

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

March 10, 2016

The Marlboro Township Council held its regularly scheduled Meeting on March 10, 2016 at 7:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Mazzola 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 11, 2016; 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, Councilman Metzger, Councilman Scalea, Council Vice President Marder and Council President Mazzola.

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

Councilman Metzger moved that the minutes of February 25, 2016 be approved. This was seconded by Councilman Cantor, and passed on a roll call vote of 5 - 0.

The following Resolution #2016-108/Ord. #2016-6 (Exceed Municipal Budget Appropriation Limits and Establish a Cap Bank 2016) was introduced by reference, offered by Councilman Metzger, seconded by Council Vice President Marder, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2016-108

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

ORDINANCE # 2016-6

CALENDAR YEAR 2016

MODEL ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)

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

BE IT FURTHER RESOLVED that the same be considered for final passage on March 24, 2016 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 # 2016-6

CALENDAR YEAR 2016

MODEL ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Council of the Township of Marlboro in the County of Monmouth finds it advisable and necessary to increase its CY 2016 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$973,027.71 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Township Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of Marlboro in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2016 budget year, the final appropriations of the Township of Marlboro shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$973,027.71, and that the CY 2016 municipal budget for the Township of Marlboro be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Business Administrator Jonathan Capp gave a power point presentation and an overview of the budget. The following Resolution #2016-109 (Introduction of 2016 Municipal Budget) was introduced by reference, offered by Councilman Scalea, seconded by Councilman Metzger, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2016-109

INTRODUCTION OF THE 2016 BUDGET

BE IT RESOLVED that the following statements of revenues and appropriations attached hereto constitute the local Budget of the Township of Marlboro, County of Monmouth, New Jersey, for the year 2016, as introduced by the Township Council; and

BE IT FURTHER RESOLVED, that said Budget be published in summary format in the Asbury Park Press, and that a hearing on the Budget be held on Thursday, April 14, 2016 at the Township of Marlboro Municipal Complex.

As the Consent Agenda, the following resolutions were introduced by reference, offered by Councilman Scalea, seconded by Councilman Metzger and passed on a roll call vote of 5 - 0 in favor. Res. #2016-110 (Approving Continuation of Insurances for Employees - Various), Res. #2016-111 (Approving Continuation of Insurances for Employees - Various), Res. #2016-112 (Confirming Emergency Contract - Emergency Water System Repairs), Res. #2016-113 (Authorizing Unexpended 2015 Balances Budget for Snow Removal to be Lapsed into Snow Removal Reserve), Res. #2016-114 (Authorizing Unexpended 2015 Balances for Accumulated Absences to be Lapsed into Accumulated Absence Reserve), Res. #2016-115 (Authorizing State Contract for Purchase of Body Worn Cameras), Res. #2016-116 (Redemption Tax Sale Certs - Various), Res. #2016-117 (Refunds for Overpayments 2016 Taxes - Various), and Res. #2016-118 (Authorizing Tax Collector to Complete Application for Electronic Tax Sale).

RESOLUTION # 2016-110

A RESOLUTION APPROVING GROUP LIFE, AD&D, LONG TERM DISABILITY AND SHORT TERM DISABILITY COVERAGE PROGRAM FOR EMPLOYEES OF THE TOWNSHIP OF MARLBORO WITH DEARBORN NATIONAL FOR A SIX (6) MONTH PERIOD BEGINNING JANUARY 1, 2016 TO JUNE 30, 2016

WHEREAS, the Township of Marlboro provides Group Life, AD&D and Long Term Disability ("LTD") coverage for its eligible employees under a program administered by Dearborn National Insurance Company; and

WHEREAS, in 2012, in an effort to provide the most cost effective coverage for the Township's eligible employees, the Township authorized its insurance consultant (NAIMC) to obtain competitive quotes for the Township's program; and

WHEREAS, Dearborn National's proposal was approximately 18% less than that of Standard Insurance Company, the then incumbent provider, and included a two (2) year rate guarantee extended through June 30, 2016; and

WHEREAS, effective July 1, 2015, the Township opted to increase the "waiting period" on the Long Term Disability coverage therefore reducing the rate by \$0.03 and added a Self-Insured Advice to Pay Short Term Disability ("STD") option effective September 1, 2015; and

WHEREAS, in an effort to provide the most cost effective coverage for the Township's eligible employees, the Township needs to continue coverage through the anniversary date of July 1, 2016, allowing sufficient time for NAIMC to solicit competitive quotes on the revised plans and provide a recommendation; and

WHEREAS, contracts for the purchase of insurance coverage and consultant services may be awarded without public bidding pursuant to N.J.S.A. 40A:11-5(1)(m), in accordance with the requirements for extraordinary unspecifiable services.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro that it hereby authorizes the Mayor to execute and the Clerk to witness, any documents necessary to continue their agreement with Dearborn National for the provision of Group Life, AD&D, LTD and STD coverage for the Township of Marlboro's eligible employees for the period January 1, 2016 - June 30, 2016 at an estimated total annual cost of \$17,196.00.

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that sufficient funds in the amount of \$17,196.00 estimated for the period January 1, 2016 - June 30, 2016 are available in 01-201-23-100-286.

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

- a. North American Insurance Management Corporation
- b. Dearborn National
- c. Business Administrator
- d. Township Human Resources
- e. Chief Financial Officer

RESOLUTION # 2016-111

A RESOLUTION AUTHORIZING THE EXEMPTION FROM CERTAIN
LAND USE APPLICATION FEES FOR THE COLLIER SCHOOL

WHEREAS, §220-17 of the Code of the Township of Marlboro provides that, "Charitable, philanthropic, fraternal, athletic, recreational, volunteer fire and first aid squads, and religious nonprofit organizations holding a tax-exempt status under the Federal Internal Revenue Code of 1954 [26 U.S.C. § 501(c) or (d)] shall be exempt from the normal application fees" set forth in Section 220-19 "Use variance" and Section 220-20 "Site plan" upon receipt of satisfactory proof of qualifications; and

WHEREAS, the above-referenced Code Section requires that a qualifying entity must submit an application for exemption to the Township Council, along with proof of the qualifying entity's tax exempt status under the Federal Internal Revenue Code of 1954 [26 U.S.C. §501(c) or (d)]; and

WHEREAS, the Collier School (the "Applicant") has submitted a request for an exemption pertaining to applications made for use variance and preliminary and final site plans for its property, known as Block 153, Lots 38 and 47 on the official tax map of the Township of Marlboro, Monmouth County, New Jersey; and

WHEREAS, the Applicant has provided proof of its status as a duly formed religious non-profit organization and of its tax exempt status pursuant to 26 U.S.C. §501(c) or (d); and

WHEREAS, the Township Council of the Township of Marlboro deems it proper and in conformance with the stated policies of the Township of Marlboro to grant the Applicant's requested exemption and desires to confirm same by resolution in accordance with the provisions of §220-17 of the Township Code.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that an exemption be granted to the Collier School in accordance with its application to the Division of Zoning/Code Enforcement described hereinabove; and

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

- a. Collier School
- b. Township Business Administrator
- c. Township Division of Zoning/Code Enforcement
- d. Township Chief Financial Officer

RESOLUTION # 2016-112

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, on February 19, 2016 and February 20, 2016 the
Department of Public Works Water Utility Division reported water
main breaks in the vicinity of 18 Whitney Drive and 8 Westbrook
Drive designated as Emergency #1605 and Emergency #1606; 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 \$31,635.84; and

WHEREAS, the Chief Financial Officer has certified the
availability of funds in the Reserve for Insurance Account #01-
286-55-004; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the
Township Council of the Township of Marlboro, that the emergency
contract awards 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 \$31,635.84.

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 # 2016-113

RESOLUTION AUTHORIZING UNEXPENDED 2015 BALANCES
BUDGETED FOR SNOW REMOVAL TO BE LAPSED INTO THE
SNOW REMOVAL RESERVE PURSUANT TO NJSA 40A:4-62.1

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

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

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

WHEREAS, due to the severity of the past several winter seasons, during which the Township utilized an extraordinary amount of de-icing agent to maintain the safety of the roadways, it is recommended that the Township transfer \$340,000.00 to the snow removal reserve.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that \$340,000.00 of unexpended 2015 budget appropriations for snow removal be transferred to the snow removal reserve.

RESOLUTION # 2016-114

RESOLUTION AUTHORIZING UNEXPENDED 2015 BALANCES
BUDGETED FOR ACCUMULATED ABSENCES TO BE LAPSED INTO THE
ACCUMULATED ABSENCE RESERVE PURSUANT TO NJAC 5:30-15

WHEREAS, NJAC 5:30-15 permits a local unit to establish a reserve for the payment of accumulated absences; and

WHEREAS, the Township of Marlboro has established a reserve for accumulated absences; and

WHEREAS, once an accumulated absence reserve is established, unexpended balances budgeted annually for compensated absences may be lapsed into the reserve; and

WHEREAS, it is recommended that the Township transfer \$101,000.00 to the accumulated absence reserve.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that \$101,000.00 of unexpended 2015 budget appropriations for accumulated absences be transferred to the accumulated absence reserve.

RESOLUTION # 2016-115

RESOLUTION AUTHORIZING AWARD OF STATE CONTRACT #81311
TO L-3 COMMUNICATIONS MOBILE-VISION INC. FOR THE
PURCHASE OF BODY WORN CAMERAS FOR THE TOWNSHIP OF
MARLBORO POLICE DEPARTMENT

WHEREAS, the Township of Marlboro Police Department has been approved to receive funding assistance under the Attorney General's Body Worn Camera (BWC) Assistance Program; and

WHEREAS, the Marlboro Police Department has recommended that the Township purchase the body worn cameras from L-3 Communications Mobile-vision Inc., 400 Commons Way, Suite F, Rockaway, New Jersey 07866 under State Contract #81311 in an amount not to exceed \$56,508.60; and

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

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey for the Police Department to obtain the body worn cameras from L-3 Communications Mobile-vision Inc.; and

WHEREAS, funds are available in Trust Account #23-228-55-057 for an amount not to exceed \$56,508.60 and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Township Council desires to approve the purchase of said body worn cameras.

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 body worn cameras from L-3 Communications Mobile-vision Inc., 400 Commons Way, Suite F, Rockaway, New Jersey 07866 under State Contract #81311 in an amount not to exceed \$56,508.60; and

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

- a. L-3 Communications Mobile-vision Inc.
- b. Business Administrator
- c. Township Police Department
- d. Township Chief Financial Officer

RESOLUTION # 2016-116

REDEMPTION TAX SALE CERTIFICATES - VARIOUS

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$ 8,039.70 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 \$ 8,039.70 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>
2014-081	305/73	MTAG CUST for Fig Capital 8323 Ramona Blvd West, Suite 2 Jacksonville, FL 32221 Assessed Owner: Kraut, Joel & Melanie	3,061.69
2015-004	111/32	MTAG CUST for Fig Capital 8323 Ramona Blvd West, Suite 2 Jacksonville, FL 32221 Assessed Owner: Mackey, Catherine & Clinton	1,923.83

2015-008	119.02/7	TTLBL, LLC 4747 Executive Drive Suite 510 San Diego, CA 92121 Assessed Owner: Deutsche Bank C/O Ocwen Loans	2,587.53
10-66	118/27	KMM R/E Investments, LLC 79 William Street Suite 202 Tinton Falls, NJ 07724 Assessed Owner: Hyett, Chad & Parmar Satvir	250.70
2014-010	118/27	Double G Keen Management Corp. P.O. Box 325 Manalapan, NJ 07726 Assessed Owner: Hyett, Chad & Parmar Satvir	215.95
			Totals: \$ 8,039.70

RESOLUTION # 2016-117

REFUND OF TAX OVERPAYMENTS

WHEREAS, the attached list in the amount of \$ 7,475.45 known as Schedule "A", is comprised of amounts representing overpayments for 2016 taxes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund the above-mentioned overpaid amounts as per the attached Schedule "A",

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNER</u>	<u>2016 REFUND</u>
176/7/C0165		Sadia Saleem & Khalid Shazad	1,533.38
1065	Roseberry Ct	33 Bracken Court Howell, NJ 07731	
206.02/23		Wells Fargo Home Mortgage	5,942.07
23	Cape May Dr	1 Home Campus MAC F2302-035	

Des Moines, IA 50328
Assessed Owner:
Krishnamohan V. Vadali

Total: 7,475.45

RESOLUTION # 2016-118

A RESOLUTION AUTHORIZING KELLY A. MONTECINOS,
TAX COLLECTOR, TO COMPLETE APPLICATION TO
PARTICIPATE IN ELECTRONIC TAX SALE PROCESS

WHEREAS, N.J.S.A 54:5-19, authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Government Services; and

WHEREAS, the Director of the Division of Local Government Services has promulgated rules and regulations for pilot programs; and

WHEREAS, the Director of the Division of Local Government Services has approved NJ Tax Lien Investors/RealAuction.com to conduct pilot programs; and

WHEREAS, the rules and regulations authorize a municipality to submit an application for participation in the pilot program for an electronic tax sale; and

WHEREAS, Chief Financial Officer Lori A. Russo has advised that an electronic tax sale is innovative and provides a greater pool of potential lien buyer, thus creating the environment for a more complete tax sale process; and

WHEREAS, Mrs. Russo has recommended that Kelly A. Montecinos be authorized to complete the necessary application for the Township of Marlboro to participate in the electronic tax sale.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the Township of Marlboro wishes to participate in the pilot program for an electronic tax sale; and

BE IT FURTHER RESOLVED that Kelly A. Montecinos, Tax Collector shall and hereby authorized to complete an application to participate in the electronic tax sale program and submit the same to the Director of Local Government Services.

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

- a. Township Tax Collector
- b. Business Administrator
- c. Chief Financial Officer

At 7:30 PM, Councilman Metzger moved that the meeting be adjourned. This was seconded by Council Vice President Marder, and passed on a roll call vote of 5 - 0 in favor.

MINUTES APPROVED:

OFFERED BY:

AYES:

SECONDED BY:

NAYS:

ALIDA MANCO,
MUNICIPAL CLERK

CAROL MAZZOLA,
COUNCIL PRESIDENT