

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

September 7, 2006

The Marlboro Township Council held its regularly scheduled meeting on September 7, 2006 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Morelli opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of the regularly scheduled 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 3, 2006; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Council Vice President Cantor, Councilman Pernice, Councilman Rosenthal (8:25pm), Councilwoman Tragni and Council President Morelli.

Also present were: Mayor Robert Kleinberg, Andrew Bayer, Esq., Business Administrator Judith Tiernan, Municipal Clerk Alida DeGaeta, and Deputy Clerk Deborah Usalowicz.

Council President Morelli opened the Public Hearing on Ordinance # 2006-24 (Amending Ord. #2006-17 - Development Fees). As there was no one who wished to speak, the Public Hearing was closed. The following Res. #2006-321/Ord. #2006-24 (Amending Ord. #2006-17 - Development Fees) was introduced by reference, offered by Councilman Rosenthal, seconded by Council President Morelli and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-321

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

ORDINANCE # 2006-24

AN ORDINANCE AMENDING CHAPTER 5 "AFFORDABLE HOUSING", ARTICLE III "DEVELOPMENT FEES" OF THE CODE OF THE TOWNSHIP OF MARLBORO TO PROVIDE FOR THE COLLECTION OF DEVELOPMENT FEES IN ACCORDANCE WITH THE ADOPTED HOUSING PLAN ELEMENT AND FAIR SHARE PLAN OF THE TOWNSHIP OF MARLBORO

which was introduced on August 10, 2006, public hearing held September 7th be adopted on second and final reading this 7th day of September, 2006.

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

Council President Morelli opened the Public Hearing on Ordinance # 2006-25 (Obtain Drainage Easement - Stokes Lane). After the Public Hearing was held and closed, the following Res. #2006-322/Ord. #2006-25 (Obtain Drainage Easement - Stokes Lane) was introduced by reference, offered by Councilwoman Tragni, seconded by Councilman Rosenthal and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-322

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

ORDINANCE # 2006-25

AN ORDINANCE AUTHORIZING THE TOWNSHIP TO OBTAIN A DRAINAGE EASEMENT DOWN THE CENTER LINE OF STOKES LANE IN THE TOWNSHIP OF MARLBORO

which was introduced on August 10, 2006, public hearing held September 7th be adopted on second and final reading this 7th day of September, 2006.

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

Council President Morelli opened the Public Hearing on

Ordinance # 2006-26 (Amending Chapter 84 - MHD II Mobile Home Park District - Sheds). As there was no one who wished to speak, the Public Hearing was closed. The following Res. #2006-323/Ord. #2006-26 (Amending Chapter 84 - MHD II Mobile Home Park District - Sheds) was introduced by reference, offered by Council President Morelli, seconded by Councilman Rosenthal and passed on a roll call vote of 5 - 0 in favor. Councilman Pernice stated the Planning Board found the proposed Ordinance consistent with the Master Plan.

RESOLUTION # 2006-323

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

ORDINANCE # 2006-26

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTIONS 84-47 "MHD MOBILE HOME PARK DISTRICT" AND 84-47.1 "MHD-II MOBILE HOME PARK DISTRICT" OF ARTICLE III "ZONING: STANDARDS AND REGULATIONS" OF CHAPTER 84 "LAND USE DEVELOPMENT AND REGULATIONS" OF THE CODE OF THE TOWNSHIP OF MARLBORO

which was introduced on August 10, 2006, public hearing held September 7th be adopted on second and final reading this 7th day of September, 2006.

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

The following Res. #2006-325/Ord. #2006-28 (Requirement of background check for First Aid Members) was introduced by reference, offered by Council Vice President Cantor and seconded by Council President Morelli. After discussion, the following resolution/ordinance was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-325

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

ORDINANCE # 2006-28

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 11 "EMERGENCY SERVICE BENEFITS" TO INCLUDE A NEW ARTICLE

REQUIRING THE DISCLOSURE OF INFORMATION REGARDING
APPLICANTS FOR MEMBERSHIP IN A VOLUNTEER FIRST AID SQUAD
WITHIN THE TOWNSHIP OF MARLBORO

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 21, 2006 at 8:00 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 # 2006-28

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 11
"EMERGENCY SERVICE BENEFITS" TO INCLUDE A NEW ARTICLE
REQUIRING THE DISCLOSURE OF INFORMATION REGARDING
APPLICANTS FOR MEMBERSHIP IN A VOLUNTEER FIRST AID SQUAD
WITHIN THE TOWNSHIP OF MARLBORO

WHEREAS, the Volunteer First Aid Squads within the Township of Marlboro, Monmouth County, New Jersey accept for membership those persons meeting certain criteria; and

WHEREAS, persons convicted of certain crimes are not eligible for membership in a Volunteer First Aid Squad; and

WHEREAS, in the course of performing their duties, Volunteer Paramedics, Emergency Medical Technicians and First Responders have access to homes and businesses;

WHEREAS, the Volunteer First Aid Squads need to have access to state criminal history records from the Division of State Police/State Bureau of Identification in order to properly evaluate applicants for membership; and

WHEREAS, N.J.A.C. 13:59-1.1, et seq. authorizes a municipal first aid squad to obtain criminal background checks for its volunteer members and there is no processing fee associated with those checks.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, in the County of Monmouth and State of New Jersey, that the title of Chapter 11 "Emergency Service Benefits" of the Code of the Township of Marlboro is hereby changed

to Chapter 11 "Emergency Service Benefits; Disclosure of Information by Volunteers"; and

BE IT FURTHER ORDAINED, that Sections 11-1 through 11-7 of Chapter 11 "Emergency Service Benefits; Disclosure of Information by Volunteers" are hereby recodified under Article I "Emergency Service Benefits"; and

BE IT FURTHER ORDAINED, that a new Article II "Disclosure of Information by Applicant for Membership in Volunteer First Aid Squad" is hereby adopted and shall read in its entirety as follows:

"§ 11-8 Disclosure of Information by Applicant for Membership in Volunteer First Aid Squad

A. This section is enacted pursuant to N.J.S.A. 40:42-1, *et seq.*, which directs municipalities to act for the health, welfare and safety of its citizens and N.J.A.C. 13:59-1.1, *et seq.*

B. Membership in a Volunteer First Aid Squad means membership as a Paramedic, Emergency Medical Technician or First Responder in the Marlboro First Aid Squad or Morganville First Aid Squad.

C. Any person desiring Membership in a Volunteer First Aid Squad must complete in duplicate, filing the same with the Volunteer First Aid Squad, a form which may be prescribed by the Volunteer First Aid Squad, but which shall contain the following information about the applicant:

1. Name;
2. Home Address;
3. Birth Date;
4. Social Security Number;
5. Driver's License Number;
6. A signed statement certifying as to whether the individual has been convicted of any of the following crimes and offenses:

i. In New Jersey, any crime or disorderly persons offense,

a. involving danger to the person, meaning those crimes and disorderly offenses set forth in N.J.S.A. 2C:11-1, *et seq.*; N.J.S.A. 2C:12-1, *et seq.*, N.J.S.A. 2C:13-1, *et seq.*; N.J.S.A. 2C:14-1, *et seq.* or N.J.S.A. 2C:15-1, *et seq.*;

b. against the family, children or incompetents, meaning those crimes and disorderly persons offenses set forth in N.J.S.A. 2C:24-1, *et seq.*;

c. involving theft as set forth in Chapter 20 of Title 2C of the New Jersey Statutes; or

d. involving any controlled dangerous substance or controlled substance analog as set forth in Chapter 35 of Title 2C of the New Jersey Statutes, except paragraph (4) of subsection

a. of N.J.S.A. 2C:35-10; or

ii. In any other state or jurisdiction, conduct which, if committed in New Jersey, would constitute any of the crimes or disorderly persons offenses described in subsection C.6.i of this Section."

D. Following the filing of such application, the Volunteer First Aid Squad shall transmit one of the applications to the Chief of Police, or his/her designee, of the Township of Marlboro who shall conduct an investigation to ascertain the truth of the statements made by the applicant upon his/her application and any such other investigation of the applicant's background as he/she deems necessary for the protection of the public good. If, as a result of such investigation, the applicant is found to have been convicted of violation of any crime or offense set forth in subsection C.6.i or C.6.ii or any other information is discovered that would indicate the applicant may be a threat to the health, safety or welfare of the community, the Chief of Police, or his/her designee, shall report such information and the particulars thereof to the Volunteer Fire Aid Squad.

E. In connection with said investigation, the applicant shall submit to fingerprinting, and the Chief of Police, or his/her designee, is authorized to submit the applicant's fingerprint card and receive criminal history record information from the Division of State Police/State Bureau of Identification for use in considering the suitability of all applicants covered under this Section.

F. This Section is intended to make the Volunteer First Aid an Authorized Agency as defined by N.J.A.C. 13:59-1.1.

G. The above investigation by the Chief of Police, or his/her designee, shall be completed within 60 days of receipt of the application and the fingerprinting of applicant."

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

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

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

The following Res. #2006-326/Ord. #2006-29 (Amending Fees Recreation Fees) was introduced by reference, offered by Council President Morelli, seconded by Councilwoman Tragni and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-326

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

ORDINANCE # 2006-29

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 117
"RECREATIONAL FACILITIES" OF THE CODE
OF THE TOWNSHIP OF MARLBORO

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 21, 2006 at 8:00 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 # 2006-29

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 117
"RECREATIONAL FACILITIES" OF THE CODE
OF THE TOWNSHIP OF MARLBORO

WHEREAS, the Township of Marlboro Recreation Commission has

recommended to the Township Council \$5.00 increases in its fees for Recreation Soccer (\$40.00 to \$45.00) and Recreation Wrestling (\$80.00 to \$85.00) to cover increased costs associated with those programs; and

WHEREAS, pursuant to this Ordinance, the Township Council desires to increase the fees for such programs.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, in the County of Monmouth and State of New Jersey, that Section 117-2 "Schedule of fees for recreational programs" of Chapter 117 "Recreational Facilities" of the Code of the Township of Marlboro be and hereby is amended in its entirety to state as follows:

"§ 117-2 Recreation program fees.

The following fees are hereby established for those programs offered by the Recreation Commission:

- A. Recreation Soccer -- \$45.00.
- B. Recreation Wrestling -- \$85.00.

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

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

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

The following Res. #2006-300 (Award of Bid - Umbrellas - Swim Club) was introduced by reference, offered by Council President Morelli and seconded by Councilman Pernice. After discussion, the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-300

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO
WATERLOO TENT & TARP CO., INC. FOR THE PROCUREMENT OF 47
SHADE UMBRELLAS FOR THE MARLBORO TOWNSHIP
SWIM CLUB DIVISION

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the procurement of forty-seven (47) shade umbrellas for the Marlboro Township Swim Club Division; and

WHEREAS, bidders were asked to submit proposals for various options; and

WHEREAS, two (2) bids were received from Waterloo Tent & Tarp Co., Inc. and Contract Furnishings International, Inc.; and

WHEREAS, the bid of Contract Furnishings International, Inc. was nonconforming and therefore must be rejected; and

WHEREAS, the Administration and the Township Attorney have reviewed the remaining bid from Waterloo Tent & Tarp Co., Inc. and recommend that a contract for "Option 1, Waterloo Shade Umbrellas with Sunbrella Fabric" in the total amount of \$101,516.00 be awarded to Waterloo Tent & Tarp Co., Inc. as the lowest qualified bidder submitting a conforming bid; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to award the contract to the lowest qualified bidder, Waterloo Tent & Tarp Co., Inc., for the provision of the aforesaid products.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a contract for "Option 1, Waterloo Shade Umbrellas with Sunbrella Fabric" in the total amount of \$101,516.00 be awarded to Waterloo Tent & Tarp Co., Inc. and that the Mayor is authorized to execute a contract, in a form legally acceptable to the Township Attorney, between the Township of Marlboro and Waterloo Tent & Tarp Co., Inc. in accordance with the bid proposal submitted by Waterloo Tent & Tarp Co., Inc., which is on file with the Township; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has executed a Certification of Funds for this contract, which is attached hereto, and that sufficient funds are available for said contract from Account Number X-08-55-980210; and

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

- a. Waterloo Tent & Tarp Co., Inc.
- b. Swim Club Executive Director
- c. Township Administrator
- d. Township Chief Financial Officer
- e. Gluck Walrath LLP.

The following Res. #2006-327 (Corrective Action Plan) was introduced by reference, offered by Councilman Pernice, seconded by Council Vice President Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-327

RESOLUTION APPROVING AND ACCEPTING
CORRECTIVE ACTION PLAN

WHEREAS, the SFY 2005 Annual Audit of the Township of Marlboro, conducted by Hutchins, Farrell, Meyer & Allison, P.A., contained certain recommendations requiring action, and

WHEREAS, these recommendations have been reviewed by the Township's Chief Financial Officer, and

WHEREAS, the Chief Financial Officer, in accordance with the requirements promulgated by the N.J. Division of Local Government Services, has developed a plan to address the recommendations listed by the auditors,

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Marlboro that the Corrective Action Plan for the SFY 2005 Annual Municipal Audit, hereto attached, is approved and accepted, and

BE IT FURTHER RESOLVED that the Township Clerk is hereby directed to transmit a certified copy of this resolution and its attachments to the Division of Local Government Services.

The following Res. #2006-328 (Authorizing Professional Service Contract - Birdsall - Conover Road Inspections, Gong Property DEP Violations, Union Hill Light & Parking) was introduced by reference, offered by Council President Morelli, seconded by Councilman Rosenthal and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-328

A RESOLUTION AUTHORIZING THE EXECUTION OF PROFESSIONAL SERVICES CONTRACTS BETWEEN BIRDSALL ENGINEERING, INC. AND THE TOWNSHIP OF MARLBORO FOR VARIOUS ENGINEERING SERVICES

WHEREAS, the Township of Marlboro is in need of professional engineering services for certain projects; and

WHEREAS, the Township has requested proposals through a non-fair and open process pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, Birdsall Engineering, Inc. has submitted the following proposals (the "Proposals") to the Township of Marlboro to provide the aforementioned professional engineering services:

- 1) Inspection and Construction Administration for Conover Road Paving for an amount not to exceed \$4,800.00;
- 2) NJDEP Violation Resolution for Block 172, Lot 32 for an amount not to exceed \$3,500;
- 3) Inspection and Construction Administration for the reconstruction of the Union Hill Road Commuter Parking Lot for an amount not to exceed \$79,400.00;

WHEREAS, the Chief Financial Officer has certified in writing that certain of these proposals will exceed \$17,500; and

WHEREAS, Birdsall Engineering, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Birdsall Engineering, Inc. has not made any reportable contributions to a political or candidate committee in the Township of Marlboro in the previous one year, and that the contract will prohibit Birdsall Engineering, Inc. from making any reportable contributions through the term of the contract; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the municipality to hire Birdsall Engineering, Inc. to provide the required professional services 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.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to execute contracts, in a form legally acceptable to the Township Attorney, between Birdsall Engineering, Inc. and the Township of Marlboro to provide the required professional services in accordance with the Proposal; and

BE IT FURTHER RESOLVED, that the Certified Financial Officer has executed a Certification of Funds for the contracts, which is attached hereto, and that sufficient funds are available for said contacts from the following account numbers:

- 1) Conover Road Paving - X-04-55-960-937
- 2) Abatement of DEP Violation - G-02-41-709-400
- 3) Union Hill Commuter Lot - X-04-55-959-956

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

- a. Birdsall Engineering, Inc., Eatontown, NJ
- b. Township Department of Public Works
- c. Township Administrator
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

The following Res. #2006-329 (Extension of Contract - Road Materials - Stavola) was introduced by reference, offered by Council President Morelli, seconded by Councilwoman Tragni and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-329

A RESOLUTION APPROVING A ONE-YEAR RENEWAL OF THE CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO AND STAVOLA ASPHALT

COMPANY, INC. FOR THE PROVISION OF ROAD MATERIALS FOR THE
TOWNSHIP OF MARLBORO
DEPARTMENT OF PUBLIC WORKS (DPW)

WHEREAS, by Resolution #2005-113, dated March 3, 2005, the Township of Marlboro awarded a one-year contract to Stavola Asphalt Company, Inc. to provide road materials for the Marlboro Department of Public Works, as set forth in the bid proposal on file with the Township; and

WHEREAS, pursuant to the authorization provided by Resolution #2005-113, the parties entered into a contract for the provision of road materials (the "Contract"); and

WHEREAS, in accordance with the bid specifications and the terms and conditions of the Contract, the Township of Marlboro reserved the exclusive option to renew any components of the Contract for an additional one-year period on the same terms and conditions specified in the bid proposal submitted by Stavola Asphalt Company, Inc.; and

WHEREAS, Administration and the Township of Marlboro Department of Public Works have recommended that the Township Council approve the renewal of the Contract for a period of one year upon the same terms and conditions specified in the bid proposal submitted by Stavola Asphalt Company, Inc.; and

WHEREAS, the Township Council has determined that it is in the best interest of the residents of the Township of Marlboro to approve said renewal of the Contract.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to renew the Contract between the Township of Marlboro and Stavola Asphalt Company, Inc. for a period of one year upon the same terms and conditions specified in the bid proposal submitted by Stavola Asphalt Company, Inc. and authorized by Resolution #2005-113; and

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

- a. Stavola Asphalt Company, Inc.
- b. Township Administrator
- c. Department of Public Works
- d. Chief Financial Officer
- e. Gluck Walrath, LLP

The following Res. #2006-330 (Extension of Contract - Equipment Rental for Road Program - Lucas Brothers) was introduced by reference, offered by Council President Morelli, seconded by Councilwoman Tragni and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-330

A RESOLUTION APPROVING A ONE-YEAR RENEWAL OF THE CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO AND LUCAS BROTHERS, INC. FOR THE PROVISION OF RENTAL EQUIPMENT AND OPERATOR SERVICE FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (DPW)

WHEREAS, by Resolution #2005-135, dated March 15, 2005, the Township of Marlboro awarded a one-year contract to Lucas Brothers, Inc. to provide equipment rental and operator service for the Marlboro Department of Public Works, as set forth in the bid proposal on file with the Township; and

WHEREAS, pursuant to the authorization provided by Resolution #2005-135, the parties entered into a contract for the provision of equipment rental and operator service dated May 16, 2005 (the "Contract"); and

WHEREAS, in accordance with the bid specifications and the terms and conditions of the Contract, the Township of Marlboro reserved the exclusive option to renew any components of the Contract for an additional one-year period on the same terms and conditions specified in the bid proposal submitted by Lucas Brothers, Inc.; and

WHEREAS, Administration and the Township of Marlboro Department of Public Works have recommended that the Township Council approve the renewal of the Contract for a period of one year upon the same terms and conditions specified in the bid proposal submitted by Lucas Brothers, Inc.; and

WHEREAS, the Township Council has determined that it is in the best interest of the residents of the Township of Marlboro to approve said renewal of the Contract.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to renew the Contract between the Township of Marlboro and Lucas Brothers, Inc. for a period of one year upon the same

terms and conditions specified in the bid proposal submitted by Lucas Brothers, Inc. and authorized by Resolution #2005-135; and

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

- a. Lucas Brothers, Inc.
- b. Township Administrator
- c. Department of Public Works
- d. Chief Financial Officer
- e. Gluck Walrath, LLP

The following Res. #2006-331 (Award of Bid - Emergency Generators) was introduced by reference, offered by Councilwoman Tragni, seconded by Council President Morelli and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-331

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT
TO ELECTRO MAINTENANCE, INC. FOR THE REPLACEMENT
OF EMERGENCY GENERATORS FOR THE TOWNSHIP
OF MARLBORO MUNICIPAL COMPLEX

WHEREAS, the Township of Marlboro authorized the acceptance of bids for the replacement of emergency generators for the Township of Marlboro Municipal Complex; and

WHEREAS, five (5) bids were received as follows:

Electro Maintenance, Inc. of Farmingdale, New Jersey in the total amount of \$139,349.00;

Manor II Electric, Inc. of Fair Haven, New Jersey in the total amount of \$159,840.00;

Sodon's Electric, Inc. of Atlantic Highlands, New Jersey in the total amount of \$165,480.00;

Electri-Tech, Inc. of Dorothy, New Jersey in the total amount of \$188,000.00; and

Electrical Applications, Inc. of Roselle Park, New Jersey in the total amount of \$268,847.00; and

WHEREAS, the Administration, Director of Public Works and the Township Attorney have reviewed the bids received and recommend that the contract be awarded to Electro Maintenance, Inc. as the lowest qualified bidder submitting a conforming bid; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to award the contract to the lowest qualified bidder, Electro Maintenance, Inc., for the provision of the aforesaid services.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the contract for replacement of emergency generators for the Township of Marlboro Municipal Complex be and hereby is awarded to Electro Maintenance, Inc. in the total amount of \$139,349.00 and that the Mayor is authorized to execute a contract, in a form legally acceptable to the Township Attorney, between the Township of Marlboro and Electro Maintenance, Inc. in accordance with the bid proposal submitted by Electro Maintenance, Inc., which is on file with the Township; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has executed a Certification of Funds for this contract, which is attached hereto, and that sufficient funds are available for said contract from Account Number X-04-55-959-955; and

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

- a. Electro Maintenance, Inc.
- b. Director of Public Works
- c. Township Administrator
- d. Township Chief Financial Officer
- e. Gluck Walrath LLP.

The following Res. #2006-332 (Authorizing Professional Services Contract - Buchalski - appraisal for the former DiMeo property) was introduced by reference, offered by Council President Morelli, seconded by Councilman Pernice and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-332

A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT BETWEEN BRB VALUATION AND

CONSULTING SERVICES AND THE TOWNSHIP OF MARLBORO
FOR APPRAISAL SERVICES FOR BLOCK 159, LOT 1.02 IN
CONNECTION WITH OPEN SPACE

WHEREAS, the Township of Marlboro is in need of professional appraisal services for Block 159, Lot 1.02 in connection with Open Space; and

WHEREAS, the Township has requested proposals through a non-fair and open process pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, BRB Valuation and Consulting Services has submitted the attached proposal dated September 5, 2006 (the "Proposal") to the Township of Marlboro to provide the aforementioned professional services for an amount not to exceed \$2,500.00; and

WHEREAS, BRB Valuation and Consulting Services has completed and submitted a Business Entity Disclosure Certification which certifies that BRB Valuation and Consulting Services has not made any reportable contributions to a political or candidate committee in the Township of Marlboro in the previous one year, and that the contract will prohibit BRB Valuation and Consulting Services from making any reportable contributions through the term of the contract; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the municipality to hire BRB Valuation and Consulting Services to provide the required professional services 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.

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

hereby authorized to execute a contract, in a form legally acceptable to the Township Attorney, between BRB Valuation and Consulting Services and the Township of Marlboro to provide the required professional services in accordance with the Proposal; and

BE IT FURTHER RESOLVED, that the Certified Financial Officer has executed a Certification of Funds for the contract, which is attached hereto, and that sufficient funds are available for said contact from Trust Account Number T-15-56-859-815.

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

- a. BRB Valuation and Consulting Services
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Gluck Walrath, LLP

As the consent agenda, the following Resolutions were introduced by reference, offered by Councilman Pernice, seconded by Council President Morelli and passed on a roll call vote of 5 - 0 in favor: Res. #2006-333 (Authorizing Grant - PD Communications System), Res. #2006-334 - (Chapter 159 - Item of Revenue - PD Communications System), Res. #2006-335 (Change Order #1 - W.B. Mason - Furniture), Res. #2006-336 (Authorization to Bid - Building Dept./Police Station Addition), Res. #2006-337 (Raffle License Marlboro Elementary PTA (On Premise Merchandise), Res. #2006-338 (Raffle License Knights of Columbus (Off Premise 50/50)).

RESOLUTION # 2006-333

RESOLUTION AUTHORIZING A GRANT APPLICATION TO BE FILED
WITH THE NEW JERSEY DEPARTMENT OF TREASURY, DIVISION OF
ADMINISTRATION FOR UPGRADES TO THE MARLBORO TOWNSHIP
POLICE DEPARTMENT COMMUNICATIONS SYSTEMS

WHEREAS, the Township of Marlboro desires to apply for and obtain funding from the State of New Jersey for \$50,000 to carry out a project to update police communications; and

BE IT THEREFORE RESOLVED, that the Township of Marlboro does hereby authorize the application for such funds; and upon receipt of the funding agreement from the State of New Jersey, does further

authorize the execution of the funding agreement; and also upon receipt of the fully executed agreement from the State does further authorize the expenditure of funds pursuant to the terms of the agreement between the Township of Marlboro and the State of New Jersey;

BE IT FURTHER RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement and any other documents necessary in connection therewith and act as representatives of the aforementioned organization.

RESOLUTION # 2006-334

RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE
AND APPROPRIATION (N.J.S.A. 40A:4-87)

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

Section 1

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro, in the County of Monmouth, New Jersey, hereby requests the Director of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2006 in the sum of \$50,000.00, which item is now available as a revenue from the New Jersey Department of Treasury for improvements to Police Communications System, and

Section 2

BE IT FURTHER RESOLVED that the sum of \$50,000.00 is hereby appropriated under the caption "NJ Special Purpose Grant".

RESOLUTION # 2006-335

A RESOLUTION AUTHORIZING CHANGE ORDER #1 TO THE
CONTRACT AWARDED TO W.B. MASON COMPANY FOR THE PURCHASE
OF ADDITIONAL FURNITURE IN CONNECTION WITH THE
TOWNSHIP OF MARLBORO MUNICIPAL COMPLEX RENOVATIONS

WHEREAS, by Resolution #2005-409A, the Township of Marlboro awarded a contract to W.B. Mason Company, through State Contract #A56310, for the provision of office furniture in connection with the Township of Marlboro Municipal Complex renovations for a total contract amount of \$128,090.10 (the "Contract"); and

WHEREAS, W.B. Mason Company was required to provide additional furniture to complete the renovation project for a total cost of \$1,347.65; and

WHEREAS, the Director of Public Works has recommended that the Township Council authorize Change Order #1 to the Contract for \$1,347.65, thereby increasing the total contract amount to \$129,437.75; and

WHEREAS, pursuant to N.J.A.C. 5:30-11.1, *et seq.*, change orders that do not, in the aggregate, exceed 20% of the original contract amount, can be authorized by the governing body without additional public bidding.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, that the Mayor is authorized to execute Change Order #1 to the Contract between the Township of Marlboro and W.B. Mason Company increasing the total contract amount to \$129,437.75; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer has executed a Certification of Funds for Change Order #1, which is attached hereto, and that sufficient funds are available for said change order from Capital Account Number X-04-55-960-954; and

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

- a. W.B. Mason Company
- b. Director of Public Works
- c. Township Administrator
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP.

RESOLUTION # 2006-336

BE IT RESOLVED by the Township Council of the Township of Marlboro that the Business Administrator is hereby authorized and directed to advertise for open competitive bids for the following said work, and/or materials as required by law:

Building Department / Police Station Addition

RESOLUTION # 2006-337

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 13 -06 (On-Premise Merchandise) be and it is hereby granted to Marlboro Elementary School PTA, 100 School Road West, Marlboro, New Jersey 07746.

BE IT FURTHER RESOLVED that said Raffle will be held on September 25, 2006 from 7 - 10 PM at Marlboro Elementary School, 100 School Road West, Marlboro, N. J. 07746.

RESOLUTION # 2006-338

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 14-06 (Off Premise 50/50) be and it is hereby granted to Knights of Columbus #6392, PO Box 922, Lincroft, New Jersey 07738.

BE IT FURTHER RESOLVED that said Raffle will be held on December 10th, 2006 at 7:00 PM at St. Gabriel's Church, 100 North Main Street, Marlboro, N. J. 07746.

At 9:15PM, Council Vice President Cantor moved that the meeting go into executive session for reason of discussing namely property acquisition and contract negotiations. This was seconded by Councilman Rosenthal, and as there was no objection, the Clerk was asked to cast one ballot. Recess was called, and the executive session commenced at 9:30 PM.

RESOLUTION # 2006-339

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 7th day of September, 2006 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, namely acquisition of property and contract negotiations.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned item and that such executive session should take approximately

45 minutes. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required. Action may be taken following the executive session.

At 10:20 PM, Councilman Pernice moved that the meeting be opened. This was seconded by Council President Morelli, and as there was no objection, the Clerk was asked to cast one ballot.

At 10:21 PM, Council President Morelli moved that the meeting be adjourned. This was seconded by Councilwoman Tragni, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: October 19, 2006

OFFERED BY: Pernice AYES: 4

SECONDED BY: Morelli NAYS: 0

ABSENT: Cantor

ALIDA DE GAETA
MUNICIPAL CLERK

PATRICIA MORELLI
COUNCIL PRESIDENT