

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

April 14, 2016

The Marlboro Township Council held its regularly scheduled Meeting on April 14, 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, Council Vice President Marder and Council President Mazzola.  
Councilman Scalea was absent.

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

Council Vice President Marder moved that the minutes of March 24, 2016 be approved. This was seconded by Council President Mazzola, and passed on a roll call vote of 3 - 0 in favor with Councilman Metzger abstaining (Absent: Scalea).

The following Resolution #2016-133 (Adoption of 2016 Municipal Budget) was introduced by reference, offered by Councilman Metzger, seconded by Council President Mazzola, and passed on a roll call vote of 3 - 1 in favor with Councilman Cantor voting no (Absent: Scalea).

RESOLUTION # 2016-133

RESOLUTION AUTHORIZING THE ADOPTION  
OF THE 2016 MUNICIPAL BUDGET

WHEREAS, the 2016 Township of Marlboro Municipal Budget was introduced on March 10, 2016; and

WHEREAS, the required public hearing was scheduled and held on April 14, 2016.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Marlboro hereby adopts the 2016 Township of Marlboro Municipal Budget.

The following Resolution #2016-134/Ord. #2016-007 (Appropriating \$220,000 Grant for Improvements to Greenwood Road Phase I) was introduced by reference, offered by Council Vice President Marder, seconded by Councilman Metzger, and passed on a roll call vote of 4 - 0 in favor (Absent: Scalea).

RESOLUTION # 2016-134

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

ORDINANCE # 2016-7

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO,  
IN THE COUNTY OF MONMOUTH, NEW JERSEY,  
APPROPRIATING A \$220,000 GRANT TO BE  
RECEIVED BY THE TOWNSHIP FOR IMPROVEMENTS  
TO GREENWOOD ROAD-PHASE 1 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 May 5, 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 # 2016-7

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN  
THE COUNTY OF MONMOUTH, NEW JERSEY,  
APPROPRIATING A \$220,000 GRANT TO BE  
RECEIVED BY THE TOWNSHIP FOR IMPROVEMENTS TO  
GREENWOOD ROAD-PHASE 1 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 \$220,000 grant expected to be received by the Township from the State of New Jersey Department of Transportation FY 2016 Municipal Aid Program is hereby appropriated for the purpose of providing funds for improvements to Greenwood Road-Phase 1, 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 Resolution #2016-135/Ord. #2016-008 (Establishing "Safe Space" for Internet-based Transactions at Marlboro Municipal Complex) was introduced by reference, offered by Council Vice President Marder, seconded by Councilman Cantor, and passed on a roll call vote of 4 - 0 in favor (Absent: Scalea).

RESOLUTION # 2016-135

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

ORDINANCE # 2016-8

CREATING A "SAFE SPACE" FOR INTERNET-BASED TRANSACTIONS  
AT THE TOWNSHIP OF MARLBORO MUNICIPAL COMPLEX

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 5, 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 # 2016-8

CREATING A "SAFE SPACE" FOR INTERNET-BASED TRANSACTIONS  
AT THE TOWNSHIP OF MARLBORO MUNICIPAL COMPLEX

WHEREAS, ensuring the safety and security of Township residents is a critical concern for the Township of Marlboro's Mayor, Council and Chief of Police; and

WHEREAS, in recent years, in-person sales, transactions and exchanges originating from on-line marketplaces have experienced an increase in violence and fraud; and

WHEREAS, in an effort to promote safer transactions between strangers, municipalities across the country have encouraged residents to use municipal parking facilities as a meeting place for the in-person transactions to occur; and

WHEREAS, the Mayor and Council believe it to be in the best interest of the health, safety and welfare of the Township's residents to establish a "Safe Space" in the Marlboro Township municipal parking lot to facilitate a safe and neutral location for making in-person private transactions; and

WHEREAS, the parking lot outside of the Marlboro Township Police Headquarters is lighted and under surveillance 24 x 7 which provides for a safer area for such transactions to be conducted.

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

1. The Township of Marlboro hereby establishes a "Safe Space" for conducting in-person private transactions involving a Township resident that have been facilitated through on-line marketplaces to be located in an area of the Municipal Parking Lot of the Municipal Complex located at 1979

Township Drive, Marlboro, New Jersey to be designated (the "Safe Space").

2. Before conducting any transaction within the Safe Space, the Marlboro resident party to the transaction shall register the buyer and seller with the Township. The registration shall be valid for the day of the proposed transaction only. Registration may be accomplished on line via the Township Website.
3. This registration shall be for the legal sale or transfer of items only.
4. Private exchange of motor vehicles, weapons or items that do not fit in a 10 x 10 parking space shall not be permitted.
5. Township officials will not provide police personnel or Township staff to witness any transaction in person, but the video surveillance by and proximity to police personnel is meant to increase the public's peace of mind when engaging in such transactions with unfamiliar individuals in the Safe Space.
6. The Township of Marlboro makes no guarantees, assurances, or promises with respect to the condition or authenticity of any items exchanged between private parties.
7. The Township of Marlboro makes no guarantees, assurances, or promises as to the safety or security of any in-person transactions that may take place on Township property.
8. The Township of Marlboro makes no guarantees, assurances, or promises as to availability of the Safe Space at any particular date or time.
9. The Township encourages all persons to engage in such transactions in daylight hours, only; to bring a cell phone along in case of an emergency; to notify friends and/or family of the intention to meet to conduct such a transaction; to never invite strangers to the home or agree to meet at a stranger's home; and to reconsider any transaction with someone who refuses to meet at the Municipal Complex.
10. The purpose of this ordinance is to establish a safe space for the conduct of private transactions involving

Township residents facilitated by on-line marketplaces. The conduct of any such transactions on the grounds of the Municipal Complex is strictly prohibited in the absence of a prior registration. Any violation of this ordinance shall be subject to the general penalties established in Section 4-3 of the Code of the Township of Marlboro.

11. This Ordinance shall take effect upon adoption and approval in a time and manner prescribed by law.

The following Resolution #2016-136 (Person to Person/Place to Place Transfer of Consumption License - Modern Star to Cuzin's Clam Bar, LLC) was introduced by reference, offered by Councilman Metzger, seconded by Council President Mazzola, and passed on a roll call vote of 4 - 0 in favor (Absent: Scalea).

RESOLUTION # 2016-136

A RESOLUTION OF THE TOWNSHIP OF MARLBORO AUTHORIZING A PERSON-TO-PERSON AND PLACE TO PLACE TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE NUMBER 1328-33-020-001 FROM MODERN STAR, LLC TO CUZIN'S CLAM BAR LLC T/A CUZIN'S CLAM BAR

WHEREAS, application was made to the Township of Marlboro ("Township") by Cuzin's Clam Bar LLC t/a Cuzin's Clam Bar ("Applicant") for a person-to-person and place-to-place transfer of Plenary Retail Consumption License Number 1328-33-020-001 ("License") presently held by Modern Star, LLC which is to be sited at 130 Route 79 South, Unit #8, Marlboro, New Jersey 07746 (the "Premises"); and

WHEREAS, the Applicant has disclosed, and the appropriate Township officials have reviewed, the source of all funds used in connection with the purchase of said license, which information is contained in the report of the Police Department concerning this transfer application; and

1. The submitted application form is complete in all respects;
2. The applicant is qualified to be licensed according to all standards established by the New Jersey Alcoholic Beverage Control Act, the regulations promulgated thereunder, as well as any pertinent local ordinances or Division-approved conditions; and

3. The Applicant has disclosed and the Township has reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business; and

WHEREAS, the Township Council of the Township of Marlboro has reviewed the application and all supporting documentation and finds it appropriate to approve the transfer of the aforesaid plenary retail consumption license.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro that the application by Cuzin's Clam Bar LLC t/a Cuzin's Clam Bar for a person to person and place to place transfer of Plenary Retail Consumption License Number 1328-33-020-001 presently held by Modern Star, LLC be and is hereby approved.

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

- a. Cuzin's Clam Bar LLC t/a Cuzin's Clam Bar, 130 Route 79 South, Unit #8, Marlboro, New Jersey 07746
- b. Modern Star, LLC, 165 Amboy Road, Morganville, New Jersey 07751
- c. Robert C. Williams, Esq., 622 Eagle Rock Avenue, Suite 107, West Orange, New Jersey 07052
- d. Township Administrator
- e. Township Building Department
- f. Township Chief Financial Officer
- g. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2016-137 (Authorizing Agreement Monmouth County for Community Development Projects - Road Improvements at Greenbriar) was introduced by reference, offered by Council Vice President Marder, seconded by Councilman Metzger, and passed on a roll call vote of 4 - 0 in favor (Absent: Scalea).

RESOLUTION # 2016-137

COMMUNITY DEVELOPMENT BLOCK GRANT RESOLUTION AUTHORIZING  
THE MAYOR AND CLERK TO EXECUTE A PROJECT AGREEMENT WITH  
MONMOUTH COUNTY FOR PERFORMANCE AND DELIVERY OF FISCAL  
YEAR 2016 COMMUNITY DEVELOPMENT PROJECTS

WHEREAS, certain federal funds are potentially available to Monmouth County under the Housing and Community Development Act of 1974, as amended; and

WHEREAS, the County of Monmouth expects to receive an allocation for Fiscal Year 2016 from the United States Department of Housing and Urban Development; and

WHEREAS, the County of Monmouth has submitted its Annual Plan for Fiscal Year 2016 to the U.S. Department of Housing and Urban Development, which included a project hereinafter referred to as Road Improvements at Greenbriar with a grant allocation of \$125,485.00; and

WHEREAS, the Township of Marlboro hereby met all the requirements for the release of funds to begin incurring costs for this project; and

WHEREAS, the Township of Marlboro has filed with the Monmouth County Community Development Program an acceptable timetable for completion and expenditure of grant funds, which is included as an appendix to the Project Agreement.

NOW, THEREFORE, BE IT ORDAINED, that the Mayor and Municipal Clerk are hereby authorized to execute with the County of Monmouth the attached Project Agreement on behalf of the Township of Marlboro.

The following Resolution #2016-138 (Authorizing Agreement NJDOT - Traffic Control Route 79 and 520) was introduced by reference, offered by Councilman Metzger, seconded by Councilman Cantor, and passed on a roll call vote of 4 - 0 in favor (Absent: Scalea).

RESOLUTION # 2016-138

RESOLUTION AUTHORIZING AGREEMENT WITH NEW JERSEY  
DEPARTMENT OF TRANSPORTATION FOR IMPROVEMENTS  
TO TRAFFIC CONTROL IMPROVEMENTS AT ROUTE 79  
AND COUNTY ROAD 520

WHEREAS, a traffic condition exists along Route 79 and County Road 520, in the Township of Marlboro, in the County of Monmouth, which requires the installation and operation of a semi-actuated traffic control signal with pedestrian push

buttons, and areas of presence detection in order to minimize the possibility of accidents; and

WHEREAS, it is necessary to expedite the safe movement and conduct of pedestrian and vehicular traffic; and

WHEREAS, the State of New Jersey has indicated its willingness to install a traffic control signal at said intersection; and

WHEREAS, the State of New Jersey has proposed a form of Agreement pertaining to maintenance of said traffic signal;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Clerk of the said Township of Marlboro be and hereby are authorized to enter into an Agreement with the State of New Jersey, acting through its Commissioner of Transportation, for the purpose aforesaid, a copy of said agreement being attached hereto and made a part hereof;

I hereby certify the foregoing to be a true copy of a resolution adopted by the Township of Marlboro at a regular meeting held on April 14, 2016.

As the Consent Agenda, the following resolutions were introduced by reference, offered by Council Vice President Marder, seconded by Councilman Cantor and passed on a roll call vote of 4 - 0 in favor (Absent: Scalea). Res. #2016-139 (Authorizing Engineering Services Contract - Evaluation of Load Capacity of DPW Emergency Generator), Res. #2016-140 (Authorizing Amendment to Contract with Township Engineer - Engineering Services for Road and Drainage Improvements), Res. #2016-141 (Award of Bid - T-Shirts), Res. #2016-142 (Authorizing Cooperative Contract - MRESC - Purchase of Public Works Equipment), Res. #2016-143 (Authorizing State Contract Purchase of Vehicles), Res. #2016-144 (Approving Close Out Change Order and Authorizing Final Payment & Acceptance Schanck Road Emergency Interconnection), Res. #2016-145 (Authorizing Agreement Marlboro Basketball Booster Club - Refereeing Services), Res. #2016-146 (Authorizing Agreement Marlboro Soccer Booster Assoc - Refereeing Services), Res. #2016-147 (Authorizing Endorsement of NJDEP Statement of Consent WQM-003 Form - Collier Services - B 153, L 38 & 47 160 Conover Road), Res. #2016-148 (Reject and Rebid - Recycling Collection and Disposal Services), Res. #2016-149 (Authorizing Transfer and Acceptance of Surplus Military Equipment from US Dept of Defense (DOD)1033 Program), Res. #2016-150 (Authorizing Execution of Certification Prohibiting Use of Excessive Force

and Prohibiting Use of Federal Funds for Lobbying - Road Improvements at Greenbriar), Res. #2016-151 (Requesting Approval Director of DLGS to establish Dedicated Trust by Rider - UCC Enforcement Fees), Res. #2016-152 Requesting Approval Director of DLGS to establish Dedicated Trust by Rider - Unemployment Comp Insurance), Res. #2016-153 (Requesting Approval Director of DLGS to establish Dedicated Trust by Rider - Outside Employment of Off-Duty Municipal Officers), Res. #2016-154 (Requesting Approval Director of DLGS to establish Dedicated Trust by Rider - Affordable Housing Trust Fund), Res. #2016-155 (Authorizing Application 2016 Recycling Tonnage Grant), Res. #2016-156 (Authorizing Application Bulletproof Vest Partnership Grant Act), Res. #2016-157 (Approving Close Out Change Order to Contract with Lucas Construction Group, Inc. and Authorizing Final Payment and Acceptance of 2015 Road Program), Res. #2016-158 (Authorizing State Contract Purchase - Landscape Trailer, Res. #2016-159 (Authorizing Acceptance of \$2,000 Donation to Marlboro Township Recreation Basketball Program), Res. #2016-160 (Redemption Tax Sale Certs - Various), Res. #2016-161 (Refunds for Overpayments 2016 Taxes - Various), Res. #2016-162 (Refund for Tax Court Judgment 2013 - 25 Embry Farm Rd), Res. #2016-163 (Refund for Tax Court Judgment 2014 - 25 Embry Farm Rd), Res. #2016-164 (Refund for Tax Court Judgment 2015 - 25 Embry Farm Rd).

RESOLUTION # 2016-139

A RESOLUTION AUTHORIZING AN AMENDMENT TO A  
PROFESSIONAL SERVICES CONTRACT BETWEEN CME ASSOCIATES  
AND THE TOWNSHIP OF MARLBORO FOR PROFESSIONAL  
ENGINEERING SERVICES FOR EVALUATION OF LOAD  
CAPACITY OF DPW EMERGENCY GENERATOR

WHEREAS, the Township of Marlboro as part of its 2014 capital program (212-2) authorized certain improvements to the police communication system; and

WHEREAS, as part of the approved project, the Township requires professional engineering services in order to evaluate the potential of the existing Department of Public Works emergency generator to provide emergency power to the relocated communication facilities in the event of an outage ("Project"); and

WHEREAS, CME Associates has provided a proposal dated March 9, 2016 (the "Proposal") for the professional services required in connection with the Project; and

WHEREAS, the Township of Marlboro and CME Associates have entered into a Professional Services Contract, awarded under a fair and open process, and seeks to amend such Contract to expand the scope of services to include the Professional Services (as defined hereinabove) for the Project at a fee not to exceed \$3,000.00 for such Professional Services, as further described and set forth in CME's Proposal, attached hereto and made a part hereof; and

WHEREAS, the 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 \$3,000.00 are available for this purpose from Capital Account #04-215-14-03J-212297; and

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

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

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

WHEREAS, CME has previously completed and submitted a Business Entity Disclosure of Campaign Contributions and the Determination of Value in accordance with P.L. 2005, c.271.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a Professional Services Contract between CME Associates and the Township of Marlboro, to expand the scope of services for evaluation of load capacity for the Department of Public Works emergency generator by way of its Township Engineers ("Professional Services"), at a fee not to exceed \$3,000.00 for such Professional Services, as

further described and set forth in CME's Proposal dated March 9, 2016 ("Proposal"), be and is hereby authorized; and

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

BE IT FURTHER RESOLVED, that this Professional Services Contract is awarded without competitive bidding pursuant to N.J.S.A. 40A:11-5(1)(a)(i) and shall provide for compensation in an amount not to exceed \$3,000.00 for such additional Professional Services for the Project as described in the Proposal; and

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

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

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

RESOLUTION # 2016-140

A RESOLUTION AUTHORIZING AN AMENDMENT TO A  
PROFESSIONAL SERVICES CONTRACT BETWEEN CME ASSOCIATES  
AND THE TOWNSHIP OF MARLBORO FOR PROFESSIONAL  
ENGINEERING SERVICES FOR ROAD, DRAINAGE AND  
SIDEWALK IMPROVEMENTS

WHEREAS, the Township of Marlboro as part of its 2016 capital program (060-1, 060-6, 060-18) authorized certain road, drainage and sidewalk improvements ("Projects"); and

WHEREAS, the Township is in need of professional engineering services for design, bid and construction management activities associated with the Projects; and

WHEREAS, CME Associates has provided proposals dated April 7, 2016 (the "Proposal") for the professional services required in connection with the Projects; and

WHEREAS, the Township of Marlboro and CME Associates have entered into a Professional Services Contract, awarded under a fair and open process, and seeks to amend such Contract to expand the scope of services to include the Professional Services (as defined hereinabove) for the Projects at a fee not to exceed \$323,000.00 for such Professional Services, as further described and set forth in CME's Proposals, attached hereto and made a part hereof, and summarized as follows:

2016-052	Texas Rd Resurfacing Project	\$ 47,500
2016-053	Road, Drainage and Sidewalks	\$186,000
2016-069	Improvements to Greenwood Rd	\$ 89,500

; 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 \$323,000.00 are available for this purpose from Capital Account #04-215-16-02B-060288 and #04-215-16-02C-060288; and

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

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

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

WHEREAS, CME has previously completed and submitted a Business Entity Disclosure of Campaign Contributions and the Determination of Value in accordance with P.L. 2005, c.271.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a Professional Services Contract between CME Associates and the Township of Marlboro, to expand the scope of services for PROFESSIONAL ENGINEERING SERVICES FOR ROAD, DRAINAGE AND SIDEWALK IMPROVEMENTS by way of its Township Engineers ("Professional Services"), at a fee not to exceed \$323,000.00 for such Professional Services, as further described and set forth in CME's Proposals dated April 7, 2016 ("Proposals"), be and is hereby authorized; and

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

BE IT FURTHER RESOLVED, that this Professional Services Contract is awarded without competitive bidding pursuant to N.J.S.A. 40A:11-5(1)(a)(i) and shall provide for compensation in an amount not to exceed \$323,000.00 for such additional Professional Services for the Projects as described in the Proposals; and

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

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

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

RESOLUTION # 2016-141

A RESOLUTION AWARDING CONTRACT TO DOT DESIGNING LLC  
FOR THE PROVISION OF T-SHIRTS IN VARIOUS COLORS  
AND SIZES FOR THE TOWNSHIP OF MARLBORO

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for THE PROVISION OF T-SHIRTS IN VARIOUS COLORS AND SIZES FOR THE TOWNSHIP OF MARLBORO, and on April 5, 2016, received three (3) bids therefor; and

WHEREAS, the three (3) bids received based upon estimated quantities were as follows:

Vendor		Recreation	Swim	Misc	Total
Dot Designing LLC	Monroe Twp	56,870.65*	15,447.20	2,689.72	75,007.57*
Campus Coordinates	Freehold	66,149.82	15,149.44	2,992.73	84,291.99
Kenmar Shirts Inc.	Bronx, NY	38,321.00*	28,952.80*	1,701.20	68,975.00*/**

\*Bid amount adjusted for error in calculation.

\*\*Bidder did not bid on all items.

WHEREAS, it has been determined by the Business Administrator and Director of Recreation that the submission of the apparent lowest bidder on all items, DOT DESIGNING LLC is responsive; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation as set forth herein; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract be awarded to DOT DESIGNING LLC whose address is 242 Possum Hollow Road, Monroe Township, NJ 08831 for a period of one (1) year beginning on May, 1, 2016, with an option to renew for one two-year or two one-year periods on the same terms and conditions as specified in the bid, in a total amount not to exceed \$75,007.57; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, a contract with DOT DESIGNING LLC in accordance with this resolution, the bid specifications, and in a form to be approved by the Township Attorney; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that sufficient funds in the amount of \$75,007.57 are available for the aforesaid contract in 09-201-55-400-266, 01-201-20-083-266, 01-201-28-146-266, 01-201-26-121-266, and 02-213-16-722-266; and

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

- a. DOT DESIGNING LLC
- b. Township Business Administrator
- c. Township Director of Recreation
- d. Township Chief Financial Officer

RESOLUTION # 2016-142

RESOLUTION AUTHORIZING A CONTRACT FOR THE PURCHASE OF REPLACEMENT GROUNDS EQUIPMENT THROUGH BIDS OBTAINED BY THE MIDDLESEX REGIONAL EDUCATION SERVICES COMMISSION (MRESC)

WHEREAS, the Township of Marlboro as part of its 2016 capital program (123-23,123-23.1) authorized the acquisition of equipment for the Public Works Department; and

WHEREAS, the Township is authorized to purchase GROUNDS EQUIPMENT from bids obtained from a cooperative pricing system such as the MIDDLESEX REGIONAL EDUCATION SERVICES COMMISSION (MRESC) pursuant to the authority provided by N.J.S.A. 40A:11-11(6); and

WHEREAS, the MIDDLESEX REGIONAL EDUCATION SERVICES COMMISSION (MRESC) conducted a public bidding process and awarded a contract to Storr Tractor Company, 3191 Highway 22, Branchburg, NJ 08876, for the provision of GROUNDS EQUIPMENT; and

WHEREAS, the Public Works Department has indicated that Storr Tractor Company has agreed to extend the pricing provided through the MRESC to Marlboro Township; and

WHEREAS, at this time, the Public Works Department has recommended the award of contract for the purchase of replacement GROUNDS EQUIPMENT for a total amount not to exceed \$28,755.20; 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 GOUNDS EQUIPMENT through the MRESC; and

WHEREAS, funds in the amount of \$28,755.20 have been certified by the Chief Financial Officer in Capital Account 04-215-16-02L-123297 for this purpose; and

WHEREAS, the Marlboro Township Council, having considered the same, desires to authorize the purchase of GROUNDS EQUIPMENT from Storr Tractor Company, at pricing pursuant to the bid obtained by the MRESC, for a total amount not to exceed \$28,755.20.

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

is hereby granted to purchase replacement GROUNDS EQUIPMENT, at pricing pursuant to the bid obtained by the MRESC, for a total amount not to exceed \$28,755.20; and

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

- a. Storr Tractor Company, Branchburg, NJ
- b. Township Administrator
- c. Township Public Works Department
- d. Township Chief Financial Officer

RESOLUTION # 2016-143

RESOLUTION AUTHORIZING AWARD OF STATE CONTRACTS  
TO VARIOUS VENDORS FOR PURCHASE OF VEHICLES  
AND RELATED EQUIPMENT FOR VARIOUS DEPARTMENTS  
OF THE TOWNSHIP OF MARLBORO

WHEREAS, the Police Department submitted its 2016 capital plan which included a request for the purchase of a van for the Investigative Bureau; and

WHEREAS, the Township of Marlboro as part of its 2016 capital program (120-1, 123-1, 123-4, 500-1) authorized the purchase of replacement vehicles for the Department of Public Works; and

WHEREAS, the Township of Marlboro as part of its 2016 capital program (145-9) authorized the purchase of a replacement vehicle for the Recreation Utility; and

WHEREAS, the Township of Marlboro as part of its 2016 capital program (106-1.5) authorized the purchase of a vehicle for the Police Department; and

WHEREAS, the Director of Public Works has reviewed the requests and has recommended that the Township purchase the vehicles and related equipment under various State contracts as follows:

Vehicle/ Description	Qty	SC#	Vendor	Cost	Ext. Cost	Dept.	Source
Class 4 Dump Truck with Plow - 2016 Ford F- 450	1	88214	Beyer Ford	48,442.00	48,442.00	DPW	Capital 2016

Class 2 Pickup Truck with Plow - 2016 Ford F-250	3	88727	Beyer Ford	32,949.00	98,847.00	DPW/ Water	Capital 2016
Class 2 Utility Body Truck with Plow - 2016 Ford F-250	1	88727	Beyer Ford	33,297.00	33,297.00	Water	Capital 2016
Dodge Caravan Mini-van and Related Options	1	82889	Hertrich Fleet	21,636.50	21,636.50	Police	Capital 2016
Dodge Caravan Mini-van and Related Options	1	82889	Hertrich Fleet	21,263.00	21,263.00	Rec	Capital 2016

; 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 to purchase the replacement vehicles to be utilized by the Police Department, Department of Public Works, and Recreation Utility; and

WHEREAS, funds are available and have been certified by the Chief Financial Officer in an amount not to exceed \$223,485.50 from accounts #04-215-16-02K-123297, #04-215-16-02G-120297, #06-215-16-03A-500297, #04-215-16-02D-106297, and #04-215-16-02M-145297, and

WHEREAS, the Township Council desires to approve the purchase of the replacement vehicles.

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 and related equipment from the vendors and under the State Contracts identified above in an amount not to exceed \$223,485.50.

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

- a. Township Administrator
- b. Township Director of Public Works
- c. Township Chief of Police
- d. Township Recreation Director
- e. Township Chief Financial Officer

RESOLUTION # 2016-144

A RESOLUTION APPROVING CLOSE OUT CHANGE ORDER TO THE  
EXISTING CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO AND  
LUCAS CONSTRUCTION GROUP, INC. AND AUTHORIZING FINAL  
PAYMENT AND ACCEPTANCE OF SCHANCK ROAD EMERGENCY  
INTERCONNECTION PROJECT

WHEREAS, the Township of Marlboro authorized the award of a contract to Lucas Construction Group, Inc. for the Schanck Road Emergency Interconnection project (the "Project") through quotes obtained by the office of the Township Engineer; and

WHEREAS, Closeout Change Order has been requested resulting in an increase in the original contract amount of \$17,050.00 to \$17,400.00, a net increase of \$350.00; and

WHEREAS, in a Letter dated March 31, 2016, the Township Engineer has confirmed that the Project has been completed in accordance with the approved plans and specifications and has recommended approval of the Closeout Change Order, acceptance of the Project improvements, and issuance of final payment in the amount of \$17,400.00; and

WHEREAS, the Township Council of the Township of Marlboro is amenable to approving Closeout Change Order, accepting the Project improvements and issuing a final payment to Lucas Construction Group, Inc. in the amount of \$17,400.00 in order that the Project be completed, such Project being in the interests of the public health, safety and welfare.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that Closeout Change Order to the existing contract with Lucas Construction Group, Inc. be and is hereby approved, increasing the original contract total of \$17,050.00 to \$17,400.00, a net increase of \$350.00.

BE IT FURTHER RESOLVED, by the Township Council of the Township of Marlboro, that the Project improvements be and are hereby accepted, and that final payment in the amount of

\$17,400.00 for work completed by Lucas Construction Group, Inc. is hereby approved.

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

RESOLUTION # 2016-145

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 2016/2017 Fall/Winter basketball season; and

WHEREAS, the BOOSTER CLUB has supplied a proposal to provide such services for the 2016/2017 Fall/Winter basketball season; and

WHEREAS, the total value of the services to be provided for 2016/2017 are estimated at and shall not exceed \$15,500.00 in the aggregate; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose from Account # 09-201-55-400-285402 and # 09-201-55-400-288402.

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 # 2016-146

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 2016 Spring and Fall soccer seasons; and

WHEREAS, the total value of the services to be provided for 2016 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 Township Clerk to enter into an agreement with the BOOSTER CLUB, P.O. Box 436, Marlboro, New Jersey 07746 for the services described above.

RESOLUTION # 2016-147

RESOLUTION AUTHORIZING ENDORSEMENT OF THE NJDEP STATEMENT OF CONSENT WQM-003 FORM FOR THE SITE KNOWN AS COLLIER SERVICES, INC., BLOCK 153, LOT(S) 38 & 47, 160 CONOVER ROAD, TOWNSHIP OF MARLBORO, NEW JERSEY

WHEREAS, the Sisters of Good Shepherd have filed an application for Treatment Works Approval from the NJDEP for the construction of a septic system to service a proposed Arts Center and a one-story addition to the existing high school which is operated on the Site known as "Collier Services, Inc." (the "Site"), property known as Block 153, Lot(S) 38 and 47, on

the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey; and

WHEREAS, in order for the application to be deemed complete, a Statement of Consent WQM-003 form must be endorsed by the Mayor and Council of the Township of Marlboro; and

WHEREAS, the Township Engineer has reviewed the application for Treatment Works Approval and has prepared a memo dated March 30, 2016 which recommends endorsement of the Statement of Consent WQM-003 form; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Statement of Consent WQM-003 form associated with the application for Treatment Works Approval as submitted by the Sisters of Good Shepherd of NJ for the above-described site be endorsed; and

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

- a. Collier Services, Inc.
- b. Mayor Jonathan L. Hornik
- c. Township Business Administrator
- d. Township Chief Financial Officer
- e. Township Engineer
- f. DeCotiis, FitzPatrick & Cole, LLP

RESOLUTION # 2016-148

AUTHORIZING AMENDMENT TO 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 have previously entered into a Shared Services Agreement with a term of one (1) year, commencing on or about May 1, 2015, with actual services to be provided from May 1, 2015 through September 7, 2015; and

WHEREAS, the Township and the Board wish to extend the Shared Services Agreement with a term of one (1) year, commencing on or about May 1, 2016 and terminating on April 30, 2017, with actual services to be provided from May 1, 2016 through September 7, 2016; 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 # 2016-149

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 Municipal 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 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 # 2016-150

COMMUNITY DEVELOPMENT BLOCK GRANT RESOLUTION AUTHORIZING  
THE MAYOR TO SIGN A CERTIFICATION PROHIBITING THE USE OF  
EXCESSIVE FORCE AND A CERTIFICATION PROHIBITING THE USE  
OF FEDERAL FUNDS FOR LOBBYING

WHEREAS, certain federal funds are potentially available to Monmouth County through the Housing and Community Development Act of 1974, as amended; and

WHEREAS, the United States Department of Housing and Urban Development has allocated funding to the County of Monmouth for Fiscal Year 2016; and

WHEREAS, the County is making some of these funds available to certain participating municipalities and non-profit agencies; and

WHEREAS, it is required that the Township of Marlboro execute a Project Agreement with Monmouth County to undertake a project known as Road Improvements at Greenbriar; and

WHEREAS, the U.S. Department of Housing and Urban Development is requiring that the Mayor of the Township of Marlboro sign additional certifications in order to receive these funds; and

WHEREAS, the Township of Marlboro has adopted a policy prohibiting the use of excessive force by its law enforcement agency (police force) within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and

WHEREAS, a copy of that policy is attached to and made part of this resolution.

NOW, THEREFORE, BE IT ORDAINED, that the Township of Marlboro has met the conditions of receiving a Fiscal Year 2016 allocation by adopting a policy prohibiting the use of excessive force and by not using federal funds for lobbying or by disclosing that funds have been used for lobbying.

BE IT FURTHER RESOLVED, that the Mayor of the Township of Marlboro is hereby authorized to sign the attached certifications which will become part of the Fiscal Year 2016 Project Agreement.

RESOLUTION # 2016-151

REQUESTING THE APPROVAL OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO ESTABLISH A DEDICATED TRUST BY RIDER FOR UNIFORM CONSTRUCTION CODE ENFORCEMENT FEES PURSUANT TO NJS 52:27D-119 ET SEQ.

WHEREAS, such permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance, and

WHEREAS, NJSA 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider,

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 request permission of the Director of the Division of Local Government Services to make expenditures from the Reserve for Uniform Construction Code Enforcement Fees.

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

RESOLUTION # 2016-152

REQUESTING THE APPROVAL OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO ESTABLISH A DEDICATED TRUST BY RIDER FOR UNEMPLOYMENT COMPENSATION INSURANCE

WHEREAS, such permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance, and

WHEREAS, NJSA 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider,

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 request permission of the Director of the Division of Local Government Services to make expenditures from the Reserve for Unemployment Compensation Insurance.

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 # 2016-153

REQUESTING THE APPROVAL OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO ESTABLISH A DEDICATED TRUST BY RIDER FOR OUTSIDE EMPLOYMENT OF OFF-DUTY MUNICIPAL OFFICERS REQUIRED BY LOCAL FINANCE NOTICE CFO 2000-14

WHEREAS, such permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance, and

WHEREAS, NJSA 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider,

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 request permission of the Director of the Division of Local Government Services to make expenditures from the Reserve for Outside Employment of Off-Duty Municipal Officers.

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 # 2016-154

REQUESTING THE APPROVAL OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO ESTABLISH

A DEDICATED TRUST BY RIDER FOR THE AFFORDABLE HOUSING  
TRUST FUND PURSUANT TO NJSA 40A:12A-3 ET SEQ.

WHEREAS, such permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance, and

WHEREAS, NJSA 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider,

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 request permission of the Director of the Division of Local Government Services to make expenditures from the Reserve for Affordable Housing.

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 # 2016-155

AUTHORIZING SUBMISSION OF MUNICIPAL  
RECYCLING TONNAGE GRANT APPLICATION

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities

certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and indicate the assent of the Marlboro Township Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure that the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that Marlboro Township hereby endorses the submission of a Municipal Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection and Energy and designates the Recycling Coordinator to ensure that the said Application is properly filed.

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

RESOLUTION # 2016-156

RESOLUTION AUTHORIZING THE TOWNSHIP OF MARLBORO TO APPLY FOR THE OFFICE OF JUSTICE PROGRAMS BULLETPROOF VEST PARTNERSHIP GRANT ACT, U.S. DEPARTMENT OF JUSTICE (BVP) FOR THE MARLBORO TOWNSHIP POLICE

WHEREAS, the U.S Department of Justice, FY 2016 Bulletproof Vest Partnership Grant Act (BVP) is provided to assist all eligible law enforcement agencies in offsetting costs of purchasing body armor vests for their officers; and

WHEREAS, the funds are dedicated funds and cannot be used for any other purpose; and

WHEREAS, \$9,005.57 in funds are currently available to the Township; and

WHEREAS, the Township wishes to apply for the maximum amount of funding available to offset the costs for replacement

vests due for officers during years August 2016 to August 2018;  
and

WHEREAS, the funding is a reimbursement that is requested after confirmation of receipt of the ballistic vest.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that the Township is hereby authorized to submit a grant application to the U.S. Department of Justice, Ballistic Vest Partnership (BVP) and execute an agreement for funding from the FY2016 Bulletproof Vest Partnership.

RESOLUTION # 2016-157

A RESOLUTION APPROVING CLOSE OUT CHANGE ORDER TO THE EXISTING CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO AND LUCAS CONSTRUCTION GROUP, INC. AND AUTHORIZING FINAL PAYMENT AND ACCEPTANCE OF 2015 ROAD PROGRAM

WHEREAS, by Resolution #2015-231 the Township of Marlboro authorized the award of a contract to Lucas Construction Group, Inc. for the 2015 Road Program project(the "Project"); and

WHEREAS, Closeout Change Order has been requested resulting in an decrease in the original contract amount of \$2,178,165.00 to \$2,012,326.70, a net decrease of \$165,838.30; and

WHEREAS, in a Letter dated April 5, 2016, the Township Engineer has confirmed that the Project has been completed in accordance with the approved plans and specifications and has recommended approval of the Closeout Change Order, acceptance of the Project improvements, and issuance of final payment in the amount of \$13,320.57; and

WHEREAS, pursuant to the terms of the contract, Lucas Construction Group, Inc. has provided a two-year maintenance bond in an amount equal to 15% of the final contract amount or \$301,849.01; and

WHEREAS, the Township Council of the Township of Marlboro is amenable to approving Closeout Change Order, accepting the Project improvements and issuing a final payment to Lucas Construction Group, Inc. in the amount of \$13,320.57 in order that the Project be completed, such Project being in the interests of the public health, safety and welfare.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that Closeout Change Order to the existing contract with Lucas Construction Group, Inc. be and is hereby approved, decreasing the original contract total of \$2,178,165.00 to \$2,012,326.70, a net decrease of \$165,838.30.

BE IT FURTHER RESOLVED, by the Township Council of the Township of Marlboro, that the Project improvements be and are hereby accepted, and that final payment in the amount of \$13,320.57 for work completed by Lucas Construction Group, Inc. is hereby approved.

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

RESOLUTION # 2016-158

RESOLUTION AUTHORIZING AWARD OF STATE CONTRACT #82779  
TO FDR HITCHES FOR THE PURCHASE OF ONE (1) LANDSCAPE  
TRAILER WITH RELATED OPTIONS FOR THE TOWNSHIP OF  
MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro as part of its 2016 capital program (123-22) authorized the purchase of a replacement landscape trailer for the Department of Public Works; and

WHEREAS, the Marlboro Department of Public Works has recommended that the Township purchase the landscape trailer with related options from FDR Hitches, 120 W. Westfield Avenue, Roselle Park, New Jersey 07204-1817 under State Contract #82779 in an amount not to exceed \$7,975.40; 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 Department of Public Works to obtain the landscape

trailer with related options from FDR Hitches; and

WHEREAS, funds are available in Capital Account #04-215-16-02L-123297 for an amount not to exceed \$7,975.40 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 landscape trailer with related options.

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 landscape trailer with related options from FDR Hitches, 120 W. Westfield Avenue, Roselle Park, New Jersey 07204-1817 under State Contract #82779 in an amount not to exceed \$7,975.40; and

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

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

RESOLUTION # 2016-159

A RESOLUTION AUTHORIZING ACCEPTANCE OF A DONATION OF \$2,000.00  
FROM THE NEW YORK KNICKS ON BEHALF OF TY BLITSTEIN

WHEREAS, Ty Blitstein is a resident of Marlboro; and

WHEREAS, Ty Blitstein is an avid supporter and participant of the Marlboro Recreation Basketball program; and

WHEREAS, each year the Dave DeBusschere Award is an award given annually where the New York Knicks select two honorees based on those "who exemplify the heroic characteristics of the late great Dave DeBusschere", a legendary and all-star New York Knick; and

WHEREAS, Ty Blitstein was honored as one of the two middle school students from the tri-state with the Dave DeBusschere award on March 26, 2016 when the Knicks hosted the Cleveland Cavaliers; and

WHEREAS, part of the award is a \$2,000.00 donation made on behalf of the recipient to a community organization of the

recipient's choice; and

WHEREAS, Ty Blitstien selected the Marlboro Recreation Basketball program to be the recipient of the \$2,000.00 because he felt it would be put to good use as his first experience of being on a basketball team was a very positive one as a third grader in the Marlboro Recreation Basketball program; and

WHEREAS, the \$2,000.00 will be deposited into Marlboro Recreation's Donation Reserve account# 11-228-55-039 to be used for player seating and other equipment used for the Marlboro Recreation Basketball program at the Recreation Center; and

WHEREAS, the Recreation Department recommends that the Township accept the donation; and

WHEREAS, there has been no promise of future employment, services, goods or other thing of value exchanged in return for said donation.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the donation of \$2,000 from the New York Knicks on behalf of Ty Blitstein as described above is hereby accepted.

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

- a. Township Administrator
- b. Township Recreation Director

RESOLUTION # 2016-160

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$43,186.62 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 \$43,186.62 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>
2015-075	285/8	TTLBL, LLC 4747 Executive Drive Suite 510 San Diego, CA 92121 Assessed Owner: Josephson, Marc & Shari	2,577.26
2015-076	286/20	TTLBL, LLC 4747 Executive Drive Suite 510 San Diego, CA 92121 Assessed Owner: Cigna, Vincent & Victoria	2,577.25
2015-079	288/29/C0253	US Bank for PC6, LLC 50 South 16 <sup>th</sup> Suite 2050 Philadelphia, PA 19102 Assessed Owner: Keers, Mary	1,524.10
2015-111	395/9	US Bank for BV001 Trust 50 South 16 <sup>th</sup> Suite 2050 Philadelphia, PA 19102 Assessed Owner: Wu, Tsui-Fen	26,294.72
2015-051	184.01/13	Tower as Cust for Ebury Fund 1NJ, LLC P.O. Box 37695 Baltimore, MD 21297 Assessed Owner: Alonso, Mario Jr. & Maria	1,753.61
2015-110	392/28.09	TTLBL, LLC 4747 Executive Drive Suite 510 San Diego, CA 92121 Assessed Owner: Nelms, Robert	2,587.02
2014-035	173/7/C0340	MTAG Custodian for Fig Capital Investment 8323 Ramona Blvd West Suite 2	3,118.94



RESOLUTION # 2016-162

WHEREAS, the Tax Court of New Jersey has granted a judgment in the amount of \$2,172.38 for the year 2013 for Block 157 Lot 3.18, located at 25 Embry Farm Road assessed to Wang, Youwei & Aijuan,

WHEREAS, the 2013 taxes have been paid in full, the Tax Collector is directed to refund the amount of \$2,172.38

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$2,172.38, to Zipp, Tannenbaum, & Caccavelli, LLC on behalf of Wang, Youwei & Aijuan.

RESOLUTION # 2016-163

WHEREAS, the Tax Court of New Jersey has granted a judgment in the amount of \$2,674.31 for the year 2014 for Block 157 Lot 3.18, located at 25 Embry Farm Road assessed to Wang, Youwei & Aijuan,

WHEREAS, the 2014 taxes have been paid in full, the Tax Collector is directed to refund the amount of \$2,674.31

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$2,674.31, to Zipp, Tannenbaum, & Caccavelli, LLC on behalf of Wang, Youwei & Aijuan.

RESOLUTION # 2016-164

WHEREAS, the Tax Court of New Jersey has granted a judgment in the amount of \$4,001.85 for the year 2015 for Block 157 Lot 3.18, located at 25 Embry Farm Road assessed to Wang, Youwei & Aijuan,

WHEREAS, the 2015 taxes have been paid in full, the Tax Collector is directed to refund the amount of \$4,001.85

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$4,001.85, to Zipp, Tannenbaum, & Caccavelli, LLC on behalf of Wang, Youwei & Aijuan.

At 7:40 PM, Council President Marder moved that the meeting be adjourned. This was seconded by Council President Mazzola, and

as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: MAY 5, 2016

OFFERED BY: METZGER AYES: 3

SECONDED BY: CANTOR NAYS: 0

ABSENT: MARDER, SCALEA

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ALIDA MANCO  
MUNICIPAL CLERK

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CAROL MAZZOLA  
COUNCIL PRESIDENT