicant for fair dealing in the community, which shall be made among credible sources, which sources shall be disclosed to the applicant in the event of a denial of any license;
 - 3) Any criminal record of the applicant including any past convictions for any crime(s), disorderly persons offense(s), or municipal ordinance violation(s) within this or any other jurisdiction. The Chief of Police may, as part of the application process, require a fingerprint criminal background check through the Federal Bureau of Investigation, Criminal Justice Information Services Division, which may require an additional fee from the applicant.
 - 4) The type of operation contemplated to be conducted by the applicant, particularly whether the business is to be operated from a fixed location, whether it is to be conducted from a location primarily devoted to the purchase and sale of precious metal or other secondhand goods, and other factors bearing on whether the licensed business will be of a fixed and permanent nature. This section shall not be construed to require denial of any license solely on the grounds that the business is not from a fixed location or that the applicant is a transient buyer or itinerant business, however applicants who fall under the category of a transient buyer or itinerant business must state with specificity on the license application the business address where transaction records required by § 206-6(D) of this chapter will be stored as well as the location where purchased goods will be retained during the mandatory inspection period required under § 206-6(A).
- B) The Chief of Police shall complete any investigation pursuant to this chapter within thirty (30) days of

the submission of the application to the Business Administrator, fully completed by the applicant. If a criminal record check has been requested within the thirty-day period and has not been received by the Chief of Police within that period, the Chief of Police may, if all other factors are satisfactory, recommend a conditional issuance of the license subject to the finding regarding criminal record.

- C) The Chief of Police shall, upon completion of the investigation, recommend "grant" or "denial" of the license to the Business Administrator, who shall grant or deny the license. Any recommendation of the Chief of Police shall be in writing and, in the case of a recommendation of denial, shall state fully and specifically the reasons for said recommendation. If the Business Administrator accepts the recommendation of the Chief of Police to deny any license, the applicant shall be notified in writing within ten (10) days of such denial and the Clerk shall forward to the applicant a statement of the reason or reasons for such denial.
- D) Grounds for recommending denial of license may include reliable information indicating that the applicant has in the past engaged in fraudulent or deceptive business practices in a business identical to or similar to a dealer in secondhand goods. A license may be denied if the investigation reveals a conviction of the applicant or any of its principal officers or employees of any crime(s), disorderly persons offense(s) in which deceit or misrepresentation is an element; or any conviction of any crime(s), disorderly persons offense involving theft or the receiving of stolen goods, regardless of whether the applicant was a principal, accessory before the fact, after the fact, or a co-conspirator; or any prior municipal ordinance violation(s) by the applicant or any of its principal officers or employees in this or any other jurisdiction. A license may be denied if the applicant fails to demonstrate an ability to satisfactorily comply with the electronic reporting requirements specified in § 206-5, the retention and inspection requirements of § 206-6, or any other portion of this chapter. Upon receipt of the recommendation of the Chief of Police, the Business Administrator shall issue or deny the license accordingly, contingent upon the receipt of a bond as required by § 206-8 of this chapter.
- E) Whenever any application for a permit is denied, the applicant shall be entitled to a hearing before a three-

person panel appointed by the Chief of Police, at which time the applicant shall be permitted to introduce such evidence as may be deemed relevant to such denial. Any applicant exercising the right to appeal must file a written notice of appeal within ten (10) days of receiving written notice of denial of a license to act as a dealer of secondhand goods.

F) No license shall be assignable by the dealer.

§ 206-5 Identification of seller; recordkeeping requirements for dealers

For every reportable transaction between a dealer and the public, the dealer shall be required to do as follows:

- A) Require of each person selling or pawning precious metals or other secondhand goods acceptable identification as defined above in §206-2
- B) Require each seller to execute a "Declaration of Ownership," which shall contain the following certification: *"My signature confirms that I am the sole legal owner of and am legally authorized to sell the goods being sold. By signing below I certify that I did not obtain and do not possess the identified goods through unlawful means. I am the full age of eighteen years and the identification presented is valid and correct."*
- C) Record and issue to each person selling or pawning such goods on a sequentially numbered receipt:
 - a) the name, address, and telephone number of the purchaser, including the clerk or employee of the licensee making the purchase;
 - b) the name, address, date of birth, and telephone number of the seller or sellers;
 - c) a photographed recording of the seller in a format acceptable to the Chief of Police, along with a physical description of the seller, including height and weight (approximate), hair color, eye color, facial hair, if any, etc.;
 - d) a photographed recording of the seller's presented acceptable identification, as set forth in § 206-2, in a format acceptable by the Chief of Police;
 - e) a photographed recording of all items sold in a format acceptable by the Chief of Police. When

photographing, all items must be positioned in a manner that makes them readily and easily identifiable. Items should not be grouped together when photographing or imaging. Each item should have its own photograph;

- f) the receipt number;
- g) a detailed, legible description of the item(s) and the manufacturer and model of the item(s) if known; in the case of jewelry, the descriptions must include style, length, color, design, and stones, if any; any identifying marks, including numbers, dates, sizes, shapes, initials, names, monograms, social security numbers engraved thereon, serial numbers, series numbers, or any other information, which sets apart the particular object from others of like kind;
- h) the price paid for the purchase or pawn of the item(s);
- i) if precious metals, the net weight in terms of pounds Troy, pennyweight (Troy) or kilograms/grams; fineness in terms of karats for gold, and sterling or coin for silver, in accordance with N.J.S.A. 51:5-1, N.J.S.A. 51:6-1 et seq.;
- j) the time and date of the transaction.

D) The information outlined in subsection (C) above, must additionally be electronically documented through the use of an electronic database system authorized by the Chief of Police. Installation and training in this software will be made mandatory as of the effective date of this chapter and licensing will be conditional upon compliance with proper use of the system as described herein. These records shall be subject to the inspection of any authorized police officer or any sworn law enforcement officer acting in the performance of their duty as set forth in subsection (F) below. Through the use of applicably required computer equipment, and using the electronic format approved by the Chief of Police, every dealer shall enter all reportable transactions into the electronic database by the end of the close of business on the same date as the purchase or receipt of property for pawn or consignment. The information entered must contain all pertinent information outlined in subsection (C) above.

E) In the event of a database failure, or dealer's computer equipment malfunction, all transaction information is required to be submitted on paper forms approved by the Chief of Police within twenty-four (24) hours from the

date of purchase. In the event that paper forms are used, the dealer is responsible to enter all transaction information set forth in subsection (C) above into the database as soon as possible upon the dealer's equipment being repaired or replaced, or the database coming back into service. Failure by the dealer to properly maintain computer equipment in a reasonable fashion, or failure by the dealer to replace faulty computer equipment, may result in the dealer being cited for a violation of this chapter and subsequently being subject to the penalties for doing so including revocation of the dealer's license as described in § 206-6.

F) It shall be the requisite duty of every dealer, and of every person in the dealer's employ, to admit to the premises during business hours any member of the police department to examine any database, book, ledger, or any other record on the premises relating to the reportable transactions of precious metals or other secondhand goods, as well as the articles purchased or received and, where necessary, relinquish custody of those articles as provided in § 206-6. Itinerant businesses and transient buyers will be responsible for notifying the Chief of Police of the address where these records and articles will be stored.

§206-6 Retention; revocation; other restrictions

A) All precious metals and other secondhand goods purchased, received for pawn, or received for consignment as described above, are to be made available for inspection by the Chief of Police or designee thereof at the designated business address for a period of at least seven (7) calendar days from the date the transaction information is actually reported to the Chief of Police in the approved manner described above in § 206-5 except for jewelry, which must be maintained for at least ten (10) business days or for the statutory period provided in N.J.S.A 2C:21-36(d). All precious metal or other secondhand goods subject to inspection must remain in the same condition as when purchased or received for pawn and shall not be sold, disposed of, changed, modified, or melted by the dealer until the seven-day retention period has expired. Itinerant businesses and transient buyers will be responsible for notifying the Chief of Police of the location where the purchased item(s) are being held.

B) Upon probable cause that goods held by a dealer are stolen, and providing that the seller signed the mandatory statement required by § 206-5(B) upon the sale

of those goods, a law enforcement officer with jurisdiction should charge the seller with theft by deception under N.J.S.A. 2C:20-4 on behalf of the dealer, who shall be considered the "victim" of the offense for the purposes of N.J.S.A. 2C:43-3. The officer shall seize the goods, provide the dealer with a receipt, and issue a criminal complaint against the seller for theft by deception and any other criminal charges for which the officer has probable cause that the seller has committed. If convicted of theft by deception and if so found by an order of a court of valid jurisdiction, the seller will be responsible for providing restitution to the dealer under N.J.S.A. 2C:44-2 for the amount paid by the dealer to the seller for the stolen goods.

- C) If market conditions would create a hardship on the dealer by holding precious metals or other secondhand goods for such period, the dealer may present the property to the Chief of Police in order that it may be photographed and, if deemed necessary by the Chief of Police, an investigation may be implemented. The Chief of Police shall have the authority to grant the dealer a waiver of the requirement under this section.
- D) In addition to all other reporting requirements, every dealer shall maintain for at least five years, a written record of all purchases of precious metals and other secondhand goods in the form prescribed in § 206-5(C).
- E) No dealer shall purchase any item covered by this chapter from any person under the age of 18 or in the absence of providing prior notification of such purchase to the Chief of Police or business designee identifying the individual from whom such purchase is to be made and the item to be purchased.
- F) Suspension. The Chief of Police or a designee thereof is hereby empowered to temporarily suspend for cause any dealer's license and rights to operate there under. This penalty shall be in addition to any fines and penalties the dealer may incur pursuant to § 206-9 of this chapter.
 - i. Grounds for suspension. The following shall constitute grounds for suspension: violation of any provisions of this chapter, including failure to comply with any training or fees associated with the electronic database software system in use by the municipality; violation of any other statute, regulation, or local ordinance; or any other illegal, improper, or fraudulent activity.

ii. Procedure for suspension. Upon determination that appropriate grounds exist and that a suspension is warranted, the Chief of Police or a designee thereof shall issue a written notice of suspension of license to the offending dealer and to the Business Administrator, which shall set forth the grounds for the suspension and notify the dealer of his or her right to appeal pursuant to subsection (H). A temporary suspension shall issue immediately, pending the outcome of any appeal taken. Suspended dealers must immediately cease engaging in the business of purchasing for resale, receiving for pawn, and/or selling of precious metals and/or other secondhand goods in the municipality until reinstatement.

iii. Reinstatement. Suspended dealers may be reinstated only when the grounds leading to the suspension have, in the determination of the Chief of Police or the Chief's designee, been cured, corrected, or appropriately rectified; or if reinstatement is deemed appropriate by the three-person panel appointed by the Chief of Police, upon the timely filing of an appeal as provided in subsection (H).

G) Revocation. A license issued under this chapter may be revoked by the Business Administrator upon written recommendation from the Chief of Police or the Chief's designee that the dealer is no longer qualified, capable or competent to comply with the requirements of this chapter. This penalty shall be in addition to any fines and penalties the dealer may incur under § 206-9.

i. Grounds for revocation. The following shall constitute grounds for revocation: a third violation under this chapter; a second violation under this chapter less than one year after an earlier violation under this chapter; conviction for a criminal offense within this or any jurisdiction; or multiple violations of any other regulations or local ordinances within this or any jurisdiction.

ii. Procedure for revocation. Upon a determination that appropriate grounds exist and that a revocation is warranted, the Chief of Police or the Chief's designee shall so report to the Business Administrator in writing. A temporary suspension will immediately and automatically issue, if one is not already in effect, pending the outcome of the

charge. A three-person panel, appointed by the Chief of Police, shall review the stated grounds for revocation and the panel shall issue an appropriate disposition of suspension, revocation, or reinstatement. If the panel determines that revocation is the appropriate disposition, it shall set forth the grounds for the same in writing in the form of a notice of revocation, which shall be provided to the dealer. The notice shall advise the dealer of the right to appeal. If the panel determines that suspension is the appropriate disposition, it shall provide the dealer with a notice of suspension that shall advise the dealer of the right to appeal. Following revocation, the dealer must relinquish his or her license and must immediately and indefinitely cease operating as a dealer of precious metals or other secondhand goods within the municipality.

H) Appeal. Any applicant wishing to appeal an issuance of a suspension or revocation shall be entitled to a hearing before a three-person panel, appointed by the Chief of Police, at which time the applicant shall be permitted to introduce such evidence as may be deemed relevant to such suspension or revocation. Any applicant exercising the right to appeal must file a written notice of appeal within ten (10) days of receiving written notice of revocation or suspension of license.

I) A dealer shall have the right to change the location of the licensed business, provided that he or she notifies the Business Administrator, in writing, of the street address of said new location.

§ 206-7 Bond

Each dealer covered under this chapter shall deliver a bond to the Business Administrator executed by the applicant as principal and executed by a surety company authorized to do business under the laws of the State of New Jersey as surety. The bond shall be subject to review and approval by the Municipal Attorney, as defined in N.J.S.A. 40A: 9-139, and shall be in the penal sum of \$10,000, conditioned for the due and proper observance of and compliance with the provisions and requirements of all ordinances of the municipality in force or which may be adopted respecting the conduct of this business and conditioned also that the bond shall be and remain for the benefit of any person or persons who shall have received judgment against the dealer licensed under this chapter, which damage shall be established by a judgment of a court of proper

jurisdiction. Said bond shall contain the following language: "The obligation of this bond shall, in addition to the [party municipality], be and remain for the benefit of any person who shall obtain a judgment against obligor as a result of damage sustained in operation pursuant to any license granted under this chapter." Said bond shall be kept for a minimum of one year from the date of issuance of license and must be renewed annually along with the license.

§ 206-8 Fees; period of license validity

A nonrefundable fee for initial application and license for a pawnbroker or a dealer in precious metals or other secondhand goods, as covered under this chapter, is \$500.00. The annual renewal fee for a license is \$500.00. These fees include any costs the dealer must pay in relation to the mandatory electronic database system designated by the Chief of Police, as provided by § 206-5(D) of this chapter. Payments are to be made in the manner directed by the Business Administrator. A license is valid for a one-year period from the date of its issuance.

§ 206-9 Violations and penalties

Violation of any provision of this chapter by any dealer shall, upon conviction thereof, be punished by a fine not in excess of the limitations of N.J.S.A. 40:49-5 or by a term of imprisonment or a period of community service not exceeding ninety (90) days in addition to a suspension or revocation of operating license as provided in § 206-6(F) and § 206-6(G) above. Each and every violation shall be considered a separate violation. Each violation shall result in an additional suspension period. Any person who is found guilty of violating the provisions of this chapter within one year of the date of a previous violation and who was fined for the previous violation may be sentenced by the court to an additional fine as a repeat offender and, in addition, may be subject to revocation proceedings as provided in § 206-6(G). The additional fine imposed as a repeat offender shall not be less than the minimum or exceed the maximum fine provided herein, and same shall be calculated separately from the fine imposed for the violation of this chapter.

§ 206-10 Time limit for conformance; repealer; severability

- A) Any person, partnership, Limited Liability Company, corporation, or other entity engaging in the business of a pawnbroker, or a dealer in precious metals or other secondhand goods shall conform to the provisions of this chapter within ninety (90) days following the effective date of this chapter.

- B) All ordinances or parts of ordinances inconsistent herewith are hereby repealed.
- C) Nothing contained in this chapter is intended to replace any pre-existing statutory requirements governing pawnbrokers, as in N.J.S.A. 45:22-1 et seq., the sale of precious metals as in N.J.S.A. 51:6A-1 et seq., the sale of secondhand jewelry as in N.J.S.A. 2C:21-36 et seq., or any other statutory provision regarding any subject matter discussed herein.
- D) If any section, subsection, sentence, clause, phrase, or portion of this chapter is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.
- E) This ordinance shall take effect in accordance with law.

The following Resolution #2015-284 (Liquor License Renewal - Morganville Independent Fire Company) was introduced by reference, offered by Council President Metzger, seconded by Councilman Scalea, and passed on a roll call vote of 3 - 0 in favor (Absent: Cantor, Mazzola).

RESOLUTION # 2015-284

LIQUOR LICENSE RENEWAL
MORGANVILLE INDEPENDENT FIRE COMPANY

BE IT RESOLVED by the Township Council of the Township of Marlboro that the following Liquor License be and it is hereby renewed for the period beginning July 1, 2015 through June 30, 2016:

Morganville Ind. Vol. Fire Co. 1328 31 012 001

BE IT FURTHER RESOLVED that pursuant to NJAC 13: 2-19.1, renewal of the aforementioned licenses shall not bar or abate any pending or anticipated disciplinary proceeding against any licensed establishment.

The following Resolution #2015-285 (Change Council Meeting Location October 22, 2015 - Marlboro Greens Clubhouse - 1 Ivy Hill Drive, Englishtown) was introduced by reference, offered by Councilwoman Marder, seconded by Councilman Scalea, and passed on a roll call vote of 3 - 0 in favor (Absent: Cantor, Mazzola).

RESOLUTION # 2015-285

BE IT RESOLVED by the Township Council of the Township of Marlboro that the Council meeting location for the regularly scheduled Council Meeting of October 22, 2015 be changed from Town Hall to the Marlboro Greens Clubhouse, 1 Ivy Hill Drive, Englishtown, NJ 07726.

BE IT FURTHER RESOLVED that the meeting will begin at 7:00PM.

The following Resolution #2015-286 (Authorizing Agreement with NJDOT for Improvements at Various Route 79 Traffic Intersections) was introduced by reference, offered by Councilwoman Marder, seconded by Councilman Scalea, and passed on a roll call vote of 3 - 0 in favor (Absent: Cantor, Mazzola).

RESOLUTION # 2015-286

AUTHORIZING AN AGREEMENT WITH THE STATE OF NEW JERSEY DEPARTMENT
OF TRANSPORTATION FOR IMPROVEMENTS
AT VARIOUS ROUTE 79 TRAFFIC INTERSECTIONS

WHEREAS, the Township completed a sidewalk study in 2009 under a 2008 New Jersey Smart Growth grant with the goal of making the Township more accessible; and

WHEREAS, the Township has used this "Pedestrian Access Plan" as a basis to connect various municipal, school, business and recreational points of interest through the "downtown" improvements on Route 79 and installation of sidewalk where none previously existed; and

WHEREAS, the Township also undertook a study of various traffic intersections in order to address traffic concerns throughout the Township; and

WHEREAS, the Township's Traffic Advisory Committee, appointed by Mayor Jonathan Hornik, chaired by Council President Scott Metzger and consisting of Township professionals and residents, recommended specific improvements on State and County Highways which required coordination with State and County agencies; and

WHEREAS, the Traffic Advisory Committee presented their findings for consideration to the Marlboro Township Council; and

WHEREAS, Mayor Hornik wrote to the State of New Jersey Department of Transportation (NJDOT) asking for assistance in the implementation of various intersection and roadway improvements; and

WHEREAS, NJDOT reviewed and responded to Mayor Hornik's requests for improvements at NJSH Route 79 and Wyncrest Road and NJSH Route 79 and County Road 520; and

WHEREAS, NJDOT has agreed to undertake pedestrian improvements at the intersection of Wyncrest Road and NJSH Route 79 including pedestrian push buttons, pedestrian countdown signal heads, striped cross walks, curb ramps and lighting; and

WHEREAS, NJDOT has also agreed to undertake pedestrian and signal improvements at the intersection of County Route 520 and NJSH Route 79 including pedestrian push buttons, pedestrian countdown signal heads, striped cross walks, curb ramps, signal controller upgrade, vehicle video detection, left hand turn signals and exclusive left hand turn phases for each intersection approach; and

WHEREAS, NJDOT has agreed to fund 75% of the costs for the necessary improvements, and the Township's 25% share has been calculated by NJDOT to be \$20,215.00; and

WHEREAS, sufficient funds are available for this purpose in a "Reserve for Traffic Lights" established in the Township's Current Fund; and

WHEREAS, the Chief Financial Officer has certified that funds in the amount of \$20,215.00 are available in Account No. 01-286-55-003; and

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

NOW THEREFORE, BE IT RESOLVED that the Municipal Council of the Township of Marlboro is fully supportive of the intersection improvements to be made at NJSH Route 79 and Wyncrest Road and NJSH Route 79 and County Road 520.

BE IT FURTHER RESOLVED, 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. Mayor Jonathan Hornik
- c. Chief of Police
- d. Township Engineer
- e. Chief Financial Officer

As the Consent Agenda, the following resolutions were introduced by reference, offered by Council President Metzger, seconded by Councilman Scalea and passed on a roll call vote of 3 - 0 in favor (Absent: Cantor, Mazzola): Res. #2015-287 (Amending Contract with Township Planner/Engineer - Affordable Housing Element and Fair Share Plan), Res. #2015-288 (Authorizing Shared Services Agreement with Howell Township for Use of Firearms Practice Range), Res. #2015-289 (Amending State Contract with Emergency Accessories for Police Vehicle Equipment), Res. #2015-290 (Authorizing the Transfer and Acceptance of Surplus Military Equipment from the US Department of Defense (DOD) 1033 Program), Res. #2015-291 (Confirming Sale of S-Recs), Res. #2015-292 (Confirming Emergency Contracts Emergency Water System Repairs), Res. #2015-293 (Authorizing Rejection of Bids for Snow Removal Services).

RESOLUTION # 2015-287

RESOLUTION AMENDING A PROFESSIONAL SERVICES CONTRACT WITH
CME ASSOCIATES AS TOWNSHIP PLANNER AND TOWNSHIP ENGINEER
FOR AFFORDABLE HOUSING PLANNING AND ENGINEERING SERVICES
PURSUANT TO A FAIR AND OPEN PROCESS IN ACCORDANCE WITH
N.J.S.A. 19:44A-20.5

WHEREAS, on January 8, 2015, the Township authorized and approved the award of Professional Services Contracts appointing CME ASSOCIATES (the "Business Entity") as Township Planner and Township Engineer, pursuant to a fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.5 (R.2015-011 & R.2015-013); and

WHEREAS, in light of recent Court rulings, the Township of Marlboro is in need of the services of the Township Planner and Engineer to prepare a Housing Element and Fair Share Plan; and

WHEREAS, the Township received a separate proposal dated August 20, 2015 from CME ASSOCIATES to provide the necessary planning and engineering services; and

WHEREAS, it has been determined that the value of the amended contract will exceed \$17,500.00; and

WHEREAS, the Chief Financial Officer has certified that funds in the amount of \$39,645.00 are available for this purpose from Affordable Housing Trust Fund Account # 15-228-55-054; and

WHEREAS, funds will be certified by the Chief Financial Officer for this purpose upon adoption of the 2015 Municipal Budget; 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 the amendment to the a Professional Services Contract with CME ASSOCIATES pursuant to a fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.5; 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 a proposal dated August 20, 2015, a copy of which is attached hereto, in an amount not to exceed \$39,645.00; and

3. The Mayor and Town 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. The Business Entity's Disclosure of Campaign Contributions and the Determination of Value shall be placed on file with this Resolution in accordance with P.L. 2005, c.271; and

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

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

- a. CME ASSOCIATES
- b. Township Administrator

- c. Township Engineer
- d. Township Chief Financial Officer

RESOLUTION # 2015-288

A RESOLUTION OF THE TOWNSHIP OF MARLBORO IN
MONMOUTH COUNTY, NEW JERSEY, AMENDING AND
RENEWING THE SHARED SERVICES AGREEMENT WITH
THE HOWELL TOWNSHIP DEPARTMENT OF POLICE FOR
THE USE OF THE HOWELL FIREARMS RANGE

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 ("Marlboro") and Howell Township ("Howell") 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 Council of the Township of Marlboro authorized the execution of a shared services agreement with Howell Township on December 9, 2010 for use of the Howell Township Firearms Range; and

WHEREAS, Marlboro desires to continue the utilization of the Howell Township's Firearms Range; and

WHEREAS, representatives of Marlboro and Howell have negotiated an amended Shared Services Agreement, a copy of which is annexed hereto as EXHIBIT A, and the terms of which are incorporated into this resolution as if set forth at length herein; and

WHEREAS, the Township Council of the Township of Marlboro has determined that the entry into the Shared Services Agreement is in the best interest of the residents and taxpayers of Marlboro,

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 Mayor is hereby authorized to execute the Shared Services Agreement annexed hereto as EXHIBIT A.

RESOLUTION # 2015-289

A RESOLUTION AUTHORIZING AMENDMENT TO THE
PURCHASE OF POLICE VEHICLE EQUIPMENT FOR THE
POLICE DEPARTMENT OF THE TOWNSHIP OF MARLBORO
UNDER STATE CONTRACT #81336

WHEREAS, on April 16, 2015, the Municipal Council of the Township of Marlboro approved Resolution #2015-183 which authorized Township officials to purchase (7) replacement vehicles for the Department 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 Department of Police; and

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

WHEREAS, on May 7, 2015, the Municipal Council of the Township of Marlboro approved Resolution #2015-203 which authorized the purchase of equipment for the replacement vehicles for the Division of Police; and

WHEREAS, the Department of Police has advised that additional equipment will be needed in an amount which will exceed the original authorization by \$2,630.94; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey for the Police Department to obtain the additional equipment from Emergency Accessories & Installation as an authorized dealer under State Contract #81336; and

WHEREAS, funds in the amount of \$2,630.94 are available and have been certified to by the Chief Financial Officer in Capital Account #04-215-15-02F-106297; and

WHEREAS, the Township Council desires to approve the amendment to the purchase of said equipment.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization

is hereby granted to amend the purchase of equipment from Emergency Accessories & Installation, 250 Berlin Road, Cherry Hill, NJ 08034 under State Contract #81336 in an amount not to exceed \$2,630.94; and

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

- a. Emergency Accessories & Installation
- b. Township Administrator
- c. Township Chief of Police
- d. Township Chief Financial Officer

RESOLUTION # 2015-290

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

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

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

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

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

RESOLUTION # 2015-291

RESOLUTION CONFIRMING SALE OF SOLAR RENEWABLE ENERGY CREDITS (S-RECS) THROUGH INTERNET-BASED AUCTIONS

WHEREAS, on August 13, 2015 (R. 2015-270) the Township Council authorized the participation of Marlboro Township in the New Jersey *E-Procurement Pilot Program* pursuant to the provision

of the *Local Unit Electronic Technology Pilot Program and Study Act* (P.L. 2001, C. 30) and approved for the sale of Solar Renewable Energy Credits utilizing on-line competitive bidding services and, in particular, an internet-based auction platform; and

WHEREAS, the Township Council authorized an agreement with Marex Spectron, with corporate offices located at 360 Madison Avenue, Third Floor, New York, NY 10017, as the on-line purchasing agent, to conduct competitive auctions utilizing an internet-based platform in conjunction with the Township's sale of S-RECS; and

WHEREAS on August 18, 2015 the Township's Broker, Marex Spectron reported the high bid offer of \$200.00 per S-REC for the Township's 450 S-RECS (EY 2018) by EDF Trading North America LLC, 4700 West Sam Houston Pkwy N, Suite 250, Houston, TX 77041; and

WHEREAS, pursuant to R 2015-270, the Township accepted the high bid offer of \$200.00 per S-REC.

NOW THEREFORE BE IT RESOLVED that the Marlboro Township Council hereby confirms the acceptance of the high bid of \$200.00 per S-REC for 450 S-RECS (EY 2018) to EDF Trading North America LLC, 4700 West Sam Houston Pkwy N, Suite 250, Houston, TX 77041.

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are hereby authorized to execute the necessary documents in a form approved by the Township Attorney to effectuate the transaction.

RESOLUTION # 2015-292

A RESOLUTION CONFIRMING EMERGENCY CONTRACT WITH LUCAS CONSTRUCTION GROUP, INC. FOR THE PROVISION OF EMERGENCY WATER 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 summer season of 2015 the Department of Public Works Water Utility Division has reported water emergencies in various areas of the Township designated as Emergencies #1511, #1512, #1513, #1514 and #1515; 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 existing emergency water main repair contractor, LUCAS CONSTRUCTION GROUP, INC., 173 Amboy Road, Morganville, NJ 07751 to provide the emergency repairs, estimated at an amount not to exceed \$47,553.45; 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 main repairs to LUCAS CONSTRUCTION GROUP, INC., 173 Amboy Road, Morganville, NJ 07751 for an amount not to exceed \$47,553.45.

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 Director of Public Works

RESOLUTION # 2015-293

A RESOLUTION AUTHORIZING THE REJECTION OF BIDS FOR
THE PROVISION OF SNOW REMOVAL SERVICES FOR THE
TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, on August 12, 2015, bids were opened for SNOW REMOVAL SERVICES for the Township of Marlboro Department of Public Works; and

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

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that all bids heretofore received for the project titled SNOW REMOVAL SERVICES for the Township of Marlboro are hereby rejected pursuant to N.J.S.A. 40A:11-13.2(d).

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).

At 7:39 PM, Councilwoman Marder moved that the meeting be adjourned. This was seconded by Councilman Scalea, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Cantor, Mazzola).

MINUTES APPROVED: SEPTEMBER 24, 2015

OFFERED BY:	SCALEA	AYES:	3
SECONDED BY:	METZGER	NAYS:	0
		ABSTAIN:	MAZZOLA
		ABSENT:	CANTOR

ALIDA MANCO
MUNICIPAL CLERK

SCOTT METZGER
COUNCIL PRESIDENT