

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

August 13, 2015

The Marlboro Township Council held its regularly scheduled Meeting on August 13, 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, Municipal Clerk Alida Manco, Deputy Clerk Suzanne Branagan.

Council Vice President Mazzola moved that the minutes of July 16, 2015 be approved. This was seconded by Councilwoman Marder, and passed on a roll call vote of 3-0 in favor (Absent: Cantor, Scalea).

Council President Metzger opened the Public Hearing on Ord. #2015-11. As there was no one who wished to speak, the Public Hearing was closed. The following Res. #2015-259/Ord. #2015-11 (Amending Chapter 312 "Smoking And Tobacco Products" To Add A New 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 and Scalea).

RESOLUTION # 2015-259

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

which was introduced on July 16, 2015, public hearing held on August 13, 2015 be adopted on second and final reading this 13th day of August, 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. #2015-12. As there was no one who wished to speak, the Public Hearing was closed. The following Res. #2015-260/Ord. #2015-12 (Amending Chapter 337 Entitled "Trees" to Add Article IV Entitled "Marlboro Community Garden ") was introduced by reference, offered by Council Vice President Mazzola, seconded by Councilwoman Marder and passed on a roll call vote of 3 - 0 in favor (Absent: Cantor and Scalea).

RESOLUTION # 2015-260

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"

which was introduced on July 16, 2015, public hearing held on August 13, 2015 be adopted on second and final reading this 13th day of August, 2015.

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

The following Res. #2015-261/Ord. #2015-13 (Providing for the Lease Purchase Financing and Acquisition of Police Cars) 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 and Scalea).

RESOLUTION # 2015-261

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

ORDINANCE # 2015-13

ORDINANCE PROVIDING FOR THE LEASE PURCHASE FINANCING AND ACQUISITION OF POLICE CARS FOR AND BY 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 September 10, 2015 at 7:00 p.m. Marlboro Greens Clubhouse, 1 Ivy Hill Drive, Englishtown, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2015-13

ORDINANCE PROVIDING FOR THE LEASE PURCHASE FINANCING AND ACQUISITION OF POLICE CARS FOR AND BY 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 two-thirds of the full membership thereof affirmatively concurring) AS FOLLOWS:

Section 1. The Township Council of the Township of Marlboro, in the County of Monmouth, New Jersey hereby authorizes the lease purchase financing and acquisition of six police cars for the Township pursuant to N.J.S.A. 40A:11-15(7)

for a total principal cost of not to exceed \$162,500. The procurement of the police cars is available through a State Contract. The rental payments will be paid over three years at an interest rate per annum to be approved by the Chief Financial Officer of the Township through a procurement process authorized herein and in accordance with law. The Chief Financial Officer of the Township is authorized to take financing bids or proposals or procure financing by other lawful means, including through a national purchasing cooperative, as she deems most cost effective for the Township.

Section 2. The Mayor and/or the Chief Financial Officer are hereby authorized to negotiate, execute and deliver, subject to the review of Bond Counsel, a lease purchase agreement (the "Lease") in accordance with the terms set forth in this ordinance, an agent or an escrow agreement, an assignment agreement, if necessary, and such other documents as may be necessary to consummate the transaction. The Township Council authorizes the Chief Financial Officer to establish an escrow account for the deposit of the lease proceeds and to direct the deposit and investment of the lease proceeds in the escrow for the term of the Lease in accordance with the requirements of law. The Township Council hereby authorizes and directs the Mayor or the Chief Financial Officer to execute the Lease and such other documents as may be required to consummate the transaction in forms approved by Bond Counsel, such approval to be evidenced by the execution of the Lease or such other documents by the Mayor or Chief Financial Officer. The Clerk is authorized to attest to such documents under the seal of the Township. The Mayor and /or the Chief Financial Officer are also authorized and directed to take on behalf of the Township such other actions as shall be necessary and appropriate to accomplish the lease purchase financing of the police cars in accordance with the terms of the Lease and this ordinance and pursuant to the terms of the agreements and instruments authorized to be prepared hereby and to accomplish the performance of the obligations of the Township in respect thereto.

Section 3. The payment of rent or other monies due under the Lease shall be made from operating funds, subject to the availability of funds and appropriation annually of sufficient funds as may be required to meet the obligations of the Lease, and the Lease shall contain a clause making it subject to such appropriation or shall contain an annual cancellation clause. Neither the Township nor any agency,

department or political subdivision thereof shall be obligated to pay any sum to the purchaser or lessor under the Lease from any taxing source for the payment of any sums due under the Lease unless an appropriation is made in a duly approved budget of the Township. The obligations of the Township shall not constitute indebtedness of the Township or of any department, agency or political subdivision thereof. The Lease shall set forth the term of the Lease, the rental payments to be paid by the Township in respect thereof, and the dates on which such rental payments shall be due and payable.

Section 4. The Township Council hereby covenants that it will comply with any conditions subsequent imposed by the Internal Revenue Code of 1986, as amended (the "Code"), in order to preserve the exemption from taxation of the interest portion of rental payments due on the Lease, including the requirement to rebate all net investment earnings on the gross proceeds above the yield on the Lease, if applicable.

Section 5. The Township Council hereby declares its intent to issue the Lease in the expected maximum principal amount of the Lease set forth herein and to use the proceeds of the Lease to pay or reimburse expenditures for the costs of the purpose for which the Lease is authorized herein. This resolution is a declaration of intent within the meaning and for the purposes of Treasury Regulations Section 1.150-2 or any successor provisions of federal income tax law.

Section 6. This ordinance shall take effect 20 days following final publication after final adoption and otherwise as provided by law.

The following Resolution #2015-262 (Change of Council Meeting Locations) 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 # 2015-262

BE IT RESOLVED by the Township Council of the Township of Marlboro that the regularly scheduled Council meeting locations will be changed as follows:

~~Sept. 10, 2015 - Marlboro Greens Clubhouse
1 Ivy Hill Drive, Englishtown, NJ 07726 *~~

Sept. 24, 2015 - Rosemont Estates Clubhouse
246 Everton Blvd., Marlboro, NJ 07746

Oct. 8, 2015 - Greenbriar at Marlboro Clubhouse
21 Clubhouse Lane, Marlboro, NJ 07746

BE IT FURTHER RESOLVED that all meetings will begin at 7:00PM.

*The location of this meeting was changed back to Town Hall after the resolution was adopted.

The following Resolution #2015-263 (Zoning Board Appointments - Alt. #1 - Kamalpreet S. Viridi; Alt. #2 - Joseph Nappi) 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 # 2015-263

RESOLUTION APPOINTING ZONING BOARD
OF ADJUSTMENT MEMBERS

WHEREAS, Section 4-90 of the Code of the Township of Marlboro created the Marlboro Township Zoning Board of Adjustment pursuant to the authority granted by N.J.S.A. 40:55D-69; and

WHEREAS, Section 220-8 of the Code of the Township of Marlboro provides that the Township Council shall appoint members of the Zoning Board of Adjustment; and

WHEREAS, the Township Council wishes to appoint KAMALPREET S. VIRIDI to serve as Alternate #1 to the Zoning Board of Adjustment, for a two (2) year unexpired term ending December 31, 2016; and

WHEREAS, the Township Council wishes to appoint JOSEPH NAPPI to serve as Alternate #2 to the Zoning Board of Adjustment, for an unexpired term ending December 31, 2015.

NOW, THEREFORE BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

That it hereby appoints KAMALPREET S. VIRDI and JOSEPH NAPPI to serve as members of the Marlboro Township Zoning Board of Adjustment in the positions specified above, and for the terms indicated above.

The following Resolution #2015-264 (Amending Shared Services With Marlboro Township BOE) 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 # 2015-264

AMENDING A SHARED SERVICES AGREEMENT WITH THE MARLBORO TOWNSHIP BOARD OF EDUCATION PROVIDING FOR BUS TRANSPORTATION SERVICES FOR THE RECREATION DEPARTMENT SUMMER CAMP and DIVISION OF POLICE YOUTH ACADEMY PROGRAMS

WHEREAS, on February 26, 2015 the Township of Marlboro ("Township") entered into a shared services agreement (R.2015-117) with the Marlboro Township Board of Education (the "Board") for transportation services; and

WHEREAS, the Township has requested and the Board has agreed to provide additional transports for the Township Youth Police Academy program; and

WHEREAS, pursuant to N.J.S.A. 18A:39-22, the Board is authorized to permit the use of school buses it owns or leases for the purpose of transporting children and adults participating in a recreation or other program operated by the municipality in which the Board's School District is located; and

WHEREAS, the Township and the Board desire to amend the Shared Services Agreement dated April 21, 2015 to provide Transportation Services for Youth Police Academy program for the period commencing on or about July 1, 2015 and terminating on August 31, 2015; and

WHEREAS, the costs of the Transportation Services for the Youth Police Academy shall be paid by the Township to the Board as follows:

(1) Transportation from Marlboro Town Hall to the Monmouth County Police Academy at the rate of \$184.00 per trip for an amount not to exceed \$184.00

(2) Transportation from Marlboro Town Hall to Thompson Park at the rate of \$84.00 per trip for an amount not to exceed \$84.00

(3) Transportation from Marlboro Town Hall to the New Jersey State Police Regional Operations Center at the rate of \$257.50 per trip for an amount not to exceed \$257.50

WHEREAS, N.J.S.A. 40A:65-1 et seq. authorizes local units to enter into shared services agreements for the provision of services, including the transportation services contemplated herein; and

WHEREAS, the proposed Shared Services Agreement for the Transportation Services is on file in the Township Clerk's office in accordance with the provisions of N.J.S.A. 40A:65-5(b); and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in Account Number 01-201-25-106-288619 in a total amount not to exceed \$525.50; and

WHEREAS, the Mayor and Marlboro Township Council desire to amend the proposed Shared Services Agreement with the Board pursuant to the above-described terms and conditions for a total contract amount not to exceed \$147,280.50.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Mayor and Township Clerk are hereby authorized and directed to execute and witness, respectively, the proposed amendment to the Shared Services Agreement for the provision of transportation services for the Marlboro Youth Police Academy program in accordance with the term and conditions described hereinabove; and

BE IT FURTHER RESOLVED, that, pursuant to N.J.S.A. 40A:65-4(b), a copy of the shared services agreement authorized herein shall be filed with the Division of Local Government Services in the Department of Community Affairs for informational purposes; and

BE IT FURTHER RESOLVED, that a copy of the shared services agreement authorized herein shall be open to the public for inspection in the Township Clerk's Office; and

BE IT FURTHER RESOLVED that a duly certified copy of this resolution be forwarded to:

- a. Marlboro Township Board of Education
- b. Township Business Administrator
- c. Township Chief Financial Officer
- d. Chief of Police

The following Resolution #2015-265 (Acceptance of Lock Donation for Recreation Center Restrooms) 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 # 2015-265

A RESOLUTION AUTHORIZING ACCEPTANCE OF DONATION
OF LOCKS FOR RESTROOMS AT RECREATION CENTER
FROM STOMP THE MONSTER

WHEREAS, Stomp the Monster runs an annual 5K race the first Sunday in June hosted at the Recreation Center; and

WHEREAS, Stomp the Monster uses the proceeds from this event to benefit persons with cancer and their families;
and

WHEREAS, Stomp the Monster and the Marlboro Township Department of Recreation (Recreation Department) agree that the Recreation Center restrooms are not made available due to the size of the event; and

WHEREAS, Stomp the Monster rents port-a-johns for this event; and

WHEREAS, the Recreation Center currently has no locks on its public restrooms; and

WHEREAS, Stomp the Monster currently places volunteers at the entrances of the Recreation Center restrooms to prevent use and to guide event attendees to the port-a-johns; and

WHEREAS, the Recreation Department desires the ability to lock restrooms in the Recreation Center for not only this event, but also for maintenance and other unforeseen occurrences; and

WHEREAS, Stomp the Monster has offered to donate the funds for locks to be installed on the public restrooms in the Recreation Center; and

WHEREAS, the Recreation Department has obtained an estimate of \$637.92 to install locks on the public restrooms of the Recreation Center; and

WHEREAS, the funds donated by Stomp the Monster will be deposited into the Recreation Donations Deposit Transmittal Account (Account# 11-228-55-039); and

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

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the donation as described above is hereby accepted.

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

- a. Township Administrator
- b. Township Recreation Director
- c. Township Chief Financial Officer

As the Consent Agenda, the following resolutions were 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): Res. #2015-266 (Amending Legal Services Contract for Tax Appeal Defense), Res. #2015-267 (Authorizing Contract Renewal for Electrical Repair Work), Res. #2015-268 (Award of Bids for Police Dept. Uniforms), Res. #2015-269 (Budget Amendment - Drive Sober 2015 Grant Program), Res. #2015-270 (Authorizing Participation in NJ E-Procurement Pilot Program), Res. # 2015-271 (Amending Aurora Environmental for Installation of Fuel Tank Agreement),

Res. #2015-272 (Authorizing Return of Cash Bond, Res. #2015-273 (Authorizing Final Payment/Close Out - Refueling/Pump system Concrete Slab), Res. #2015-274 (Authorizing State Contract for Replacement of Overhead Doors for First Aid Building), Res. #2015-275 (Redemption Tax Sale Certificates), Res. #2015-276 (Refunds for Overpayments), Res. #2015-277 and Res. #2015-278 (Disabled Veteran Deduction), Res. #2015-279 (Fees for Electronic Tax Sale).

RESOLUTION # 2015-266

A RESOLUTION AUTHORIZING AMENDMENT TO A PROFESSIONAL SERVICES CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO AND CLEARY, GIACOBBE, ALFIERI, JACOBS, LLC FOR SPECIAL TAX COUNSEL SERVICES

WHEREAS, the Township entered into an agreement with CLEARY, GIACOBBE, ALFIERI, JACOBS, LLC to provide special tax counsel services, awarded pursuant to a fair and open process in accordance with the provisions of N.J.S.A 19:44A-20.5 (R.2015-017); and

WHEREAS, in a memo dated August 3, 2015, the Tax Assessor has reported a substantial increase in the appeals before the State Tax Court, and the work required per case; and

WHEREAS, the Tax Assessor has recommended that an increase of \$30,000.00 is necessary to provide for the proper defense of these appeals through the end of 2015, requiring an amendment to the existing agreement; 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 \$30,000.00 are available for this purpose from Account # 01-201-20-050-226230; 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 Township has been provided with the Business Entity's Disclosure of Campaign Contributions at least ten (10) days prior hereto, as required by P.L. 2005, c.271.

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

1. The Township Council of the Township of Marlboro hereby authorizes and approves the award of a Professional Services Contract to CLEARY, GIACOBBE, ALFIERI, JACOBS, LLC pursuant to a fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.5; and

2. The Professional Services Contract is awarded without competitive public bidding pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-5(1)(a)(i) and shall provide for compensation at the rates set forth in the proposal dated October 24, 2014, in an additional amount not to exceed \$30,000.00; and

3. The Mayor and Town Clerk are hereby authorized and directed to execute, seal and deliver said Contract for Professional Services on behalf of and in the name of the Township of Marlboro; and

4. That notice of the award of this contract amendment shall be published in accordance with law.

5. That a certified copy of this Resolution shall be provided to each of the following:

- a. CLEARY, GIACOBBE, ALFIERI, JACOBS, LLC
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Tax Assessor

RESOLUTION # 2015-267

A RESOLUTION AUTHORIZING YEAR 2 AND YEAR 3 OF CONTRACT TO LONGO ELECTRICAL-MECHANICAL, INC. FOR THE PROVISION OF ELECTRICAL REPAIR WORK FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, on September 4, 2014 (R.2014-307) the Municipal Council of the Township of Marlboro awarded a contract to LONGO ELECTRICAL-MECHANICAL, INC. for the PROVISION OF ELECTRICAL REPAIR WORK FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS; 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, the Director of the Department of Public Works has recommended that the Township approve a two (2) 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 LONGO ELECTRICAL-MECHANICAL, INC. whose address is 1 Harry Shupe Blvd., PO Box 511, Wharton, NJ 07885 for a period of two years beginning on September 1, 2015 through August 31, 2017, in a total amount not to exceed \$153,400.00 for labor only. Parts are to be billed at the rate of ten percent (10%) above contractor's price; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, contracts with LONGO ELECTRICAL-MECHANICAL, 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 \$25,566.66 have been certified by the Chief Financial Officer from Account #01-201-26-122-288126 and #05-201-55-500-288020; and

BE IT FURTHER RESOLVED funds for the 2016 and 2017 portions of the contract will be certified at the time of adoption of the 2016 and 2017 municipal budgets; and

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

- a. LONGO ELECTRICAL-MECHANICAL, INC.
- b. Township Business Administrator

- c. Township Chief Financial Officer
- d. Director of Public Works

RESOLUTION # 2015-268

A RESOLUTION AWARDING CONTRACT TO R23K, INC.
T/A AMERICAN UNIFORM & SUPPLY FOR THE PROVISION OF
UNIFORMS FOR THE TOWNSHIP OF MARLBORO POLICE DEPARTMENT

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the PROVISION OF UNIFORMS FOR THE TOWNSHIP OF MARLBORO POLICE DEPARTMENT, and on August 4, 2015, received four (4) bids, as follows:

Company	Location	Bid Amount
R23K, Inc. T/A American Uniform & Supply	Howell, NJ	\$ 139,489.50*
Action Uniform Co., LLC	Egg Harbor Twp., NJ	\$ 146,022.00
This & That Uniforms, LLC	Pleasantville, NJ	\$ 151,178.82*
Lanigan Associates, Inc.	Tinton Falls, NJ	\$ 108,902.94**

*Amount adjusted for error in calculation.

**Bidder did not bid on all items.

; and

WHEREAS, the submission of the apparent lowest bidder on all items, R23K, INC. T/A AMERICAN UNIFORM & SUPPLY, included one exception which was determined to be non-material in nature in a memo dated August 10, 2015 by the Chief of Police; and

WHEREAS, following a review of the bids, it has been determined that the submission of the apparent lowest bidder on all items included in the bid, R23K, INC. T/A AMERICAN UNIFORM & SUPPLY, for the PROVISION OF UNIFORMS FOR THE TOWNSHIP OF MARLBORO POLICE DEPARTMENT is responsive; and

WHEREAS, the Chief of Police has recommended the award of contract to R23K, INC. T/A AMERICAN UNIFORM & SUPPLY, the apparent lowest bidder; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation of the Chief of Police 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 R23K, INC. T/A AMERICAN UNIFORM & SUPPLY, whose address is 6831 US 9, Howell, NJ 07731 in an amount not to exceed \$60,000.00 for the PROVISION OF UNIFORMS FOR THE TOWNSHIP OF MARLBORO POLICE DEPARTMENT for the period of September 1, 2015 - August 31, 2016, 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; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness a contract with R23K, INC. T/A AMERICAN UNIFORM & SUPPLY in accordance with this resolution, the bid specifications, and in a form to be approved by the Township Attorney.

BE IT FURTHER RESOLVED, that the Chief Financial Officer has certified that sufficient funds in the amount of \$10,000.00 are available for the aforesaid contract in 2015 Budget Account #01-201-25-106-266 and #01-201-25-212-266.

BE IT FURTHER RESOLVED funds in the amount of \$50,000.00 will be made available and certified in 2016 upon adoption of the budget.

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

- a. R23K, INC. T/A AMERICAN UNIFORM & SUPPLY
- b. Township Business Administrator
- c. Township Chief of Police
- d. Township Chief Financial Officer

RESOLUTION # 2015-269

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

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the

insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

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

Section 1

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro, in the County of Monmouth, New Jersey, hereby requests the Director of Local Government Services to approve the insertion of an revenue in the budget of the year 2015 in the sum of \$5,000.00, which items are now available as a revenue from the New Jersey Department of Law and Public Safety as the "Drive Sober or Get Pulled Over Statewide Labor Day Crackdown Grant".

Section 2

BE IT FURTHER RESOLVED that the amount of \$5,000.00 be hereby appropriated under the caption "Drive Sober or Get Pulled Over Statewide Labor Day Crackdown Grant".

RESOLUTION # 2015-270

A RESOLUTION AUTHORIZING PARTICIPATION IN THE NEW JERSEY E-PROCUREMENT PILOT PROGRAM, AUTHORIZING THE ENGAGEMENT OF AN ON-LINE PURCHASING AGENT AND AUTHORIZING INTERNET-BASED AUCTIONS AND EXECUTION OF AGREEMENTS FOR THE SALE OF SOLAR RENEWABLE ENERGY CREDITS

WHEREAS, the Marlboro Township Municipal Utilities Authority (MTMUA) had a contract for the sale of solar renewable energy credits (S-RECs) which expired on May 31, 2011; and

WHEREAS, in 2012, 2013, 2014 and 2015, the Township Council authorized the engagement of Marex Spectron, an on-line purchasing agent authorized by the State of New Jersey to conduct internet-based auctions for the sale of S-RECs generated or anticipated to be generated; and

WHEREAS, the Township has been closely monitoring market conditions and wishes to enter into a contract to sell up to 50% of future S-RECS generated between June 1, 2017 and May 31, 2019, estimated at approximately 900 S-RECS; and

WHEREAS, the Township wishes to conduct a sale of S-RECS before September 30, 2015; 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 auction services for the sale of S-RECS; 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 S-RECS; and

WHEREAS, the Township has previously solicited proposals from three of the vendors authorized by the State of New Jersey to conduct internet-based auctions of S-RECS; and

WHEREAS, Marex Spectron has once again offered to serve as Marlboro Township's on-line purchasing agent for the reasonable sum of \$3.00 per S-REC sold totaling \$2,700.00 for up to approximately 900 S-RECS to be generated and sold between June 1, 2017 and May 31, 2019; and

WHEREAS, the Department of Public Works, Water Utility Division has recommended the selection of Marex Spectron to serve as Marlboro Township's on-line purchasing agent in accordance with its proposal.

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. 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 sale of Solar Renewable Energy Credits utilizing on-line competitive bidding services and, in particular, an internet-based auction platform.

Section 2. The Township is hereby authorized to enter into an agreement with Marex Spectron, with corporate offices located at 360 Madison Avenue, Third Floor, New York, NY 10017, as an on-line purchasing agent, to conduct competitive auctions utilizing an internet-based platform in conjunction with the Township's planned sale of S-RECs.

Section 3. The engagement of Marex Spectron, shall be effected through the execution of an 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).

BE IT FURTHER RESOLVED that

Section 1. The Mayor, or his designee, is hereby authorized to conduct internet-based auctions through Marex Spectron for the sale of up to 50% or approximately 900 S-RECs to be generated between June 1, 2017 and May 31, 2019; and

Section 2. The Mayor, or his designee, is hereby authorized to award a contract to and execute an agreement, in a form approved by the Township Attorney, with the responsible bidder(s) which offer(s) the highest per credit price offering resulting from the aforementioned internet-based auction for the sale of S-RECs, provided the bid accepted offers a per S-REC price equal to or higher than \$200.00; and

Section 3. 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.

Section 4. A certified true copy of this Resolution shall be provided to each of the following:

- a. Mayor Jonathan L. Hornik
- b. Marlboro Township Chief Financial Officer
- c. Marlboro Township Director of Public Works

- d. Marex Spectron
- e. NJ Division of Local Government Services

RESOLUTION # 2015-271

A RESOLUTION AMENDING CONTRACT WITH AURORA ENVIRONMENTAL, INC
(ORIGINALLY AUTHORIZED UNDER NJ STATE CONTRACT #75554) FOR
THE PURCHASE, REPLACEMENT AND INSTALLATION OF A DIESEL
FUEL DISPENSING AND MANAGEMENT SYSTEM FOR THE
TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, on October 23, 2014 the Township authorized the replacement of the diesel fuel storage tank at the Public Works facility (R. 2014-362) which services municipal, Board of Education, First Aid and Fire District vehicles throughout the Township; and

WHEREAS, following inspections of the unleaded fuel tank and underground piping system, it has been recommended by the Environmental Joint Insurance Fund (EJIF) and the consulting engineer that the unleaded tank be replaced and the underground piping system be eliminated; and

WHEREAS, the Township wishes to complete this project with limited disruption to the fueling municipal, Board of Education, First Aid and Fire District vehicles on site; and

WHEREAS, in order to accomplish and complete the necessary environmental site remediation while limiting disruption in service, the fueling facility is being relocated to an alternate location at Public Works; and

WHEREAS, due to the relocation of the fueling facility, additional services will be required by AURORA ENVIRONMENTAL, INC. which include installation of new dispensers with above ground piping, electrical upgrades, upgrade to the existing fuel management and communication systems and system start up; and

WHEREAS, AURORA ENVIRONMENTAL, INC. has provided a proposal to supply additional services originally included under NJ State Contract #75554 totaling \$68,108.00; and

WHEREAS, NJ State Contract #75554 which was utilized for the initial contract award has since expired and has not yet been extended or renewed by the New Jersey Division of Purchase and Property; and

WHEREAS, in a memo dated August 11, 2015, the consulting engineer has advised that the work cannot be reasonably effectuated with a separately bid contract without unduly disrupting the work previously commenced by Aurora; and

WHEREAS, the Township requires additional services as itemized in the attached worksheet totaling \$34,358.00; and

WHEREAS, the Consulting Engineer and Public Works Department has reviewed the information received and has recommended that the contract with AURORA ENVIRONMENTAL, INC. be amended to include this additional scope of work as outlined in Aurora's proposal dated July 23, 2015; and

WHEREAS, funds are available the in Account Numbers 01-286-55-004 and 11-228-55-030 and have been certified to by the Chief Financial Officer of the Township of Marlboro.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to contract with AURORA ENVIRONMENTAL, INC, whose address is 1102 UNION AVENUE, UNION BEACH, NJ 07735 for the provision of additional services in connection with the PURCHASE, REPLACEMENT AND INSTALLATION OF A DIESEL FUEL DISPENSING AND MANAGEMENT SYSTEM in an amount not to exceed \$34,358.00.

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

- a. AURORA ENVIRONMENTAL, INC.
- b. Township Administration
- c. Township Department of Public Works
- d. Township Chief Financial Officer

RESOLUTION #2015-272

RESOLUTION AUTHORIZING THE RETURN OF CASH BOND TO
FINCREDIT INC. FOR THE SHOP MARLBORO PROGRAM

WHEREAS, pursuant to Article V, Section 171-10, the Township received a \$25,000 cash bond from FinCredit Inc. relating to the Shop Marlboro Program, and

WHEREAS, the cash bond was placed in an interest bearing account, and

WHEREAS, FinCredit Inc. has procured a Letter of Credit from Investors Bank in the amount of \$25,000, with the Township the named beneficiary, and

WHEREAS, FinCredit Inc. has requested the return of the \$25,000 cash bond, plus interest.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro, Monmouth County, State of New Jersey that the cash bond of \$25,000, plus interest, be returned to FinCredit Inc. upon receipt of the Letter of Credit from Investors Bank in the amount of \$25,000.

RESOLUTION # 2015-273

A RESOLUTION APPROVING CLOSE OUT CHANGE ORDER TO THE EXISTING CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO AND PRECISE CONSTRUCTION, INC. AND AUTHORIZING FINAL PAYMENT AND ACCEPTANCE OF REFUELING/PUMP SYSTEM FOR THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro authorized the award of a contract to Precise Construction, Inc. for the Refueling/Pump System for the Department of Public Works project(the "Project"); and

WHEREAS, Closeout Change Order has been requested resulting in a decrease in the original contract amount of \$21,110.00 to \$18,660.00, a net decrease of \$2,450.00; and

WHEREAS, in a Letter dated August 3, 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 \$18,660.00; and

WHEREAS, the Township Council of the Township of Marlboro is amenable to approving Closeout Change Order, accepting the Project improvements and issuing a final payment to Precise Construction, Inc. in the amount of \$18,660.00 in order that the Project be completed, such Project being in the interests of the public health, safety and welfare.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that Closeout Change Order to the existing contract with Precise Construction, Inc., be and is hereby approved, decreasing the original contract total of \$21,110.00 to \$18,660.00, a net decrease of \$2,450.00.

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 \$18,660.00 for work completed by Precise Construction, Inc. is hereby approved.

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

- a. Precise Construction, Inc.
- b. Township Administrator
- c. Township Engineer
- d. Township Director of Public Works
- e. Township Chief Financial Officer

RESOLUTION # 2015-274

RESOLUTION AUTHORIZING AWARD OF STATE CONTRACT #85294
TO LOUIS A JAMMER CO INC. dba JAMMER DOORS FOR THE
PURCHASE OF REPLACEMENT OVERHEAD DOORS FOR THE
MORGANVILLE FIRST AID AND MARLBORO FIRST AID BUILDINGS

WHEREAS, the Township of Marlboro as part of its 2015 capital program (105-5 & 105-6) authorized various building improvements to the Morganville First Aid and Marlboro First Aid Buildings; and

WHEREAS, the Morganville First Aid and Marlboro First Aid Buildings are in need of replacement overhead doors; and

WHEREAS, the Marlboro Township Department of Public Works has recommended that the Township purchase the replacement overhead doors from LOUIS A JAMMER CO INC. dba JAMMER DOORS, 2850 Brunswick Pike, Lawrenceville, New Jersey 08648 under State Contract #85294 in an amount not to exceed \$36,759.95; 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 Township to obtain the replacement overhead doors from LOUIS A JAMMER CO INC. dba JAMMER DOORS; and

WHEREAS, funds are available in Capital Account 04-215-15-02E-122288 for an amount not to exceed \$36,759.95 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 overhead doors.

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 overhead doors from LOUIS A JAMMER CO INC. dba JAMMER DOORS, 2850 Brunswick Pike, Lawrenceville, New Jersey 08648 under State Contract #85294 in an amount not to exceed \$36,759.95; and

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

- a. LOUIS A JAMMER CO INC. dba JAMMER DOORS
- b. Township Administration
- c. Township Department of Public Works
- d. Township Chief Financial Officer

RESOLUTION # 2015-275

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$ 46,947.13 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 \$ 46,947.13 to be

refunded to the certificate holders as per Schedule "A",

RESOLUTION # 2015-276

WHEREAS, the attached list in the amount of \$ 5,408.03 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",

RESOLUTION # 2015-277

WHEREAS, the Tax Assessor has granted a disabled veteran exemption for Montalbano, Anthony & Lisa, Block 171 Lot 23, located at 125 Crine Road,

WHEREAS, taxes were billed for 2015 in the amount of \$9,023.31, and

WHEREAS, this exemption became effective April 1, 2015 and

WHEREAS, taxes for the remaining of 2015 need to be cancelled in the amount of \$6,886.51 and be refunded in the amount of \$1,467.79, 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 \$6,886.51 and a refund of \$1,467.79 be paid to Montalbano, Anthony & Lisa.

RESOLUTION # 2015-278

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 second half of 2015 in the amount of \$3,819.36, and

WHEREAS, this exemption became effective February 1, 2015, and

WHEREAS, the remaining taxes for 2015 need to be cancelled in the amount of \$3,819.36, 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 \$3,819.36.

RESOLUTION # 2015-279

WHEREAS, the Township of Marlboro will hold an electronic tax sale on October 15, 2015; and,

WHEREAS, in accordance with N.J.S.A. 54:5 et seq, the Township of Marlboro is entitled to recover costs in connection with the tax sale including mailing and advertising costs which may be estimated; and,

WHEREAS, the Township wishes to assess the cost of processing and administering all phases of the Tax Sale process against only the taxpayers who are delinquent and are thereby causing the incurrence of said expenses.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that, Kelly A. Montecinos, Tax Collector, be and hereby is authorized and directed to charge and collect a fee of 2% per line item of the amounts to be sold at Tax Sale, with a minimum charge of \$15.00 not to exceed \$100.00, and an additional charge of \$25 per direct mailing to be added to the cost of sale not to exceed \$50.00.

At 7:55 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: September 10, 2015

OFFERED BY: MARDER	AYES: 2
SECONDED BY: METZGER	NAYS: 0
	ABSTAIN: SCALEA
	ABSENT: CANTOR, MAZZOLA

ALIDA MANCO
MUNICIPAL CLERK

SCOTT METZGER
COUNCIL PRESIDENT