

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

April 16, 2015

The Marlboro Township Council held its regularly scheduled Meeting on April 16, 2015 at 7:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Metzger opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of this meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on January 13, 2015; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building; filed in the office of the Municipal Clerk and placed on the township website and Channel 77.

The Clerk called the Roll.

PRESENT: Councilman Cantor, Councilwoman Marder, Councilman Scalea, and Council President Metzger. Council Vice President Mazzola was absent.

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

Councilman Scalea moved that the minutes of March 19, 2015 be approved. This was seconded by Council President Metzger passed on a roll call vote of 4 - 0 in favor (Absent: Mazzola).

The following Res. #2015-151 (Budget Amendment) was introduced by reference, offered by Councilwoman Marder, seconded by Councilman Scalea, and passed on a roll call vote of 4 - 0 in favor (Absent: Mazzola).

RESOLUTION # 2015-151

RESOLUTION OF THE TOWNSHIP OF MARLBORO  
COUNTY OF MONMOUTH, STATE OF NEW JERSEY

TO AMEND THE INTRODUCED BUDGET IN ACCORDANCE  
WITH THE PROVISIONS OF 40A:4-9

WHEREAS, the local municipal budget for 2015 was introduced on March 19, 2015; and

WHEREAS, the budget has been advertised and a public hearing scheduled for April 16, 2015 pursuant to 40A:4-6 and 40A:4-7; and

WHEREAS, the Township Council desires to amend said approved budget;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth that the following amendments to the introduced budget of 2015 be made:

CURRENT FUND

	From	To
REVENUES		
1. Surplus Anticipated	4,125,000.00	4,205,000.00
6. Amount to be Raised by Taxation	25,277,497.93	25,277,497.93
7. Total Revenues	34,739,976.98	34,819,976.98

APPROPRIATIONS

(E) Deferred Charges and Statutory Expenditures

(2) Statutory Expenditures

Public Employees' Retirement System	890,000.00	890,000.00
Social Security System (O.A.S.I.)	1,079,101.94	1,079,101.94
Police and Firemen's Retirement System	1,850,000.00	1,930,000.00
Defined Contribution Retirement Program	1,000.00	1,000.00

Total Deferred Charges and Statutory Expenditures –  
Municipal within "CAPS"

	3,822,601.94	3,900,101.94
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(H-1) Total General Appropriations for Municipal Purposes  
within "CAPS"

	27,720,791.85	27,800,791.85
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(O) Total General Appropriations - Excluded from "CAPS"

	4,693,429.71	4,693,429.71
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(L) Subtotal General Appropriations (H-1 and O)

	32,414,221.56	32,494,221.56
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(M) Reserve for Uncollected Taxes

	2,325,755.42	2,325,755.42
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9. Total General Appropriations

	34,739,976.98	34,819,976.98
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BE IT FURTHUR RESOLVED, that three certified copies of this resolution be filed forthwith in the office of the Director of Local Government Services for certification of the 2015 Local Municipal Budget as amended and adopted.

Council President Metzger opened the Public Hearing on the 2015 Municipal Budget as amended. As there was no one who wished to speak, the Public Hearing was closed. The following Res. #2015-152 (Budget Adoption) was introduced by reference, offered by Councilwoman Marder, seconded by Councilman Scalea, and passed on a roll call vote of 4 - 0 in favor (Absent: Mazzola).

RESOLUTION # 2015-152

RESOLUTION AUTHORIZING THE ADOPTION OF THE  
2015 MUNICIPAL BUDGET

WHEREAS, the 2015 Township of Marlboro Municipal Budget was introduced on March 19, 2015; and

WHEREAS, the required public hearing was scheduled and held on April 16, 2015.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Marlboro hereby adopts the 2015 Township of Marlboro Municipal Budget.

Council President Metzger opened the Public Hearing on Ord. #2015-5 As Amended. As there was no one who wished to speak, the Public Hearing was closed. The following Res. #2015-153/Ord. #2015-5 As Amended (Single Site License Agreement - Diamond) was introduced by reference, offered by Councilman Cantor, seconded by Councilwoman Marder and passed on a roll call vote of 4 - 0 in favor (Absent: Mazzola).

RESOLUTION # 2015-153

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

ORDINANCE # 2015-5 (As Amended)

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO IN THE COUNTY OF MONMOUTH, NEW JERSEY, AUTHORIZING THE EXTENSION OF A SINGLE SITE LICENSE AGREEMENT BETWEEN THE TOWNSHIP OF MARLBORO AND DIAMOND

TOWERS II LLC TO INSTALL AND OPERATE A WIRELESS COMMUNICATION FACILITY AND ANTENNAE AND AUTHORIZING A CO-LOCATION SUBLEASE AGREEMENT BETWEEN THE TOWNSHIP OF MARLBORO AND SPRINT SPECTRUM, L.P. TO INSTALL, OPERATE AND MAINTAIN THE MARLBORO TOWNSHIP POLICE DEPARTMENT'S UNMANNED RADIO COMMUNICATIONS EQUIPMENT

which was introduced on March 19, 2015, public hearing held on April 16, 2015, be adopted on second and final reading this 16th day of April, 2015.

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

Council President Metzger opened the Public Hearing on Ord. #2015-6. As there was no one who wished to speak, the Public Hearing was closed. The following Res. #2015-154/Ord. #2015-6 (Exceed Municipal Budget Appropriation Limits and Establish a Cap Bank) was introduced by reference, offered by Councilman Scalea, seconded by Councilman Cantor and passed on a roll call vote of 4 - 0 in favor (Absent: Mazzola).

RESOLUTION # 2015-154

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

ORDINANCE # 2015-6

CALENDAR YEAR 2015

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

which was introduced on March 19, 2015, public hearing held on April 16, 2015, be adopted on second and final reading this 16th day of April, 2015.

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

The following Res. #2015-155/Ord. #2015-7 (Amending Section 138-38 - Schedule I - No Parking - To Include a Section of Prince William Road) was introduced by reference, offered by Councilman Cantor and seconded by Councilwoman Marder. Discussion followed during which several issues were discussed such as eliminating

some of the traffic signs, placing others at the cul de sac, increasing patrols in the area, painting the curb in yellow. Chief Hall stated that the work order for the painting of the curb is in progress. He also stated that that Business Administrator Jonathan Capp and Township Attorney Louis N. Rainone are looking into legal issues regarding enforcement. Mr. Capp stated that this ordinance has been reviewed by the legal department and will be one of many steps taken to resolve the issue. CME Engineer Trevor Taylor stated that they have recommended that this ordinance be adopted. After discussion, the resolution/ ordinance was passed on a roll call vote of 4 - 0 in favor (Absent: Mazzola).

RESOLUTION # 2015-155

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

ORDINANCE # 2015-7

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

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

BE IT FURTHER RESOLVED that the same be considered for final passage on May 7, 2015 at 7:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2015-7

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

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

WHEREAS, currently there is a paved pedestrian access from Township recreational facilities to the cul-de-sac bulb of

Prince William Road, and whereby currently, parking is permitted along the cul-de-sac bulb of Prince William Road.

WHEREAS, The Township Council of the Township of Marlboro has concerns regarding emergency access to municipal property, including Block 255 Lots 24 and 55, and therefore seeks to amend Section 138-38, Schedule I: No Parking to include a parking restriction within the cul-de-sac bulb of Prince William Road. The restriction shall be 15 feet beyond both ends of the intersection of the paved pedestrian walkway and Prince William Road.

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

Name of Street	Side	Location
Prince William Road	Cul-de-sac bulb	A distance of 15 feet as measured from both sides of the pedestrian access

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

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

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

The following Res. #2015-156/Ord. #2015-8 (Appropriating \$250,000 Grant - Improvements to Marlboro Country Park) was introduced by reference, offered by Councilwoman Marder, seconded by Council President Metzger, and passed on a roll call vote of 4 - 0 in favor (Absent: Mazzola).

RESOLUTION # 2015-156

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

ORDINANCE # 2015-8

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

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 7, 2015 at 7:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2015-8

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

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than a majority of all members thereof affirmatively concurring), AS FOLLOWS:

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

Section 2. The capital budget or temporary capital budget, as applicable, of the Township is hereby amended to

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

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

The following Res. #2015-157/Ord. #2015-9 (Appropriating \$145,000 Grant - Improvements to Nolan Road Park) was introduced by reference, offered by Councilwoman Marder, seconded by Council President Metzger, and passed on a roll call vote of 4 - 0 in favor (Absent: Mazzola).

RESOLUTION # 2015-157

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

ORDINANCE # 2015-9

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

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 7, 2015 at 7:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2015-9

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

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than a majority of all members thereof affirmatively concurring), AS FOLLOWS:

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

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

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

The following Resolution #2015-158 (Bond Reduction - Marlboro Tennis Center - B 178, L 291 - Site) was introduced by reference, offered by Councilwoman Marder, seconded by Council President Metzger and passed on a roll call vote of 4 - 0 in favor (Absent: Mazzola).

RESOLUTION #2015-158

RESOLUTION AUTHORIZING REDUCTION OF PERFORMANCE GUARANTEES FOR THE SITE KNOWN AS MARLBORO TENNIS CENTER, BLOCK 178, LOT 291, 185 AMBOY ROAD, TOWNSHIP OF MARLBORO, NEW JERSEY

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro has received a request from Alan G. Trembulak, Esq. for a reduction in the Township held Performance Guarantees in the form of a Letter of Credit and cash deposit for site improvements ("Public Improvements") on the Site known as "Marlboro Tennis Center" (the "Site"), property known as Block 178, Lot 291, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by Amboy Avenue Partners, LLC (the "Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed the Township Engineer's report dated March 27, 2015, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the aforesaid report recommends that a reduction be made in the current Letter of Credit and cash deposit amounts being held by the Township; and

WHEREAS, the Township Council desires to reduce the performance guarantee Letter of Credit and cash deposit amounts in accordance with the recommendation of the Township Engineer's report dated March 27, 2015.

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 performance guarantees in the form of a Letter of Credit and cash deposit posted by the Developer, Amboy Avenue Partners, LLC, for the site known as Marlboro Tennis Center located on property known as Block 178, Lot 291, Township of Marlboro, New Jersey, shall be reduced as follows:

1. The Letter of Credit (Ocean First Bank, Letter of Credit No. 1184), in the original and present amount of \$612,218.36, shall be reduced by \$428,552.85, so that the remaining amount shall be \$183,665.51.
2. The Cash Deposit, in the original amount of \$68,024.26 (excludes accrued interest) shall be reduced by \$47,616.98, so that the amount to remain shall be \$20,407.28; and

BE IT FURTHER RESOLVED, that the above reductions shall be subject to the posting of any and all outstanding review and/or inspections fees required by the Planning Board and/or Township and the resolution of any valid homeowners' complaints; and

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

- a. Amboy Avenue Partners, LLC
- b. Ocean First Bank
- c. Mayor Jonathan L. Hornik
- d. Township Business Administrator
- e. Township Chief Financial Officer
- f. Township Engineer
- g. Alan G. Trembulak, Esq.

The following Resolution #2015-159 (Bond Reduction - Marlboro Tennis Center - B 178, L 291 - Site) Water System Improvements was introduced by reference, offered by Councilman Scalea, seconded by Council President Metzger and passed on a roll call vote of 4 - 0 in favor (Absent: Mazzola).

RESOLUTION # 2015-159

RESOLUTION AUTHORIZING REDUCTION OF PERFORMANCE GUARANTEES FOR THE WATER SYSTEM IMPROVEMENTS AT MARLBORO TENNIS CENTER, BLOCK 178, LOT 291, 185 AMBOY ROAD, TOWNSHIP OF MARLBORO, NEW JERSEY

WHEREAS, in accordance with *N.J.S.A. 40:55D-53*, the Township of Marlboro has received a request from Alan G. Trembulak, Esq. for a reduction in the Township held Performance Guarantees in the form of a Letter of Credit for water system improvements ("Water System Improvements") on the Site known as "Marlboro Tennis Center" (the "Site"), property known as Block 178, Lot 291, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by Amboy Avenue Partners, LLC (the "Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed the Township Engineer's report dated March 27, 2015, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the aforesaid report recommends that a reduction be made in the current Letter of Credit amount being held by the Township; and

WHEREAS, the Township Council desires to reduce the Letter of Credit amount in accordance with the recommendation of the Township Engineer's report dated March 27, 2015.

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 performance guarantees in the form of a Letter of Credit posted by the Developer, Amboy Avenue Partners, LLC, for the site known as Marlboro Tennis Center located on property known as Block 178, Lot 291, Township of Marlboro, New Jersey, shall be reduced as follows:

1. The Letter of Credit (Ocean First Bank, Letter of Credit No. 1199), in the original amount of \$127,413.60, shall be reduced by \$89,189.52, so that the remaining amount shall be \$38,224.08.

BE IT FURTHER RESOLVED, that the above reductions shall be subject to the posting of any and all outstanding review and/or inspections fees required by the Planning Board and/or Township, and

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

- a. Amboy Avenue Partners, LLC
- b. Ocean First Bank
- c. Mayor Jonathan L. Hornik
- d. Township Business Administrator
- e. Township Chief Financial Officer
- f. Township Engineer
- g. Alan G. Trembulak, Esq.

As the consent agenda, the following resolutions were introduced by reference, offered by Councilwoman Marder, seconded by Councilman Scalea, and passed on a roll call vote of 4 - 0 in favor (Absent: Mazzola): Res. #2015-160 (Award of Contract Engineering Services - Water System Improvements), Res. #2015-161 (Award of Contract Engineering Services - Rockwell Circle Dam Improvements), Res. #2015-162 (Confirming Emergency Contract and Approving Expenditures - Fuel Tank/Removal Replacement), Res. #2015-163 (Authorizing Site Investigation Services - Nolan Rd Park), Res. #2015-164 (Award of Contract Engineering Services - Fuel Tank Removal/Replacement (Insurance)), Res. #2015-165 (Authorizing Planning and Litigation

Support Services - Affordable Housing), Res. #2015-166 (Authorizing Application to NJ Tree Recovery Campaign), Res. #2015-167 (Authorizing Application of Pesticides for Mosquito Control - Mon. County Mosquito Extermination Com.), Res. #2015-168 (Award of Bid - Country Park Field Improvements), Res. #2015-169 (Authorizing Final Close Out Change Order and Acceptance of Recreation Center Gym Floor Improvement Project), Res. #2015-170 (Authorizing Grantee/Sub-Grantee Agreement with NJ Div of State Police for FEMA Hazard Mitigation Grant), Res. #2015-171 (Authorizing Adoption of Mon County Multi-Jurisdictional Hazard Mitigation Plan), Res. #2015-172 (Authorizing Transfer and Acceptance of Surplus Military Equipment for UD Dept of Defense - DOD), Res. #2015-173 (Authorizing One Year Contract Renewal - Wells and Pumps Service), Res. #2015-174 (Confirming Emergency Contract and Approving Expenditures for Emergency Repairs to Water Mains), Res. #2015-175 (Confirming Emergency Contracts for Contract Snow Removal), Res. #2015-176 (Award of Bid - Property Maintenance), Res. #2015-177 (Confirming Change Order to Emergency Contract and Approving Expenditures - Aboveground Storage Tank Rental), Res. #2015-178 (Authorizing Contract with Morton Salt under Mon County Purchasing Coop), Res. #2015-179 (Authorizing Return of Security Deposit - Food Concession Service), Res. #2015-180 (Authorizing Participation NJ E-Procurement Pilot Program - Purchase of Electric Power Supplies with Marlboro Bd of Ed), Res. #2015-181 (Authorizing Application 2015 Bulletproof Vest Partnership Grant), Res. #2015-182 (Authorizing Application 2015 Recycling Tonnage Grant), Res. #2015-183 (Authorizing State Contract Purchase - Vehicles - 2015 Capital/Various, UCC Trust, Fire Safety Trust), Res. #2015-184 (Authorizing State Contract Purchase - Tow-Behind Chipper), Res. #2015-185 (Authorizing State Contract Purchase - Radio and 911 Phone Console Upgrades), #2015-186 (Authorizing Establishment of Dedication by Rider Account - Donations to Rec Dept), Res. #2015-187 (Mortgage Subordination - 677 Snowdrop Court), Res. #2015-188 (Redemption Tax Sale Certs - Various), Res. #2015-189 (Disabled Veteran Exemption - B 412.03, L 5) and Res. #2015-190 (Overpayments for 2015 Taxes).

RESOLUTION # 2015-160

A RESOLUTION AUTHORIZING AN AMENDMENT TO A PROFESSIONAL SERVICES CONTRACT BETWEEN CME ASSOCIATES AND THE TOWNSHIP OF MARLBORO FOR ENGINEERING SERVICES IN CONJUNCTION WITH 2015 WATER SYSTEM IMPROVEMENTS FOR THE DEPARTMENT OF PUBLIC WORKS WATER UTILITY DIVISION

WHEREAS, the Township authorized various water system improvements as part of its 2014 and 2015 Water Capital Programs which included preparation of a Water Allocation Permit Major Modification/Renewal (14/500-02), engineering services associated with the Schanck Road Emergency Interconnection with New Jersey American Water Company (NJAWC)(15/500-20.1) and Well Redevelopment and Rehabilitation (15/500-04) ("Projects"); and

WHEREAS, the Township is in need of additional professional engineering services in connection with these Projects and has been provided with proposals by CME Associates dated March 10, 2015 and April 2, 2015 ("Proposals") for such Professional Services, summarized as follows

Water Allocation Permit (14/500-02)	\$19,086.00
Schanck Road Emergency Interconnection(15/500-20.1)	\$5,000.00
Water Supply Well Rehabilitation (15/500-4)	\$7,200.00

; 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 \$31,286.00 for such Professional Services, as further described and set forth in CME's Proposals, 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 \$31,286.00 are available for this purpose from Account #s 06-215-14-05C-500288 and 06-215-15-03D-500288; 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 to include ENGINEERING SERVICES IN CONJUNCTION WITH 2015 WATER SYSTEM IMPROVEMENTS by way of its Township Engineers ("Professional Services"), at a fee not to exceed \$31,286.00 for such Professional Services, as further described and set forth in CME's Proposals dated March 10, 2015 and April 2, 2015 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 \$31,286.00 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 Superintendent of Public Works

d. Township Chief Financial Officer

RESOLUTION # 2015-161

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES CONTRACT BETWEEN CME ASSOCIATES AND THE TOWNSHIP OF MARLBORO FOR PROFESSIONAL ENGINEERING SERVICES FOR IMPROVEMENTS TO THE ROCKWELL CIRCLE DAM

WHEREAS, the Township authorized various infrastructure improvements as part of its 2015 Capital Program which included improvements to the Rockwell Circle Dam (060-28)("Project"); and

WHEREAS, the Township previously approved R.2013-157 on May 2, 2013 which authorized a Regular Inspection Report of the Rockwell Circle Dam; and

WHEREAS, the Township transmitted the report to the NJ Department of Environmental Protection (NJDEP) on June 27, 2013; and

WHEREAS, the NJDEP reviewed the Township's inspection report and has advised the Township in a communication dated July 11, 2013 that the Rockwell Circle "dam was found to be in an unsatisfactory condition with studies, repairs and maintenance necessary"; and

WHEREAS, the Township approved R.2013-256 on August 1, 2013 which authorized the survey of the dam, Hydrologic and Hydraulic analysis and preparation of an interim improvement plan based on the work performed by Marlboro DPW; and

WHEREAS, under the direction of the Township Engineer and with the consent of NJDEP, the Marlboro Department of Public Works (DPW) performed certain maintenance activities; and

WHEREAS, the Township transmitted a Hydrologic and Hydraulic study to NJDEP in December 2013; and

WHEREAS, NJDEP issued a communication in response dated August 5, 2014 indicating that a failure/inundation report was still required in order to classify the dam; and

WHEREAS, the Township is in need of additional professional engineering services in connection with this Project and has been provided with a proposal by CME Associates dated December 10, 2014 ("Proposal") for such Professional Services; 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 \$20,000.00 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 are available for this purpose from Account #04-215-15-02I-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 Project 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 to include PROFESSIONAL ENGINEERING SERVICES FOR IMPROVEMENTS TO ROCKWELL CIRCLE by way of its Township Engineers ("Professional Services"), at a fee not to exceed \$20,000.00 for such Professional Services, as further described and set forth in

CME's Proposal dated December 10, 2014, 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 \$20,000.00 for such additional Professional Services for the Project 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 Public Works Director
- d. Township Engineer
- e. Township Chief Financial Officer

RESOLUTION # 2015-162

A RESOLUTION CONFIRMING EMERGENCY CONTRACT WITH CME ASSOCIATES INC. FOR ADDITIONAL LICENSED SITE REMEDIATION PROFESSIONAL (LSRP) SERVICES ASSOCIATED WITH THE FAILURE OF THE ABOVEGROUND GASOLINE STORAGE TANK LOCATED ON TOWNSHIP PROPERTY PURSUANT TO N.J.S.A. 40A:11-6 FOR THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, on March 18, 2015 a mandatory inspection of the aboveground gasoline storage tank at the Township garage determined that the tank failed test protocols indicating a breach on either the primary or secondary tank walls ; and

WHEREAS, N.J.S.A. 40A:11-6 states that "Any contract may be ... awarded for a contracting unit without public advertising for bids and bidding therefor ... when an emergency affecting the

public health, safety or welfare requires the immediate ... performance of services ... ."; and

WHEREAS, N.J.S.A. 40A:11-6(b) states that "Upon the furnishing of such goods or services ... the contractor furnishing such goods or services shall be entitled to be paid therefor and the contracting unit shall be obligated for said payment ..."; and

WHEREAS, the Township's Licensed Site Remediation Professional, Risk Manager and the Environmental Joint Insurance Fund (EJIF) were promptly notified and the Business Administrator in consultation with the Director of Public Works and the Township Engineer determined that this constituted an emergency under the terms of N.J.S.A. 40A:11-6; and

WHEREAS, the Township utilized CME Associates Inc., the Township's Consulting Engineer for the required oversight of the supply piping testing, installation of temporary aboveground storage tank, and tank decommissioning activities in an estimated amount of \$7,550.00; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the Township of Marlboro to confirm the contract awarded to CME Associates; and

WHEREAS, funds have been certified by the Chief Financial Officer in the amount of \$7,550.00 in account # 01-286-55-004 for this purpose.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the contract with CME Associates with an address of 1460 Route 9 South, Howell, NJ 07731 in an amount not to exceed \$7,550.00 for ADDITIONAL LICENSED SITE REMEDIATION PROFESSIONAL (LSRP) SERVICES ASSOCIATED WITH THE FAILURE OF THE ABOVEGROUND GASOLINE STORAGE TANK LOCATED ON TOWNSHIP PROPERTY, be and is hereby confirmed; and

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

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

RESOLUTION # 2015-163

A RESOLUTION AUTHORIZING AN AMENDMENT TO A  
PROFESSIONAL SERVICES CONTRACT BETWEEN CME ASSOCIATES  
AND THE TOWNSHIP OF MARLBORO FOR ENVIRONMENTAL SITE  
INVESTIGATION IN CONNECTION WITH BLOCK 127, LOT 11  
(NOLAN ROAD PARK)

WHEREAS, the Township has been awarded a \$145,000.00 grant by the Monmouth County Park System for improvements to Nolan Road Park; and

WHEREAS, on February 26, 2015 (R.2015-113) the Township authorized CME to prepare a Preliminary Assessment and Site Inspection (PASI); and

WHEREAS, the March 2015 Preliminary Assessment Report identified two areas of concern (AOCs) which require further site investigation ("project"); and

WHEREAS, CME Associates has provided a proposal dated April 8, 2015 (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 \$15,650.00 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 \$15,650.00 are available for this purpose from Current Fund Account #04-215-11-04A-140291; 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 to include SITE INVESTIGATION IN CONNECTION WITH BLOCK 127, LOT 11 (NOLAN ROAD PARK) ("Professional Services"), at a fee not to exceed \$15,650.00 for such Professional Services, as further described and set forth in CME's Proposal dated April 8, 2015 ("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 \$15,650.00 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 # 2015-164

A RESOLUTION AUTHORIZING AN AMENDMENT TO A  
PROFESSIONAL SERVICES CONTRACT BETWEEN CME ASSOCIATES  
AND THE TOWNSHIP OF MARLBORO FOR PROFESSIONAL  
ENGINEERING SERVICES IN CONNECTION WITH THE  
ABOVEGROUND GASOLINE STORAGE TANK REMOVAL AND  
REPLACEMENT

WHEREAS, the Township is in need of professional Licensed Site Remediation Professional (LSRP) services in connection with the aboveground gasoline storage tank removal and replacement ("Project"); and

WHEREAS, CME Associates has provided a proposal dated March 30, 2015 (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 \$29,950.00 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 \$29,950.00 are available for this purpose from Current Fund Account #01-286-55-004; 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 to include Licensed Site Remediation Professional (LSRP) services in connection with the aboveground gasoline storage tank removal and replacement by way of its Township Engineers ("Professional Services"), at a fee not to exceed \$29,950.00 for such Professional Services, as further described and set forth in CME's Proposal dated March 30, 2015 ("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 \$29,950.00 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 # 2015-165

RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES CONTRACT  
WITH PHILLIPS PREISS GRYGIEL, LLC FOR AFFORDABLE  
HOUSING PLANNING CONSULTING AND LITIGATION SERVICES

WHEREAS, on March 10, 2015 the New Jersey Supreme Court issued an opinion regarding Affordable Housing in New Jersey in the matter of In Re NJAC 5:96 and 5:97; and

WHEREAS, the New Jersey Supreme Court ruling established a process and timeline for municipalities to voluntarily seek relief from the courts; and

WHEREAS, the New Jersey Supreme Court opinion established a timeline for such actions and required an initial ninety (90) day "orderly transition period" from the date of the Court's ruling, March 10, 2015, during which the terms of the Supreme Court's Order was stayed. The Order further provided that during the first thirty (30) days following the orderly transition period the Courts would only consider actions filed by municipalities; and

WHEREAS, the Township of Marlboro intends to file an action in the time period established by the New Jersey Supreme Court which will provide the Township of Marlboro with immunity from builders remedy litigation; and

WHEREAS, Phillips Preiss Grygiel, LLC is a planning and real estate consulting firm with significant experience in providing affordable housing planning consulting services and litigation services; and

WHEREAS, it is the desire of the Township of Marlboro to hire Phillips Preiss Grygiel, LLC in order to provide the necessary affordable housing planning consulting and litigation services for Marlboro to enable and support it in the Superior Court of New Jersey in order to obtain immunity from builders remedy litigation in an amount not to exceed \$30,000.00; and

WHEREAS, the Chief Financial Officer has certified that funds in the amount of \$30,000.00 are available for this purpose from Current Fund Account #01-201-20-050-280209.

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that it hereby authorizes the retention of Phillips Preiss Grygiel, LLC to provide affordable housing planning, consulting and litigation services pursuant to a non-fair and open process and in accordance with the proposal submitted by Phillips Preiss Grygiel, LLC dated March 30, 2015.

BE IT FURTHER RESOLVED, that the Mayor is authorized to enter into a contract with Phillips, Preiss, Grygiel, LLC pursuant to the March 30, 2015 proposal and the Clerk is authorized to witness the Mayor's signature on that contract.

BE IT FURTHER RESOLVED, that notice of this action shall be published as required by law within ten (10) days after its passage.

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

- a. Phillips Preiss Grygiel, LLC
- b. Mayor Jonathan L. Hornik
- c. Township Business Administrator
- d. Township Engineer
- e. Township Chief Financial Officer
- f. DeCotiis, FitzPatrick & Cole, LLP

RESOLUTION # 2015-166

RESOLUTION CONFIRMING APPLICATION TO THE  
NEW JERSEY TREE RECOVERY CAMPAIGN

WHEREAS, the State of New Jersey Department of Environmental Protection (NJDEP), State Forestry Services has created a program to replace dead and damaged trees in the aftermath of Superstorm Sandy; and

WHEREAS, the Township is eligible to receive up to 2,000 seedlings to replant dead and damaged trees; and

WHEREAS, the Shade Tree Commission has recommended that the Township apply to this program; and

WHEREAS, due to the timing of Council meetings and deadline for the program, the Shade Tree Commission submitted an application to the program which requires no commitment of funds on the part of the municipality.

NOW, THEREFORE, BE IT RESOLVED THAT the Township Council of the Township of Marlboro hereby approves of and confirms the Township's participation in this program through the State of New Jersey Department of Environmental Protection (NJDEP), State Forestry Services Tree Recovery Campaign.

RESOLUTION # 2015-167

AUTHORIZING THE COUNTY OF MONMOUTH MOSQUITO CONTROL  
DIVISION TO CONDUCT AERIAL MOSQUITO CONTROL  
OPERATIONS WITHIN THE TOWNSHIP OF MARLBORO

WHEREAS, the Monmouth County Board of Chosen Freeholders, pursuant to N.J.S.A. 26:9-27 et seq. has elected through its Mosquito Control Division to perform all acts necessary for the elimination of mosquito breeding areas and/or to exterminate mosquitoes within the county; and

WHEREAS, the County has instituted an Integrated Pest Management Program consisting of surveillance, water management, biological control, and chemical control to exterminate the mosquito population within the County of Monmouth; and

WHEREAS, prior to conducting aerial dispensing operations over a designated "congested area," the County is required, pursuant to Federal Aviation Administration Regulation (FAR Part 137.51), to secure prior written approval from the governing body of the political subdivision over which the aircraft is to be operated; and

WHEREAS, the Township of Marlboro is designated as a "congested area" by the Federal Aviation Administration and the County has requested that this governing body consent to its proposed aerial dispensing operations.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Governing Body hereby authorizes the County of Monmouth Mosquito Control Division or its agent to apply pesticides by aircraft for mosquito control in certain areas of the municipality designated by the County as being either larval mosquito habitat or areas harboring

high populations of mosquitoes constituting either a nuisance, a health hazard, or both with the understanding that:

- a. the County shall utilize pesticides, application equipment and aircraft that are approved for aerial applications by the applicable Federal (USEPA) and State (NJDEP) agencies; and
- b. such operations will be performed in compliance with applicable Federal and State regulations, and
- c. the County will notify the police department of each municipality over which aerial pesticide operations are planned prior to commencement of such operations.

RESOLUTION # 2015-168

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT TO DOWN TO EARTH LANDSCAPING, INC. FOR THE COUNTRY PARK BALL FIELD IMPROVEMENTS

WHEREAS, the Township of Marlboro as part of its 2014 capital program (145-17) authorized ball field reconstruction; and

WHEREAS, the Township of Marlboro has been awarded a \$250,000.00 grant from the Monmouth County Municipal Open Space Grant Program for this project; and

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for COUNTRY PARK BALL FIELD IMPROVEMENTS, and on April 7, 2015, received six (6) bids, as follows:

	Base Bid	Addition Item 'A' (+)	Addition Item 'B' (+)	Total Bid
Down to Earth Landscaping, Inc. 705 Wright Debow Road Jackson, NJ 08527	463,756.00	29,000.00	25,000.00	517,756.00
James R. Ientile 28 Vanderburg Road Marlboro, NJ 07746	626,057.00	54,000.00	16,850.00	696,907.00
Precise Construction 1016 State Highway 33 Freehold, NJ 07728	637,291.00	37,500.00	17,675.00	692,466.00
Earthworks	762,000.00	40,000.00	32,100.00	834,100.00

13 Morello Court Farmingdale, NJ 07727				
Applied Landscape PO Box 608 Montville, NJ 0705-0608	829,450.00	52,000.00	16,650.00	898,100.00
All Surface Asphalt Paving 7805 Bridge Avenue Point Pleasant, NJ 08712	974,355.00	70,976.00	42,500.00	1,087,831.00

; and

WHEREAS, the bid was comprised of a base bid, Addition Item A, and Addition Item B; and

WHEREAS, the bid submission of the apparent low bidder, DOWN TO EARTH LANDSCAPING, INC. of Jackson, NJ included minor irregularities which were determined to be non-material in nature by the Township Engineer; and

WHEREAS, it has been determined that the submission of the lowest bidder, DOWN TO EARTH LANDSCAPING, INC. is materially responsive as detailed in an April 8, 2015 memo submitted by the Township Engineer; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation of the Township Engineer to award the bid as set forth herein.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract be awarded to DOWN TO EARTH LANDSCAPING, INC., whose address is 705 Wright Debow Road, Jackson, NJ 08527 in an amount not to exceed \$517,756.00 for COUNTRY PARK BALL FIELD IMPROVEMENTS; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, a contract with DOWN TO EARTH LANDSCAPING, INC. in an amount not to exceed \$517,756.00; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that sufficient funds in the amount of \$517,756.00 are available for the aforesaid contract in Capital Account 10-215-14-04A-452288 and Open Space Trust Fund Account #21-228-55-059; and

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

- a. DOWN TO EARTH LANDSCAPING, INC.

- b. Township Administration
- c. Director of Public Works
- d. Township Engineer
- e. Chief Financial Officer

RESOLUTION # 2015-169

A RESOLUTION APPROVING CLOSE OUT CHANGE ORDER TO THE EXISTING CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO AND ADVANTAGE SPORT USA, INC. AND AUTHORIZING FINAL PAYMENT AND ACCEPTANCE OF RECREATION CENTER GYM FLOOR IMPROVEMENTS

WHEREAS, by Resolution #2013-283 the Township of Marlboro authorized the award of a contract to Advantage Sport USA, Inc. for the Improvements to Recreation Center Gym Floor project(the "Project"); and

WHEREAS, Closeout Change Order has been requested resulting in a decrease in the original contract amount of \$79,947.00 to \$77,817.00, a net decrease of \$2,130.00; and

WHEREAS, in a Letter dated March 24, 2015, 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 \$1,556.34; and

WHEREAS, pursuant to the terms of the contract, Advantage Sport USA, Inc. has provided a two-year maintenance bond in an amount equal to 15% of the final contract amount or \$11,672.55; 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 Advantage Sport USA, Inc. in the amount of \$1,556.34 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 Advantage Sport USA, Inc., be and is hereby approved, decreasing the original contract total of \$79,947.00 to \$77,817.00, a net decrease of \$2,130.00.

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 \$1,556.34 for work completed by Advantage Sport USA, Inc. is hereby approved.

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

- a. Advantage Sport USA, Inc.
- b. Township Administrator
- c. Township Engineer
- d. Township Director of Public Works
- e. Township Chief Financial Officer

RESOLUTION # 2015-170

CONFIRMING GRANTEE/SUB-GRANTEE AGREEMENT WITH STATE OF NEW JERSEY DIVISION OF STATE POLICE FOR FEMA HAZARD MITIGATION GRANT

WHEREAS, the Township approved R.2013-102 authorizing the Township Engineer and Emergency Management Coordinator take the necessary steps to secure funding for Emergency Generators at Critical Facilities; and

WHEREAS, the Township received a notice of award dated February 23, 2015 informing that FEMA awarded the Township a Hazard Mitigation grant for a generator at the Recreation Center in the amount of \$250,000; and

WHEREAS, a sub-grant agreement required execution by Mayor Jonathan Hornik in order for the Township to receive the necessary funding; and

WHEREAS, the Township Council of the Township of Marlboro supports this project which will significantly expand the Township's ability to provide temporary shelter to residents under emergency conditions.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Marlboro hereby confirms the execution of a sub-grant agreement by the Mayor and Township Clerk in order to secure funding from FEMA for this critical project.

RESOLUTION # 2015-171

WHEREAS the Township of Marlboro, NJ, has experienced natural hazards that result in public safety hazards and damage to private and public property; and

WHEREAS the hazard mitigation planning process set forth by the State of New Jersey and the Federal Emergency Management Agency offers the opportunity to consider natural hazards and risks, and to identify mitigation actions to reduce future risk; and

WHEREAS the New Jersey Office of Emergency Management is providing federal mitigation funds to support development of the mitigation plan; and

WHEREAS a *Hazard Mitigation Plan* has been developed by the Monmouth County Office of Emergency Management Mitigation Planning Committee; and

WHEREAS the *Hazard Mitigation Plan* includes a prioritized list of mitigation actions including activities that, over time, will help minimize and reduce safety threats and damage to private and public property, and

WHEREAS the draft plan was provided to each participating jurisdiction and was posted on the County Office of Emergency Management's website so as to introduce the planning concept and to solicit questions and comments; and to present the Plan and request comments, as required by law, and

WHEREAS the Marlboro Office of Emergency Management has reviewed and endorsed the draft plan.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Marlboro:

1. The Monmouth County Multi-Jurisdictional *Hazard Mitigation Plan, as submitted to the New Jersey Office of Emergency Management and the Federal Emergency Management Agency on March 16, 2015* by the Monmouth County Office of Emergency Management is hereby adopted as an official plan of the Township of Marlboro; minor revisions recommended by the Federal Emergency Management Agency and/or the New Jersey Office of Emergency Management may be incorporated without further action.

2. The Township of Marlboro departments identified in the Plan are hereby directed to pursue implementation of the recommended high priority activities that are assigned to their departments.
3. Any action proposed by the Plan shall be subject to and contingent upon budget approval, if required, which shall be at the discretion of the Township of Marlboro, and this resolution shall not be interpreted so as to mandate any such appropriations.
4. The Emergency Management Coordinator is designated to coordinate with other offices and shall periodically report on the activities, accomplishments, and progress, and shall prepare an annual progress report to be submitted to the Monmouth County Office of Emergency Management. The status reports shall be submitted on a yearly basis by a predetermined date as agreed upon by all stakeholders.

RESOLUTION # 2015-172

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

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

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

RESOLUTION # 2015-173

A RESOLUTION AUTHORIZING YEAR 3 OF CONTRACT TO A.C. SCHULTES, INC. FOR THE MAINTENANCE AND SERVICE OF WELLS AND PUMPS FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS WATER UTILITY DIVISION

WHEREAS, on May 2, 2013 (R.2013-167) the Township Council of the Township of Marlboro awarded a contract to A.C. SCHULTES, INC. for the MAINTENANCE AND SERVICE OF WELLS AND PUMPS FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS WATER UTILITY DIVISION; and

WHEREAS, the bid specifications included the option to renew said contract for one two-year, or two one-year extensions on the same terms and conditions as specified in the bid proposal; and

WHEREAS, on March 20, 2014 (R.2014-145) the Township Council of the Township of Marlboro awarded a one year contract renewal to A.C. SCHULTES, INC. for the MAINTENANCE AND SERVICE OF WELLS AND PUMPS FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS WATER UTILITY DIVISION; and

WHEREAS, the Director of the Public Works Department has recommended that the Township approve a second and final one (1) year renewal of the contract; 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 A.C. SCHULTES, INC. whose address is 664 S. Evergreen Avenue, Woodbury Heights, NJ 08097 for a period of one year beginning on May 1, 2015 through April 30, 2016, in a total amount not to exceed \$155,550.00; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, contracts with A.C. SCHULTES, INC. in accordance with this resolution, the bid specifications, and in a form to be approved by the Township Attorney; and

BE IT FURTHER RESOLVED funds in the amount of \$155,550.00 have been certified by the Chief Financial Officer from account

#01-201-28-123-288121, #06-215-13-10A-500288 and #06-215-14-05C-500288; and

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

- a. A.C. SCHULTES, INC.
- b. Township Business Administrator
- c. Township Chief Financial Officer
- d. Township Director of Public Works

RESOLUTION # 2015-174

A RESOLUTION CONFIRMING EMERGENCY CONTRACT WITH LUCAS CONSTRUCTION GROUP, INC. FOR THE PROVISION OF EMERGENCY WATER UTILITY SYSTEM REPAIRS PURSUANT TO N.J.S.A. 40A:11-6 FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS WATER UTILITY DIVISION

WHEREAS, during the winter season of 2014/2015 the Department of Public Works Water Utility Division has reported water main breaks in various areas of the Township including the intersection of Tennent Road and Peregrine Drive designated as Emergency #1507; and

WHEREAS, N.J.S.A. 40A:11-6 states that "Any contract may be ... awarded for a contracting unit without public advertising for bids and bidding therefor ... when an emergency affecting the public health, safety or welfare requires the immediate ... performance of services ... ."; and

WHEREAS, N.J.S.A. 40A:11-6(b) states that "Upon the furnishing of such goods or services ... the contractor furnishing such goods or services shall be entitled to be paid therefor and the contracting unit shall be obligated for said payment ..."; and

WHEREAS, the condition posed a serious threat to the public health, safety and welfare, constituting an emergency under the terms of N.J.S.A. 40A:11-6; and

WHEREAS, pursuant to N.J.S.A. 40A:11-6, the Township contacted its current water main repair contractor, LUCAS CONSTRUCTION GROUP, INC., 173 Amboy Road, Morganville, NJ 07751 to provide the emergency water utility system repairs, estimated at an amount not to exceed \$23,648.99; and

WHEREAS, the Chief Financial Officer has certified the availability of funds in Account # 06-215-13-10A-500288; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that the emergency contract award pursuant to N.J.S.A. 40A:11-6 be confirmed for emergency water utility system repairs to LUCAS CONSTRUCTION GROUP, INC., 173 Amboy Road, Morganville, NJ 07751 for an amount not to exceed \$23,648.99.

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

- a. LUCAS CONSTRUCTION GROUP, INC.
- b. Township Business Administrator
- c. Township Chief Financial Officer
- d. Township Superintendent of Public Works

RESOLUTION # 2015-175

A RESOLUTION CONFIRMING EMERGENCY CONTRACTS WITH L.J. PESCE, INC., LUCAS CONSTRUCTION GROUP, PREMIUM GROWERS, INC. AND TRIPLE C NURSERIES FOR THE SUPPLY OF CONTRACT SNOW REMOVAL SERVICES PURUSANT TO N.J.S.A. 40A:11-6 FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, on March 20, 2015 the Township experienced rainfall and freezing rain followed by approximately six inches of heavy snowfall; and

WHEREAS, the National Oceanic and Atmospheric Administration predicted freezing temperatures for the overnight hours requiring that the snow be removed from the roadways, designated as Township Emergency #1509; and

WHEREAS, N.J.S.A. 40A:11-6 states that "Any contract may be ... awarded for a contracting unit without public advertising for bids and bidding therefor ... when an emergency affecting the public health, safety or welfare requires the immediate ... performance of services ... ."; and

WHEREAS, N.J.S.A. 40A:11-6(b) states that "Upon the furnishing of such goods or services ... the contractor furnishing such goods or services shall be entitled to be paid therefor and the contracting unit shall be obligated for said payment ..."; and

WHEREAS, on March 20, 2015 it was determined that contract snow plow services and additional equipment would be required in order to remove the snow from the roadways prior to temperatures falling below the freezing mark; and

WHEREAS, the storm on March 20, 2015 led to a substantial amount of snow accumulating on the roadways posing a serious threat to the public health, safety and welfare, constituting an emergency under the terms of N.J.S.A. 40A:11-6; and

WHEREAS, the Township of Marlboro accepted bids for the Supply of Contract Snow Removal Services for the Township of Marlboro Department of Public Works, and on October 18, 2012 (R. 2012-366) authorized the award of one year contracts with an option to extend an additional year to the lowest responsible bidders as follows:

LJ Pesce Inc.	31,320.00
Lucas Construction Group	56,650.00
Premium Growers Inc.	86,486.00
Triple C Nurseries	148,207.90

WHEREAS, the Township of Marlboro authorized a one year extension for the Supply of Contract Snow Removal Services for the Township on September 12, 2013 (R. 2013-284); and

WHEREAS, the Township of Marlboro authorized the final one year extension for the Supply of Contract Snow Removal Services for the Township on September 4, 2014 (R. 2014-309); and

WHEREAS, pursuant to N.J.S.A. 40A:11-6, the Township authorized the contract vendors to perform snow removal services at their contract pricing in excess of the contract not to exceed the amounts, estimated at \$4,732.00 for L.J. Pesce Inc., PO Box 88, 19 Windswept Rd., Holmdel, NJ 07733, \$8,610.00 for Lucas Construction Group, Inc., 173 Amboy Road, Morganville, NJ 07751, \$19,926.96 for Premium Growers, Inc., 178 Highway 34, Holmdel, NJ 07733, and \$22,432.34 for Triple C Nurseries, PO Box 306, 915 B Holmdel Rd, Holmdel, NJ 07733; and

WHEREAS, the Chief Financial Officer will certify funds upon adoption of the 2015 budget.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that emergency contract awards pursuant to N.J.S.A. 40A:11-6 be confirmed for snow plowing services required, and estimated to be required, as follows:

LJ Pesce Inc.	4,732.00
Lucas Construction Group	8,610.00
Premium Growers Inc.	19,926.96

Triple C Nurseries 22,432.34

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

- a. Premium Growers, Inc.
- b. Triple C Nurseries
- c. Lucas Construction Group
- d. LJ Pesce, Inc.
- e. Township Business Administrator
- f. Township Chief Financial Officer
- g. Township Director of Public Works

RESOLUTION # 2015-176

A RESOLUTION AWARING CONTRACT TO CLINTAR LANDSCAPE MANAGEMENT SERVICES FOR TOWNSHIP PROPERTY MAINTENANCE FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for TOWNSHIP PROPERTY MAINTENANCE, and on March 17, 2014, received two (2) bids therefor; and

WHEREAS, the bids received were as follows:

		Clintar Landscape Management Services	Custom Care Services, Inc.
1	Table 1A & Table 1B - Municipal Right-of-Ways and Open Space	58,989.00	92,000.00
2	Table 2A - Existing Stormwater Management Basins	93,686.00	126,400.00
3	Table 2B - Pending Stormwater Management Basins	1,200.00	1,600.00
4	Section 6 - Marlboro Country Park	9,764.00	19,000.00
5	Section 7 - Rt 9 & Texas Road (Costco) Commuter Lot Islands	789.89	3,000.00
	<b>Total</b>	164,428.89*	242,000.00
OPT.	Playground Safety Surfacing Material - Price per Cubic Yard	41.98	50.00

\*Figure adjusted for transposition error.

; and

WHEREAS, it has been determined by the Business Administrator and Director of Public Works that the submission of the apparent lowest bidder, Clintar Landscape Management Services is responsive; and

WHEREAS, the Director of Public Works has recommended award of bid to the lowest responsible bidder as indicated in a memo dated April 3, 2015; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation of the Township Administration and Director of Public Works as set forth herein;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract be awarded to Clintar Landscape Management Services whose address is PO Box 294, Perrineville, NJ 08535 for TOWNSHIP PROPERTY MAINTENANCE FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS in an amount not to exceed \$164,428.89 for a term of one year, with an option to renew the contract for one additional two-year period or two additional one-year periods based upon the same terms and conditions as specified in the bid proposal; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, contracts with Clintar Landscape Management Services 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 \$164,428.89 are available in Stormwater Trust Account #21-228-55-059, Open Space Trust Account #14-228-55-053, Current Fund Account #01-201-26-122-288310 and Recreation and Swim Utility Account #09-201-55-400-288452; and

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

- a. Clintar Landscape Management Services
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Township Director of Public Works

RESOLUTION # 2015-177

A RESOLUTION CONFIRMING AMENDMENTS TO EMERGENCY CONTRACTS WITH AURORA ENVIRONMENTAL INC. AND CME ASSOCIATES INC. FOR SPILL RESPONSE, TANK REMOVAL, REMEDIATION AND LICENSED SITE REMEDIATION PROFESSIONAL (LSRP) SERVICES ASSOCIATED WITH THE FAILURE OF THE ABOVEGROUND DIESEL STORAGE TANK LOCATED ON TOWNSHIP PROPERTY PURSUANT TO N.J.S.A. 40A:11-6 FOR THE DEPARTMENT OF PUBLIC WORKS

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

WHEREAS, N.J.S.A. 40A:11-6 states that "Any contract may be ... awarded for a contracting unit without public advertising for bids and bidding therefor ... when an emergency affecting the public health, safety or welfare requires the immediate ... performance of services ... ."; and

WHEREAS, N.J.S.A. 40A:11-6(b) states that "Upon the furnishing of such goods or services ... the contractor furnishing such goods or services shall be entitled to be paid therefor and the contracting unit shall be obligated for said payment ..."; and

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

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

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

WHEREAS, the Township utilized CME Associates Inc., the Township's Consulting Engineer for the required oversight of the spill response, temporary tank installation, proposal

solicitation and contract administration (R.2015-066) at an estimated cost of \$15,000.00; and

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

WHEREAS, it was found that affected area was larger than originally estimated, and as a result an immediate site investigation was initiated and a contract was awarded to CME Associates, Inc. for the required LSRP services (R.2015-066), estimated at \$35,925.00; and

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

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

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

WHEREAS, during the tank remediation process the temporary aboveground tank rented from Aurora Environmental, Inc. will be required for an additional three month period at a total cost of \$8,400.00; and

WHEREAS, additional LSRP services have been required by CME Associates including site investigation activities and investigation reporting services for an additional cost of \$1,812.55; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the Township of Marlboro to confirm amendments to the contracts awarded to Aurora Environmental Inc. and CME Associates; and

WHEREAS, funds have been certified by the Chief Financial Officer in the amount of \$32,576.05 in account # 01-286-55-004 for this purpose.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that amendments to contracts with Aurora Environmental Inc. whose address is 1102 Union Avenue, Union Beach, NJ 07735 in an amount not to exceed \$30,763.50, and CME Associates with an address of 1460 Route 9 South, Howell, NJ 07731 in an amount not to exceed \$1,812.55 for SPILL RESPONSE, TANK REMOVAL AND REMEDIATION SERVICES ASSOCIATED WITH THE FAILURE OF THE ABOVEGROUND DIESEL STORAGE TANK LOCATED ON TOWNSHIP PROPERTY PURSUANT TO N.J.S.A. 40A:11-6 FOR THE DEPARTMENT OF PUBLIC WORKS, be and is hereby confirmed; and

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

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

RESOLUTION # 2015-178

RESOLUTION AUTHORIZING A CONTRACT FOR THE PROVISION OF DE-ICING MATERIAL (SODIUM CHLORIDE TREATED WITH LIQUID MAGNESIUM CHLORIDE AND ORGANIC BASED PERFORMANCE ENHANCER) THROUGH BIDS OBTAINED BY THE MONMOUTH COUNTY COOPERATIVE PURCHASING PROGRAM

WHEREAS, the Township is authorized to purchase de-icing material (treated sodium chloride) from bids obtained from a cooperative pricing system such as the Monmouth County Cooperative Purchasing Program pursuant to the authority provided by N.J.S.A. 40A:11-11(6); and

WHEREAS, the Monmouth County Cooperative Purchasing Program conducted a public bidding process and awarded a contract to Morton Salt, Inc., 123 North Wacker Drive, Chicago, IL 60606-1743 for the provision of de-icing material (treated sodium chloride) at a price of \$72.68 per ton; and

WHEREAS, the Public Works Department has indicated that Morton Salt, Inc. has agreed to extend the pricing provided to Monmouth County to Marlboro Township through the Monmouth County Cooperative Purchasing Program; and

WHEREAS, at this time, the Public Works Department has recommended the award of contract for 3,000 tons of material at the contract price for a total not to exceed \$218,040.00; 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 de-icing material (treated sodium chloride); and

WHEREAS, funds in the total amount of \$218,040.00, for 3,000 tons, have been certified by the Chief Financial Officer in Current Account #01-201-26-119-292106 and Snow Removal Trust Account #11-228-55-020; and

WHEREAS, the Marlboro Township Council, having considered the same, desires to authorize the purchase of 3,000 tons of de-icing material (treated sodium chloride) from Morton Salt, Inc., at a price of \$72.68 per ton, pursuant to the bid obtained by the Monmouth County Cooperative Purchasing Program, for a total amount not to exceed \$218,040.00.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase 3,000 tons of de-icing material (treated sodium chloride) from Morton Salt, Inc., at a price of \$72.68 per ton, pursuant to the bid obtained by the Monmouth County Cooperative Purchasing Program, for a total amount not to exceed \$218,040.00; and

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

- a. Township Administrator
- b. Township Chief Financial Officer
- c. Township Public Works Department

RESOLUTION # 2015-179

RESOLUTION AUTHORIZING THE RETURN OF 2014 SECURITY DEPOSIT  
TO BIG MEAT BBQ, LLC. FOR FOOD CONCESSION SERVICE AT THE  
MARLBORO TOWNSHIP RECREATION DEPARTMENT SWIM CLUB

WHEREAS, on April 12, 2012 (R.2012-164) the Municipal Council of the Township of Marlboro awarded a contract to BIG MEAT BBQ, LLC. for FOOD CONCESSION SERVICE AT THE MARLBORO TOWNSHIP SWIM CLUB; and

WHEREAS, the bid specifications included the option to renew said contract for two additional one-year periods; and

WHEREAS, on February 21, 2013 (R.2013-096) the Township renewed the contract for the first optional one-year renewal

period for the term beginning January 1, 2013 through December 31, 2013; and

WHEREAS, on March 20, 2014 (R.2014-144) the Township renewed the contract for the second and final optional one-year renewal period for the term beginning on January 1, 2014 and ending December 31, 2014; and

WHEREAS, upon execution of the second renewal contract a security deposit in the amount of \$3,000 was submitted to the Township for deposit, only to be returned to the contractor following: (1) receipt of all payments due including final payment of \$1,000 + attendance + ½ trash billed to swim club; and (2) clean up to satisfaction of Recreation Director; and (3) approval by Township Council; and

WHEREAS, the Director of Recreation has stated in a memo dated April 1, 2015, that the aforementioned requirements have been met; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the \$3,000 security deposit shall be returned to BIG MEAT BBQ, LLC.

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

- a. BIG MEAT BBQ, LLC.
- b. Township Business Administrator
- c. Township Director of Recreation
- d. Township Chief Financial Officer

RESOLUTION # 2015-180

A RESOLUTION AUTHORIZING PARTICIPATION IN THE NEW JERSEY  
E-PROCUREMENT PILOT PROGRAM, AUTHORIZING THE HIRING AND  
ENGAGEMENT OF AN ON-LINE PURCHASING AGENT TO CONDUCT  
INTERNET-BASED REVERSE AUCTIONS, AND THE EXECUTION OF  
AGREEMENTS FOR THE PURCHASE OF ELECTRIC POWER SUPPLIES

WHEREAS, the Mayor and Township Council of the Township of Marlboro are committed to the pursuit of initiatives that will stabilize and even reduce the costs of local government operations and thereby relieve the ever increasing financial burdens that confront Marlboro Township and its municipal residents and property owners; and

WHEREAS, over the past four (4) years in cooperation with the Marlboro Township Board of Education, the Township of Marlboro has

achieved meaningful cost reductions through the competitive procurement of electric generation service from third party suppliers utilizing an internet-based reverse auction platform; and

WHEREAS, the Marlboro Township Board of Education and the Township of Marlboro are engaged in a registered cooperative pricing system with the State of New Jersey for the joint purchase of electrical generation supplies, with the Township of Marlboro being designated as the Lead Agency to act on its own behalf, as well as on behalf of the Board of Education; and

WHEREAS, the State of New Jersey allows local government units, through participation in an *E-Procurement Pilot Program* in accordance with the provisions of the *Local Unit Electronic Technology Pilot Program and Study Act* (P. L. 2001, c. 30), to utilize on-line bidding services to purchase electric power supplies and to do so either alone, on a single agency basis, or in concert with other government contracting units through a cooperative purchasing arrangement; and

WHEREAS, pursuant to provisions of the *Local Unit Electronic Technology Pilot Program and Study Act* (P. L. 2001, c. 30), local contracting units are specifically authorized to engage, without competitive bidding, on-line purchasing agents for the purpose of conducting internet-based auctions to procure certain bulk commodities, including electric energy supplies; and

WHEREAS, World Energy Solutions, Inc. is an approved provider of online reverse auctions for the purchase of energy generation services by the State of New Jersey Department of Community Affairs, Division of Local Government Services, and has served as the on-line procurement agent in connection with the purchasing of electricity for the Township and Board of Education since 2011; and

WHEREAS, World Energy Solutions, Inc., has offered to serve as Marlboro Township's on-line purchasing agent and maintain its 2011 rate of \$0.001 per kilowatt-hour of procured electric generation service, payable by the successful vendor.

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

Section 1. Subject to the provisions of Section 2, below, the participation of Marlboro Township in the New Jersey *E-Procurement Pilot Program* pursuant to the provisions of the *Local Unit Electronic Technology Pilot Program and Study Act* (P. L. 2001, c. 30) is hereby authorized and approved for the purpose of purchasing electric generation service from third party suppliers utilizing on-line competitive bidding services and, in particular, an internet-based reverse auction platform; and

Section 2. It is the intention of the Mayor and Township Council that the Township's procurement of electric power supplies be effected as part of a cooperative purchasing arrangement with the Marlboro Township Board of Education and with the Township serving as the Lead Agency in connection therewith under an approved Cooperative Pricing System by the State of New Jersey (190MTCPS) which expires on March 4, 2016; and

Section 3. Subject to the provisions of Section 2, above, the Township, acting as Lead Agency is hereby authorized to hire World Energy Solutions, Inc., with corporate offices located at 100 Front Street, Worcester, Massachusetts 01608, as an on-line purchasing agent, to conduct competitive reverse auctions utilizing an internet-based platform, as well as to perform related procurement services, in conjunction with the Township's planned purchase of electric energy supplies, to be effected through the execution of an Exchange Agreement substantially in the form attached hereto and made a part hereof as Exhibit A, which said contract is hereby awarded, without competitive bidding, pursuant to the provisions of Section 7 of the *Local Unit Electronic Technology Pilot Program and Study Act* (P. L. 2001, c. 30), for a term not to exceed 24 months; and

Section 4. With the understanding that following the acceptance of any such bid, the Township of Marlboro and the Marlboro Township Board of Education shall enter into separate contracts with the successful vendor so that each party shall have sole and singular responsibility for the payment of their respective electric generation service, the Mayor, or his designee, is hereby authorized to award a contract to and execute an agreement on behalf of the Township of Marlboro, in a form approved by the Township Attorney, with the lowest responsible bidder; and

Section 5. The Mayor, or his designee, shall report on the bid results at the first meeting of the Township Council following the conclusion of the auctions to enable the Township Council to ratify and confirm the contract award.

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

- A. Marlboro Township Business Administrator;
- B. Marlboro Township Chief Financial Officer;
- C. Marlboro Township Board of Education; and
- D. World Energy Solutions, Inc.,

RESOLUTION # 2015-181

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 2015 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, \$17,424 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 2015 to August 2017; 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 FY2015 Bulletproof Vest Partnership.

RESOLUTION # 2015-182

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 # 2015-183

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

WHEREAS, the Township of Marlboro as part of its 2015 capital program (123-4, 500-24) authorized the purchase of replacement vehicles for the Department of Public Works; and

WHEREAS, the Township of Marlboro as part of its 2015 capital program reviewed the vehicle requirements and funding sources available in the Uniform Construction Code and Fire Prevention divisions; and

WHEREAS, the Township of Marlboro as part of its 2015 capital program (106-1, 106-1.5) authorized the purchase of replacement vehicles for the Division of Police; and

WHEREAS, on January 29, 2015, the Township Council of the Township of Marlboro approved Resolution #2015-077 which

authorized Township officials to secure financing for the purchase of five (5) police vehicles; 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	47,219.00	47,219.00	DPW	Capital 2015
Class 2 Pickup Truck with Plow - 2016 Ford F-250	1	88727	Beyer Ford	29,970.50	29,970.50	Water	Capital 2015
Class 1 Pickup Truck - 2015 Chevy Colorado	1	88716	Mall Chevrolet	24,420.00	24,420.00	Building	UCC Trust
Ford Interceptor (Explorer) with Warning Lights and Emergency Equipment	3	88728	Winner Ford	27,992.72	83,978.16	Fire Prev.	Fire Trust
		81165				Fire Prev.	Fire Trust
		81336 81344 81335	Emergency Accessories & Instal	3,176.04		Fire Prev.	Fire Trust
Dodge Charger Sedan	4	88729	Hertrich Fleet	31,636.40	126,545.60	Police - Patrol	Capital/ Lease Purch
2016 Ford Fusion	1	86922	Hertrich Fleet	18,195.00	18,195.00	Police – Detective	Capital/ Lease Purch
2016 Ford Interceptor AWD and Related Options	1	88728	Winner Ford	33,241.40	33,241.40	Police - Patrol	Capital 2015
2016 Ford Interceptor AWD and Related Options	1	88728	Winner Ford	29,225.60	29,225.60	Police - Admin	Insurance Reserve

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, Water Utility Division, Building, and Fire Prevention; and

WHEREAS, funds are available and have been certified by the Chief Financial Officer in an amount not to exceed \$257,582.78 from accounts #04-215-15-02B-106297, #04-215-15-02B-123297, #06-215-15-03A-500297, #12-228-55-051, #01-286-55-004, and

WHEREAS, funds for the remaining portion of \$144,740.60 will be certified by the Chief Financial Officer at the time the 2015 municipal budget is adopted; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase the replacement vehicles from the vendors and under the State Contracts identified above in an amount not to exceed \$402,323.38.

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 Construction Official
- e. Township Fire Prevention Office
- f. Township Chief Financial Officer

RESOLUTION # 2015-184

RESOLUTION AUTHORIZING AWARD OF STATE CONTRACT  
TO MORBARK INC. FOR THE PURCHASE OF ONE (1) MORBARK  
BEEVER M12R CHIPPER FOR THE DEPARTMENT OF  
PUBLIC WORKS DIVISION OF GROUNDS MAINTENANCE

WHEREAS, the Township of Marlboro Department of Public Works Division of Grounds Maintenance is in need of a tow behind chipper in order to increase efficiency in pruning of trees along township streets and maintaining park and public property; and

WHEREAS, the Township of Marlboro as part of its 2015 capital program (120-19) authorized the purchase of a brush chipper; and

WHEREAS, MORBARK INC. ("MORBARK") was awarded State Contract #85901 for the MORBARK BEEVER M12R CHIPPER with options including a winch package for a price of \$36,685.38; and

WHEREAS, in lieu of purchasing the winch package the Division of Grounds Maintenance has recommended the purchase of additional items listed below not included under the State Contract to increase safety while using the chipper:

ChipSafe Operator Safety Shield (w/ 2 sets of Gloves and Straps)  
Chocks and Chock Holders (Complete Set)  
Cone Holder, Lockable to hold (10) 28" long traffic cones  
Additional Set of ChipSafe Wrist/Ankle Straps  
Total Additional Safety Options: \$816.08

WHEREAS, the Division of Grounds Maintenance has recommended that the Township purchase ONE (1) MORBARK BEEVER M12R CHIPPER from MORBARK INC. under State contract #85901 and inclusive of the additional safety options for a total amount not to exceed \$37,501.46 pursuant to MORBARK'S quotation (attached); 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 said equipment from MORBARK INC. under State contract #85901; and

WHEREAS, funds are available and have been certified by the Chief Financial Officer in Capital Account 04-215-15-02F-120297 in an amount not to exceed \$37,501.46 for this purpose; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase ONE (1) MORBARK BEEVER M12R CHIPPER from MORBARK INC. whose address is 8507 South Winn Road, Winn, MI 48896-1000 under State contract #85901 and inclusive of the additional safety options for a total amount not to exceed \$37,501.46; and

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

- a. Township Administration
- b. Township Director of Public Works
- c. Township Chief Financial Officer

RESOLUTION # 2015-185

RESOLUTION AUTHORIZING AWARD OF STATE CONTRACT #83924 TO GOLD TYPE BUSINESS MACHINES, INC. FOR THE PURCHASE AND INSTALLATION OF RADIO AND 911 PHONE CONSOLE UPGRADES FOR THE TOWNSHIP OF MARLBORO POLICE EPARTMENT

WHEREAS, due to Microsoft's discontinuation of Windows XP support the Township of Marlboro Police Department is in need of upgrades to the radio and 911 phone consoles; and

WHEREAS, the Township of Marlboro as part of its 2015 capital program (212-12 & 212-13) authorized upgrades to both the radio and 911 phone consoles; and

WHEREAS, the Marlboro Police Department has recommended that the Township purchase the console upgrades from Gold Type Business Machines, Inc. ("GTBM"), 351 Paterson Avenue, East Rutherford, New Jersey 07073 under State Contract #83924 in an amount not to exceed \$106,939.47; and

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

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey for the Police Department to obtain said console upgrades from GTBM; and

WHEREAS, funds are available in Capital Account 04-215-15-02C-212288 for an amount not to exceed \$106,939.47 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 console upgrades;

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 console upgrades from Gold Type Business Machines, Inc., 351 Paterson Avenue, East Rutherford, New Jersey 07073 under State Contract #83924 in an amount not to exceed \$106,939.47; and

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

- a. GTBM, Inc.
- b. Township Administration
- c. Township Police Department
  
- d. Township Chief Information Officer
- e. Township Chief Financial Officer

RESOLUTION # 2015-186

Requesting the approval of the Director of the Division of Local Government Services to establish a Dedicated Trust by Rider for Donations to the Recreation Department pursuant to NJSA 40A:5-29

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 Recreation Donations.

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

RESOLUTION # 2015-187

A RESOLUTION OF THE MARLBORO TOWNSHIP TOWN COUNCIL AUTHORIZING A SUBORDINATION OF A MORTGAGE DATED NOVEMBER 13, 2008, AGAINST A PROPERTY LOCATED AT 677 SNOWDROP COURT, MARLBORO, NEW JERSEY, AND OWNED BY SHERI PLOCK

WHEREAS, the Township of Marlboro currently operates under the auspices of New Jersey's Fair Housing Act (N.J.S.A. 52:27D-301 et. seq.) as well as the administrative rules of the Council on Affordable Housing n/k/a The Office Of Local Planning Services; and

WHEREAS, on or about November 13, 2008, the homeowner hereunder, Sheri Plock ("the Homeowner"), purchased a residence at 677 Snowdrop Court, in the Township of Marlboro, Block 176, Lot 7, Qualifier C0677 ("the Residence");

WHEREAS, as part and parcel of purchasing the Residence the Homeowner executed a mortgage to Marlboro Township with said mortgage being recorded on November 25, 2008, in the Monmouth County Clerk's Office in deed book OR-8748, at page 1391 et seq. ("the Marlboro Mortgage"); and

WHEREAS, the Residence is an affordable unit and is subject to the foregoing affordable housing laws as well as the Uniform Housing Affordability Controls act which is codified at N.J.A.C. 5:80-26.1 et seq.; and

WHEREAS, the Homeowner has now negotiated with HomeBridge Financial Services, Inc. d/b/a Real Estate Mortgage Network ("the Lender") to refinance the existing first mortgage against her residence; and

WHEREAS, as a condition of the imminent refinancing, the Lender requires a subordination of the Marlboro Mortgage; and

WHEREAS, the Homeowner now desires to refinance and as a consequence thereof, she too asks the Marlboro Township Town Council to approve a subordination of the Marlboro Mortgage in order to facilitate her refinance application; and

WHEREAS, it has been determined that there is good cause to grant this subordination of the Marlboro Mortgage;

NOW, THEREFORE, BE IT RESOLVED that the Hon. Mayor Jonathan L. Hornik is hereby authorized to execute the attached subordination of the Marlboro Mortgage on the Residence; and

BE IT FURTHER RESOLVED that subsequent to the signature of the said subordination that this subordination will be recorded in the Monmouth County Clerk's Office.

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

- a. Township Business Administrator, Jonathan Capp
- b. Lynn Franco, Municipal Housing Liaison
- c. Kenneth W. Biedzynski, Affordable Housing Special Counsel.

RESOLUTION # 2015-188

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$198,925.35 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 \$198,925.35 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>
2013-118 6 Sweet Court	371/71	MTAG Services Cust. ACTFII NJ P.O. Box 54292 New Orleans, LA 70154 Assessed Owner: Rogers, Scott & Stephana	70,735.89
2014-007 42 Wicker Place	109/5	PC 5, LLC US Bank Cust for PC5 50 S. 16 <sup>th</sup> Street Suite 1950 Philadelphia, PA 19102 Assessed Owner: Nunez, Anniece	1,556.52

SCHEDULE "A"

<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>LIENHOLDER</u>	<u>AMOUNT</u>
2014-052	184/80	Bankunited as trustee for Sunshine State Certificates V, LLC 7900 Miami Lakes Drive West Miami Lakes, FL 33016 Assessed Owner: Emmanuel, Coffy	95,728.55
2014-092	382/15	Christiana Trust as Custodian 2020 Howell Mill Road C-513 Atlanta, GA 30318 Assessed Owner: Filetti, Victor & Christine	10,008.38
2014-090	371/32	Signature Enforcement P.O. Box 1314 Monsey, NY 10952 Assessed Owner: Pomerantsev, Gregory & Anna	2,272.13
2012-068	214.03/4	MTAG Services Cust. Atlerna Funding, LLC P.O. Box 54292 New Orleans, LA 70154 Assessed Owner: Rotblat, Scott & Michelle	17,167.64
2013-094	286/20	US Bank Cust for Pro Cap II 50 S. 16 <sup>th</sup> Street Suite 1950 Philadelphia, PA 19102 Assessed Owner: Cigna, Vincent & Victoria	1,456.24
			Total: \$198,925.35

RESOLUTION # 2015-189

WHEREAS, the Tax Assessor has granted a disabled veteran exemption for Naso, Paul & Donna, Block 412.03 Lot 5, located at 10 Warbler Road,

WHEREAS, taxes were billed for first half of 2015 in the amount of \$3,512.69, and

WHEREAS, this exemption became effective February 1, 2015 and

WHEREAS, taxes for 2015 need to be cancelled in the amount of \$2,927.24 and be refunded in the amount of \$1,170.90, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to cancel the 2015 taxes of \$2,927.24 and a refund of \$1,170.90 be paid to Naso, Paul & Donna.

RESOLUTION # 2015-190

WHEREAS, the attached list in the amount of \$719.01 known as Schedule "A", is comprised of amounts representing overpayments for 2015 taxes,

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

<u>BLOCK</u>	<u>LOT</u>	<u>SCHEDULE "A"</u> <u>ASSESSED OWNER</u>	<u>2015 REFUND</u>
380/45		Altschul, Adrian & Lyla	719.01
1 Peasley Drive		1 Peasley Drive Marlboro, NJ 07746 Assessed Owners: Altschul, Adrian & Lyla	

At 8:15PM, Councilwoman Marder moved that the meeting be adjourned. This was seconded by Council President Metzger, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Mazzola).

MINUTES APPROVED: MAY 7, 2015

OFFERED BY: SCALEA AYES: 4

SECONDED BY: METZGER NAYS: 0

ABSTAIN: MAZZOLA

\_\_\_\_\_  
ALIDA MANCO  
MUNICIPAL CLERK

\_\_\_\_\_  
SCOTT METZGER  
COUNCIL PRESIDENT