

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

July 16, 2015

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

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

Council Vice President Mazzola moved that the minutes of June 18, 2015 be approved. This was seconded by Councilwoman Marder, and passed on a roll call vote of 3 - 0 in favor (Absent: Cantor, Scalea).

The following Res. #2015-239/Ord. #2015-11 (Amending Chapter 312 - Adding Article II - Municipal Building Smoke Free Zones) was introduced by reference, offered by Councilwoman Marder, seconded by Council Vice President Mazzola, and passed on a roll call vote of 3 - 0 in favor (Absent: Cantor, Scalea).

RESOLUTION # 2015-239

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

ORDINANCE # 2015-11

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO AMENDING  
CHAPTER 312 OF THE CODE OF THE TOWNSHIP OF  
MARLBORO ENTITLED "SMOKING AND TOBACCO PRODUCTS"  
TO ADD A NEW ARTICLE II, "MUNICIPAL BUILDING  
SMOKE FREE ZONES" TO PROHIBIT SMOKING THEREIN

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 August 13, 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 # 2015-11

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO AMENDING  
CHAPTER 312 OF THE CODE OF THE TOWNSHIP OF  
MARLBORO ENTITLED "SMOKING AND TOBACCO PRODUCTS"  
TO ADD A NEW ARTICLE II, "MUNICIPAL BUILDING  
SMOKE FREE ZONES" TO PROHIBIT SMOKING THEREIN

BE IT ORDAINED, by the Township Council of the Township of  
Marlboro that Chapter 312 of the Code of the Township of  
Marlboro entitled "Smoking and Tobacco Products" is hereby  
amended by adding a new Article II entitled "Municipal Smoke-  
Free Zones" to prohibit smoking therein as follows:

ARTICLE II: Municipal Building Smoke-Free Zones

1. § 312-8-PREAMBLE-

The following are the purposes of this Article:

A. The United States Surgeon General has determined  
that there is no safe level of exposure to secondhand  
smoke and that nonsmoking Americans exposed to  
secondhand smoke in public places are at significantly  
increased risk of heart disease and lung cancer (See  
U.S. Department of Health and Human Services, the Health  
Consequences of Involuntary Exposure to Tobacco Smoke:  
a report of the surgeon General, U.S. Department of  
Health and Human Services, Centers for Disease Control

and Prevention, Coordinating Center for Health Promotion, National Center for Chronic Disease prevention and Health Promotion, Office on Smoking and Health, 2006); and

B. Smoking is the leading cause of death in the United States and the United State Centers for Disease Control and Prevention has determined that reduction of the death and disease caused by tobacco use and exposure to secondhand smoke is one of the six top national healthcare priorities.

C Pursuant to N.J.S.A. 40:48-1, Marlboro is given the authority to adopt ordinances for the public health, safety and welfare of the Township, its citizens, residents and guests; and

D. The New Jersey Smoke-Free Air Act (N.J.S.A. 26:3D-63) ("NJSFAA") specifically authorizes local restrictions on smoking "equivalent to, or greater than" those provided in the NJSFAA for purposes of "protecting public health."

§ 312-9 DEFINITIONS.

As used in this Article, the following terms shall have the following definitions:

A. SMOKING means the burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe or other matter or substance which contains tobacco or any other matter that can be smoked, or the inhaling of smoke or vapor from an electronic smoking device.

B. ELECTRONIC SMOKING DEVICE means an electronic device that can be used to deliver nicotine or other substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, cigarillo or pipe.

§ 312-10 MUNICIPAL BUILDING SMOKE-FREE ZONES

There is hereby established in front of the municipal building located at 1979 Township Drive within the Township of Marlboro a one hundred and sixty foot (160') smoke free zone wherein the smoking of any form of

tobacco product, either a cigarette, cigar, pipe or the inhaling of smoke or vapor from an electronic smoking device, is strictly prohibited. The one hundred and sixty foot (160') smoke free zone shall extend outward from the main entrance of the municipal building at the council chambers.

§ 312-11 VIOLATIONS AND PENALTIES

Any person violating or failing to comply with any of the provisions of this Article shall, upon conviction thereof, be subject to a fine of not less than \$100 for the first offense, \$250 for the second offense and \$500 for each subsequent offense.

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

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

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

The following Res. #2015-240/Ord. #2015-12 (Amend Chapter 337 - Trees - Adding Article IV - (Marlboro Community Garden) was introduced by reference, offered by Councilwoman Marder, seconded by Council Vice President Mazzola, and passed on a roll call vote of 3 - 0 in favor (Absent: Cantor, Scalea).

RESOLUTION # 2015-240

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

ORDINANCE # 2015-12

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP  
OF MARLBORO TO ADD A NEW ARTICLE IV ENTITLED  
"MARLBORO COMMUNITY GARDEN" TO CHAPTER 337 ENTITLED "TREES"

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 August 13, 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 # 2015-12

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP  
OF MARLBORO TO ADD A NEW ARTICLE IV ENTITLED  
"MARLBORO COMMUNITY GARDEN" TO CHAPTER 337 ENTITLED "TREES"

BE IT ORDAINED, by the Township Council of the Township of Marlboro, that the Code of the Township of Marlboro is hereby amended to add a new Article IV entitled "Marlboro Community Garden" to Chapter 337 of the code entitled "Trees" as follows:

ARTICLE IV - MARLBORO COMMUNITY GARDEN

§337-24 - PREAMBLE. The Marlboro Community Garden is hereby established for the support of recreational community gardens for residents to grow their own produce through best gardening practices. Benefits include the preservation of green space as residents work collaboratively and share information in gardening techniques. In addition, the Marlboro Community Garden will provide an educational forum for members to expand horticultural knowledge by way of cross-cultural and intergenerational connections as well as foster pride in a community-wide organization.

§337-25 - OPERATION.

- a. The Marlboro Community Garden will be operated by the Marlboro Shade Tree Committee established under Section 337-1.
- b. All rules and regulations, applications and forms will be established by the Shade Tree Committee subject to the review and approval of the Mayor or his designee.

§337-26 - FEES. The annual fee for participation in the Marlboro Community Garden shall be FORTY DOLLARS (\$40.00) per year for Marlboro residents and THIRTY DOLLARS (\$30.00) per year for Marlboro Senior Citizen residents who are 65 years of age.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be

adjudged by the courts to be invalid, such adjudication shall apply only to the section paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

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

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

The following Resolution #2015-241 (Renewal Liquor Licenses - July 1, 2015 - June 30, 2016) was introduced by reference, offered by Council Vice President Mazzola, seconded by Council President Metzger, and passed on a roll call vote of 3 - 0 in favor (Absent: Cantor, Scalea).

RESOLUTION # 2015-241

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

- |  |                 |
|--|-----------------|
| 1. Bella Vista Country Club                      | 1328 33 004 004 |
| 2. J.R.J. Hospitality Inc.<br>T/A Nonna's        | 1328 33 015 012 |
| 3. Hituja Corp.<br>T/A Marlboro Buy Rite Liquors | 1328 44 001 006 |
| 4. 476 Route 520 Corp.<br>T/A Samvera Restaurant | 1328 33 002 012 |
| 5. Wickatunk Holdings LLC                        | 1328 33 010 003 |
| 6. Modern Star LLC                               | 1328 33 020 001 |
| 7. Anthony's Coal Fired Pizza                    | 1328 33 022 001 |
| 8. B & B Hospitality Group<br>T/A Osteria        | 1328 33 019 002 |
| 9. Morganville Vol. Fire Co.                     | 1328 31 013 001 |
| 10. Pampini, LLC<br>T/A Brioso                   | 1328 33 008 010 |

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

The following Res. #2015-242 (Acceptance of Audit) was introduced by reference, offered by Council President Metzger, seconded by Council Vice President Mazzola, and passed on a roll call vote of 3 - 0 in favor (Absent: Cantor, Scalea).

RESOLUTION # 2015-242

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the annual report of audit for the year 2014 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body, and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34, and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed as a minimum, the sections of the annual audit entitled "Comments and Recommendations", and

WHEREAS, the members of the governing body have personally reviewed at a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations", as evidenced by the group affidavit form of the governing body, and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five (45) days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

The following Res. #2015-243 (Re-appointments to Library Board Juli Mercado and Ellen Saines) was introduced by reference, offered by Council President Metzger, seconded by Councilwoman Marder, and passed on a roll call vote of 3 - 0 in favor (Absent: Cantor, Scalea).

RESOLUTION # 2015-243

A RESOLUTION CONFIRMING THE REAPPOINTMENT OF  
JULI MERCADO AND ELLEN SAINES TO THE BOARD OF  
TRUSTEES OF THE MARLBORO FREE PUBLIC LIBRARY

WHEREAS, Section 4-93 of the Marlboro Township Code establishes the Marlboro Township Free Public Library and its Board of Trustees; and

WHEREAS, said Board of Trustees shall consist of the Mayor, the Superintendent of Schools and five (5) citizens to be appointed by the Mayor with the advice and consent of the Township Council; and

WHEREAS, the Mayor has reappointed Juli Mercado and Ellen Saines to the Board of Trustees for the Marlboro Township Free Public Library for terms of five (5) years, ending August 11, 2020; and

WHEREAS, the Township Council desires to consent to the Mayor's reappointment of Juli Mercado and Ellen Saines to the Marlboro Township Free Public Library Board of Trustees for such five (5) year term, ending August 11, 2020.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED that the Township Council of the Township of Marlboro does hereby give its advice and consent to the reappointment of Juli Mercado and Ellen Saines to the Marlboro Township Free Public Library Board of Trustees for such five (5) year terms, ending August 11, 2020.

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

- a. Juli Mercado
- b. Ellen Saines
- c. Township Business Administrator
- d. DeCotiis, FitzPatrick & Cole, LLP

The following Res. #2015-244 (Amending Shared Services Freehold Regional HS District), was introduced by reference, offered by Councilwoman Marder, seconded by Council Vice President Mazzola, and passed on a roll call vote of 3 - 0 in favor (Absent: Cantor, Scalea).

RESOLUTION # 2015-244

A RESOLUTION OF THE TOWNSHIP OF MARLBORO IN MONMOUTH COUNTY, NEW JERSEY AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE FREEHOLD REGIONAL HIGH SCHOOL DISTRICT TO PROVIDE FOR A SCHOOL RESOURCE OFFICER (SRO) IN MARLBORO HIGH SCHOOL

WHEREAS, there are police officers specifically trained in educating, counseling, and protecting the public in an educational setting within the Township of Marlboro Division of Police known as School Resource Officers (SROs); and

WHEREAS, the Township of Marlboro ("Township") and Freehold Regional High School District ("FRHSD") are partners in providing for School Resource Officers (SROs), and acknowledge that these

officers have been a constructive and valuable presence in the schools; and

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et seq., (the "Act") permits units of local government to share services for particular purposes and to effectuate agreements for any service or circumstance that will aid and encourage a reduction of local expenses; and

WHEREAS, the Township of Marlboro and Freehold Regional High School District are public bodies corporate and politic of the State of New Jersey and are authorized under New Jersey Law to enter into a Shared Services Agreement pursuant to the Act; and

WHEREAS, the Township and FRHSD have agreed on the terms of a Shared Services Agreement to provide for a School Resource Officer (SRO) for the 2015/2016 school year; and

WHEREAS, the Township Council of the Township of Marlboro supports the SRO program in Marlboro High School and endorses this partnership between the Township and the FRHSD.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Marlboro as follows:

1. The above recitals are hereby incorporated into the body of this Resolution as if set forth at length herein.
2. The Shared Services Agreement shall be open to public inspection in the Clerk's office and shall take effect upon the adoption of a resolution and execution of the agreement by both parties.
3. The Mayor and Township Clerk are hereby authorized to execute the Shared Services Agreement.
4. A copy of the finalized Shared Services agreement shall be filed, for informational purposes, with the Division of Local Government Services in the Department of Community Affairs.

Councilwoman Mazzola moved that Resolution #2014-253 (U.S. Army Donations Program) be removed from the Consent Agenda. This was seconded by Councilwoman Marder and passed on a roll call vote of 3 - 0 in favor (Absent: Cantor, Scalea).

Councilwoman Mazzola moved that Resolution #2014-253(U.S. Army Donations Program) be tabled to the August 13, 2015 Council Meeting. This was seconded by Councilwoman Marder and passed on a roll call vote of 3 - 0 in favor of tabling (Absent: Cantor, Scalea).

As the Consent Agenda, the following resolutions were introduced by reference, offered by Councilwoman Marder, seconded by Council Vice President Mazzola, and passed on a roll call vote of 3 - 0 in favor (Absent: Cantor, Scalea): Res. #2015-245 (Amending Marlboro BOE agreement), Res. #2015-246 (Amending Borough of Matawan's Animal Control Agreement), Res. #2015-247 (Amending Old Bridge MUA Professional Services Agreement), Res. #2015-248 (Award of Bid - Equipment Rental and Operator Service), Res. #2015-249 (Award of State Contract - Ammunition for Qualifications and Range Training), Res. #2015-250 (Award of State Contract - Purchase of Body Armor), Res. #2015-251 (Authorizing Participation in Intra-County Mutual Aid and Assistance Agreements with Participating Units in Monmouth County), Res. #2015-252 (Authorizing Transfer and Acceptance of Surplus Military Equipment for US Dept of Defense (DOD)), Res. #2015-254 (Confirming Emergency Contract and Approving Expenditures - Emergency Water System Repairs), Res. #2015-255 (Authorizing Application - End of Summer 2015 Drive Sober Grant), Res. #2015-256 (Refunds for Hydrant Meter Deposits), Res. #2015-257 (Redemption Tax Sale Certs - Various), Res.#2015-258 (Refunds for Overpayments 2015 Taxes - Various).

RESOLUTION # 2015-245

A RESOLUTION OF THE TOWNSHIP OF MARLBORO IN MONMOUTH COUNTY, NEW JERSEY AMENDING THE SHARED SERVICES AGREEMENT WITH THE MARLBORO BOARD OF EDUCATION TO PROVIDE FOR SCHOOL RESOURCE OFFICERS (SROs) IN MARLBORO TOWNSHIP K-8 SCHOOLS

WHEREAS, there are police officers specifically trained in educating, counseling, and protecting the public in an educational setting within the Township of Marlboro Division of Police known as School Resource Officers (SROs); and

WHEREAS, the Township of Marlboro ("Township") and Marlboro Township Board of Education ("MTBOE") are partners in providing for School Resource Officers (SROs), and acknowledge that these officers have been a constructive and valuable presence in the schools; and

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et seq., (the "Act") permits units of local government to share services for particular purposes and to effectuate agreements for any service or circumstance that will aid and encourage a reduction of local expenses; and

WHEREAS, the Township of Marlboro and Marlboro Board of Education are public bodies corporate and politic of the State of New Jersey and are authorized under New Jersey Law to enter into a Shared Services Agreement pursuant to the Act; and

WHEREAS, on March 20, 2014 (R.2014-142) the Township Council authorized a Shared Services Agreement to be executed with the Marlboro Board of Education to provide for School Resource Officers (SROs) for the 2013/2014 school year, and

WHEREAS, on July 17, 2014 (R.2014-262) the Township Council authorized an amendment to the Shared Services Agreement to be executed with the Marlboro Board of Education extending the existing agreement to provide for School Resource Officers (SROs) for the 2014/2015 school year, and

WHEREAS, the Township and the MTBOE have agreed to extend the agreement to include the 2015/2016 school year; and

WHEREAS, the Township Council of the Township of Marlboro supports the SRO program in the K-8 schools and endorses this partnership between the Township and the MTBOE.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Township Council of the Township of Marlboro as follows:

1. The above recitals are hereby incorporated into the body of this Resolution as if set forth at length herein.
2. The Shared Services Agreement shall be open to public inspection in the Clerk's office and shall take effect upon the adoption of a resolution and execution of the agreement by both parties.
3. The Mayor and Township Clerk are hereby authorized to execute the Shared Services Agreement.
4. A copy of the finalized Shared Services agreement shall be filed, for informational purposes, with the

Division of Local Government Services in the Department of  
Community Affairs.

RESOLUTION # 2015-246

A RESOLUTION OF THE TOWNSHIP OF MARLBORO IN MONMOUTH COUNTY,  
NEW JERSEY AMENDING A SHARED SERVICES AGREEMENT  
BETWEEN THE TOWNSHIP OF MARLBORO AND THE BOROUGH  
OF MATAWAN TO PROVIDE ANIMAL CONTROL SERVICES

WHEREAS, on January 29, 2015 the Township of Marlboro (the  
"Township") authorized a shared services agreement (R.2015-063)  
with the Borough of Matawan ("Borough") for animal control  
services including emergency response for domestic animal  
incidents, emergency response for sick or dangerous wildlife and  
enforcement of the Borough's ordinances pertaining to domestic  
animals; and

WHEREAS, the Borough has advised that it will require  
additional animal control related services from the Township  
including boarding and veterinary services; and

WHEREAS, the Uniform Shared Services and Consolidation Act,  
N.J.S.A. 40A:65-1, et seq., (the "Act") permits units of local  
government to share services for particular purposes and to  
effectuate agreements for any service or circumstance that will  
aid and encourage a reduction of local expenses; and

WHEREAS, the Township of Marlboro ("Marlboro") and the  
Borough of Matawan ("Matawan") are public bodies corporate and  
politic of the State of New Jersey and are authorized under New  
Jersey Law to enter into a Shared Services Agreement pursuant to  
the Act; and

WHEREAS, the Township has the personnel as well as the  
necessary contracts in place to provide the specified services;  
and

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

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of  
the Township of Marlboro as follows:

1. The above recitals are hereby incorporated into the body of this Resolution as if set forth at length herein.

2. The Shared Services Agreement shall be open to public inspection in the Clerk's office and shall take effect upon the adoption of a resolution and execution of the agreement by both parties.

3. The Mayor and Township Clerk are hereby authorized to execute the Shared Services Agreement annexed hereto as EXHIBIT A.

RESOLUTION # 2015-247

A RESOLUTION OF THE TOWNSHIP OF MARLBORO IN MONMOUTH COUNTY, NEW JERSEY AMENDING A SHARED SERVICES AGREEMENT WITH THE OLD BRIDGE MUNICIPAL UTILITIES AUTHORITY (OBMUA) TO PROVIDE FOR LEGAL AND EXPERT UTILITY RATE ANALYSIS PROFESSIONAL SERVICES IN THE MATTER OF MIDDLESEX WATER COMPANY'S RATE INCREASE PETITION DATED MARCH 31, 2015

WHEREAS, on March 31, 2015, Middlesex Water Company (MWC) filed an application with the New Jersey Board of Public Regulatory Commission (BPU) for a 13.53% rate increase ("rate case"); and

WHEREAS, a 13.53% increase would have an adverse impact on Marlboro Water Utility customers and residents; and

WHEREAS, the Marlboro Water Utility will be filing a petition with the BPU for permission to intervene in the rate case; and

WHEREAS, the Old Bridge Municipal Utilities Authority (OBMUA) is also a bulk water purchaser from Middlesex Water Company which stands to be impacted adversely by the proposed rate increase; and

WHEREAS, on May 21, 2015, the Township authorized the execution of a shared services agreement (R.2015-209) with the Old Bridge Municipal Utilities Authority (OBMUA) for utility rate analysis expert professional services in connection with the rate case; and

WHEREAS, the OBMUA subsequently notified the Township that it also wishes to share the cost of legal services associated with the rate case; and

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et seq., (the "Act") permits units of local government to share services for particular purposes and to effectuate agreements for any service or circumstance that will aid and encourage a reduction of local expenses; and

WHEREAS, the Township and OBMUA are public bodies corporate and politic of the State of New Jersey and are authorized under New Jersey Law to enter into a Shared Services Agreement pursuant to the Act; and

WHEREAS, the Township has awarded contracts pursuant to the Local Public Contracts Law (N.J.S.A. 40A:11) for legal services and expert utility rate analysis services; and

WHEREAS, the Township and OBMUA have negotiated the terms of a Shared Services Agreement, whereby the Township and OBMUA will evenly share the legal and utility rate analysis expert professional costs related to intervening in the rate case, included as EXHIBIT A and incorporated into this resolution as if set forth at length herein; and

WHEREAS, the Administration and Department of Public Works have recommended the proposed amended agreement as representing the best value for Marlboro Water Utility rate payers; and

WHEREAS, the Township Council has indicated its desire to accept the recommendation of the Administration and Department of Public Works; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Township Council of the Township of Marlboro as follows:

1. The above recitals are hereby incorporated into the body of this Resolution as if set forth at length herein.
2. The Shared Services Agreement shall be open to public inspection in the Clerk's office and shall take effect upon the adoption of a resolution and execution of the agreement by both parties.
3. The Mayor and Township Clerk are hereby authorized to execute a Shared Services Agreement, the terms of which are annexed hereto as EXHIBIT A.
4. A copy of the Shared Services agreement shall be filed, for informational purposes, with the Division of

Local Government Services in the Department of Community Affairs.

RESOLUTION # 2015-248

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO LUCAS CONSTRUCTION GROUP, INC. FOR EQUIPMENT RENTAL AND OPERATOR SERVICE FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro authorized the receipt of bids for equipment rental and operator service for the Township of Marlboro Department of Public Works and on July 8, 2015 received one (1) bid therefore; and

WHEREAS, the one (1) bid received was from Lucas Construction Group, Inc. as follows:

Equipment	Est Units	Daily Rate (\$)	Weekly Rate (\$)	Monthly Rate (\$)	Mobilization/Delivery (\$)	Est Total
Milling Machine w/ Operator	1	5,200	15,600	n/a	650	17,550
Paver w/ Operator		1,200	3,600	n/a	650	
Tandem Dump Truck w/ Operator		720	3,600	n/a	n/a	
Triaxle Dump Truck w/ Operator	8	800	4,000	n/a	n/a	32,000
Vibratory Roller	1	200	600	n/a	n/a	600
Front End Loader w/ Operator		1,320	5,560	20,680	250	28,330
Front End Loader w/o Operator	2	520	1,560	4,680		
Four Wheel Drive Backhoe w/ Operator		1,200	5,200	19,600	250	
Four Wheel Drive Backhoe w/o Operator		400	1,200	3,600		
Roll-off Truck w/ a 30yd Container w/ Operator	2	960	4,800	19,200	n/a	76,800
Roll-off Truck w/ a 30yd Container w/o Operator		750	3,750	15,000		
Enclosed Bulldozer w/ Operator		1,440	5,120	21,760	250	11,770
Enclosed Bulldozer w/o Operator	1	640	1,920	5,760		
						167,050

WHEREAS, the Superintendent of the Department of Public Works has reviewed the bid received and recommended that the Contract be awarded to Lucas Construction Group, Inc. as the lowest responsible bidder, 173 Amboy Road, Morganville, New Jersey 07751, for an amount not to exceed \$167,050.00; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation of the Superintendent 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 Lucas Construction Group, Inc., whose address is 173 Amboy Road, Morganville, New Jersey 07751, in an amount not to exceed \$167,050.00 for a term of one year beginning on August 1, 2015, with an option to renew the contract based upon the same terms and conditions as specified in the bid proposal for an additional one (1) two-year period or two (2) one-year periods at the exclusive option of the Township.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, a contract with Lucas Construction Group, Inc. in accordance with this resolution, the bid specifications, and in a form to be approved by the Township Attorney.

BE IT FURTHER RESOLVED, funds for the 2015 portion in the amount of \$152,760.00 have been certified by the Chief Financial Officer in Capital Accounts #04-215-13-08B-120288 and #04-215-14-03B-060288, Current Accounts #01-201-26-117-215103 and #01-201-26-117-215104, Grant Accounts #02-213-14-701-117000 and #02-213-15-701-117000, and Trust Accounts #21-228-55-059 and #14-228-55-053.

BE IT FURTHER RESOLVED, funds for the 2016 portion of the contract will be certified by the Chief Financial Officer upon the adoption of the 2016 Municipal Budget.

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 Administration
- c. Superintendent of Public Works
- d. Chief Financial Officer

RESOLUTION # 2015-249

RESOLUTION AUTHORIZING AWARD OF STATE CONTRACT #81296  
TO EAGLE POINT GUN SHOP FOR THE PURCHASE OF AMMUNITION  
FOR THE TOWNSHIP OF MARLBORO POLICE DEPARTMENT

WHEREAS, the Township of Marlboro Police Department is in need of ammunition for qualifications and range training; and

WHEREAS, the Marlboro Police Department has recommended that the Township purchase the ammunition from Eagle Point Gun

Shop, 1707 Third Street, Thorofare, New Jersey 08086 under State Contract #81296 in an amount not to exceed \$37,000.00; and

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

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey for the Police Department to obtain the ammunition from Eagle Point Gun Shop; and

WHEREAS, funds are available in Account 01-201-25-106-262644 for an amount not to exceed \$37,000.00 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 ammunition;

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 ammunition from Eagle Point Gun Shop, 1707 Third Street, Thorofare, New Jersey 08086 under State Contract #81296 in an amount not to exceed \$37,000.00; and

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

- a. Eagle Point Gun Shop
- b. Township Administration
- c. Township Police Department
- d. Township Chief Financial Officer

RESOLUTION # 2015-250

RESOLUTION AUTHORIZING AWARD OF STATE CONTRACT #81351  
TO LAWREN SUPPLY CO. OF NJ INC. FOR THE PURCHASE  
OF BULLETPROOF VESTS FOR THE TOWNSHIP  
OF MARLBORO POLICE DEPARTMENT

WHEREAS, the Township of Marlboro Police Department is in need of replacement body armor; and

WHEREAS, the Marlboro Police Department has recommended that the Township purchase the body armor from Lawmen Supply Co. of NJ Inc., 7115 Airport Highway, Pennsauken, New Jersey 08109 as an authorized Dealer/Distributor under State Contract #81351 in an amount not to exceed \$31,581.00; and

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

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey for the Police Department to obtain the replacement body armor from Lawmen Supply Co. of NJ Inc.; and

WHEREAS, funds are available in Grant Accounts 02-213-14-802-106297, 02-213-14-803-106297, 02-213-14-821-106297 and Capital Account 04-215-14-03C-106297 for an amount not to exceed \$31,581.00 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 replacement body armor;

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 body armor from Lawmen Supply Co. of NJ Inc., 7115 Airport Highway, Pennsauken, New Jersey 08109 as an authorized Dealer/Distributor under State Contract #81351 in an amount not to exceed \$31,581.00; and

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

- a. Lawmen Supply Co. of NJ Inc.
- b. Township Business Administrator
- c. Township Police Department
- d. Township Chief Financial Officer

RESOLUTION # 2015-251

RESOLUTION AUTHORIZING THE TOWNSHIP OF MARLBORO  
TO PARTICIPATE IN INTRA-COUNTY MUTUAL AID AND  
ASSISTANCE AGREEMENTS WITH PARTICIPATING  
UNITS IN THE COUNTY OF MONMOUTH

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et. Seq., ("Act") provides that any local governmental unit may enter into a contract with any other local governmental unit to provide or receive any service that each local unit is empowered to provide or receive within its own jurisdiction; and

WHEREAS, mutual aid and assistance agreements between municipalities, counties, law enforcement agencies, police, emergency medical service, fire departments, fire companies, or EMS organizations and fire departments situated in fire districts operated by a Board of Fire Commissioners, are permitted pursuant to N.J.S.A. 40A: 14-26 and 40A: 14-156.1; and

WHEREAS, the President in Homeland Security Directive (HSPD-5), directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System ("NIMS"), which would provide a consistent nationwide approach to Federal, State, local and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity; and

WHEREAS, "The New Jersey Civilian Defense and Disaster Control Act" App.A9-33 et. seq., provides for the health, safety and welfare of the people of the State of New Jersey during any emergency by centralizing control of all civilian activities having to do with such emergency giving the Governor control over the resources of each and every political subdivision to cope with any condition that shall arise out of such emergency; and

WHEREAS, The Director of the Division of Fire Safety in the Department of Community Affairs promulgated rules in accordance with the "Fire Service Resource Emergency Deployment Act," N.J.A.C. 52:14E-11 et. seq., commonly referred to as the "Fire Service Resource Emergency Deployment Regulations" N.J.A.C. 5:75A et. seq.; and

WHEREAS, the Township Council of the Township of Marlboro deem it to be in the best interests of the Township of Marlboro to enter into Mutual Aid and Assistance Agreements with governmental entities throughout Monmouth County and all of their departments, authorities, boards, commissions and other functions under the auspices of each participating governmental entity including but not limited to, law enforcement, public

works, emergency medical services, emergency management, human services, hazardous materials response units technical or special operations teams, Community Emergency Response Team ("CERT") members, Medical Reserve Corps ("MRC") members or other volunteers and other jurisdictions defined "local governments" in the Homeland Security Act of 2002; and

WHEREAS, N.J.S.A. 40A: 14-26 AND 156.1 et seq. has authorized interjurisdictional mutual aid; and

WHEREAS, the Township Council of the Township of Marlboro and the Participating Units recognize the benefit of entering into an Agreement for mutual aid and assistance with each other to protect against loss, damage or destruction by fire, civil unrest, hazardous material, major criminal or emergency events, natural and man-made disaster or catastrophe and to address those situations when additional aid and assistance is needed to protect the best interests of the persons and property of each individual jurisdiction.

NOW, THEREFORE, BE IT RESOLVED that the Intra-County Mutual Aid and Assistance Agreements between the Township of Marlboro and Participating Units be and are hereby accepted.

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are authorized to execute the Intra-County Mutual Aid and Assistance Agreements once they have been authorized and executed by each Participating Unit.

BE IT FURTHER RESOLVED that the Township Clerk forward a certified true copy of this resolution to the Monmouth County Sheriff and Office of the Emergency Management Coordinator.

RESOLUTION # 2015-252

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 # 2015-254

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, on July 6, 2015 the Superintendent of the Department of Public Works has reported a failure in the discharge line for the Swim Club pool pump backwash system which also caused a sink hole designated as Emergency #1510; 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 system repairs, estimated at an amount not to exceed \$3,207.50; and

WHEREAS, the Chief Financial Officer has certified the availability of funds in Account #06-215-14-05C-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 system repairs to LUCAS CONSTRUCTION GROUP, INC., 173 Amboy Road, Morganville, NJ 07751 for an amount not to exceed \$3,207.50.

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 # 2015-255

SUPPORTING THE 2015 DRIVE SOBER OR GET PULLED  
OVER STATEWIDE LABOR DAY CRACKDOWN GRANT

WHEREAS, impaired drivers on our nation's roads kill someone every 30 minutes, nearly 50 people per day, and almost 18,000 people each year; and

WHEREAS, 22% of motor vehicle fatalities in New Jersey are alcohol-related; and

WHEREAS, an enforcement crackdown is planned to combat impaired driving; and

WHEREAS, the Labor Day Holiday at the end of the summer is traditionally a time of social gatherings which often include alcohol; and

WHEREAS, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the *2015 Drive Sober or Get Pulled Over Statewide Labor Day Crackdown*; and

WHEREAS, the project will involve increased impaired driving enforcement from August 21, 2015 through September 7, 2015; and

WHEREAS, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadway.

NOW, THEREFORE, BE IT RESOLVED that Marlboro Township declares its support for the *2015 Drive Sober or Get Pulled Over Statewide Labor Day Crackdown* from August 21, 2015 through September 7, 2015; and pledges to increase awareness of the dangers of drinking and driving.

RESOLUTION # 2015-256

WHEREAS, the attached list in the amount of \$469.86 known as Schedule "A", is comprised of amounts representing refund of hydrant meter deposits,

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

SCHEDULE "A"

<u>Hydrant Meter Serial#</u>	<u>WATER CUSTOMER</u>	<u>AMOUNT</u>
2344950-Texas Road	J.F. Kiely Co. 700 McClellan Street Long Branch, NJ 07740	469.86

RESOLUTION # 2015-257

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$ 87,712.46 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 \$ 87,712.46 to be refunded to the certificate holders as per Schedule "A",

RESOLUTION # 2015-258

WHEREAS, the attached list in the amount of \$ 1,796.14

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",

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNER</u>	<u>2015 REFUND</u>
131/2		Trerotola, Michael & Elizabeth	1,200.00
5 Marlboro Street		5 Marlboro Street Morganville, NJ 07751	
381/5		Mogel, Irwin & Roberta	596.14
10 Hansom Lane		10 Hansom Lane Marlboro, NJ 07746	
			Total: 1,796.14

At 7:35 PM, Councilwoman Marder moved that the meeting be adjourned. This was seconded by Council Vice-President Mazzola, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: AUGUST 13, 2015

OFFERED BY: MAZZOLA AYES: 3

SECONDED BY: MARDER NAYS: 0

ABSENT: CANTOR, SCALIA

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ALIDA MANCO  
MUNICIPAL CLERK

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SCOTT METZGER  
COUNCIL PRESIDENT