

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

September 24, 2015

The Marlboro Township Council held its regularly scheduled Meeting on September 24, 2015 at 7:00 P.M. at Rosemont Estates Clubhouse, 246 Everton Boulevard, Marlboro, New Jersey.

Council President Metzger opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of the location change 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 August 17, 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, Councilman Scalea and Council President Metzger. Councilman Cantor was absent.

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

Councilman Scalea moved that the minutes of September 10, 2015 be approved. This was seconded by Council President Metzger, and passed on a roll call vote of 3 - 0 in favor with Council Vice President Mazzola abstaining (Absent: Cantor).

The following Res. #2015-280/Ord. #2015-13 (Providing for the Lease Purchase Financing and Acquisition Of Police Cars) was introduced by reference, offered by Councilwoman Marder seconded by Councilman Scalea and passed on a roll call vote of 4 - 0. (Absent: Cantor). Public hearing on this ordinance was held and closed on Sept. 10.

RESOLUTION # 2015-280

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

which was introduced on August 13, 2015, public hearing held on September 10, 2015 and tabled, be adopted on second and final reading this 24th day of September, 2015.

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

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 though 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 foregoing bond ordinance is approved.

Council President Metzger opened the Public Hearing on Ord. #2015-14. As there was no one who wished to speak, the Public Hearing was closed. The following Res. #2015-294/ Ord. #2015-14 (Appropriating a \$240,000 Grant to be received by the Township for Road Improvements to Texas Road) was introduced by reference, offered by Councilwoman Marder, seconded by Councilwoman Mazzola and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2015-294

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

ORDINANCE # 2015-14

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING A \$240,000 GRANT TO BE RECEIVED BY THE TOWNSHIP FOR IMPROVEMENTS TO TEXAS ROAD IN AND FOR THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY

which was introduced on September 10, 2015, public hearing held on September 24, 2015, be adopted on second and final reading this 24th day of September 24, 2015.

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

ORDINANCE # 2015-14

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING A \$240,000 GRANT TO BE RECEIVED BY THE TOWNSHIP FOR IMPROVEMENTS TO TEXAS ROAD 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 \$240,000 grant expected to be received by the Township from the State of New Jersey Department of Transportation FY 2015 Municipal Aid Program is hereby appropriated for the purpose of providing funds for improvements to Texas Road, 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.

Council President Metzger opened the Public Hearing on Ord. #2015-15. As there was no one who wished to speak, the

Public Hearing was closed. The following Res. #2015-295/
Ord. #2015-15 (Appropriating a \$250,000 Grant to be Received by
the Township for the Acquisition of an Emergency Generator)
was introduced by reference, offered by Council Vice President
Mazzola, seconded by Council President Metzger and passed on a
roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2015-295

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

ORDINANCE # 2015-15

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 THE ACQUISITION
OF AN EMERGENCY GENERATOR IN AND FOR THE
TOWNSHIP OF MARLBORO, IN THE COUNTY OF
MONMOUTH, NEW JERSEY

which was introduced on September 10, 2015, public hearing held
on September 24, 2015, be adopted on second and final reading
this 24th day of September 24, 2015.

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

ORDINANCE # 2015-15

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 THE ACQUISITION
OF AN EMERGENCY GENERATOR 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 Federal Emergency Management Agency

Hazard Mitigation Program is hereby appropriated for the purpose of providing funds for the acquisition of an emergency generator, 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.

Council President Metzger opened the Public Hearing on Ord. #2015-16. As there was no one who wished to speak, the Public Hearing was closed. The following Res. #2015-296/Ord. #2015-16 (Amending Chapter 206 - "Jewelry, Gems and Precious Metals") was introduced by reference, offered by Councilman Scalea, seconded by Council Vice President Mazzola and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2015-296

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

ORDINANCE # 2015-16

AN ORDINANCE AMENDING CHAPTER 206 OF THE CODE
OF THE TOWNSHIP OF MARLBORO ENTITLED
"JEWELRY, GEMS AND PRECIOUS METALS"

which was introduced on September 10, 2015, public hearing held on September 24, 2015, be adopted on second and final reading this 24th day of September 24, 2015.

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

The following Res. #2015-297/Ord. #2015-17 (Amending Section 138-49 - Bus Stops Designation) was introduced by reference, offered by Councilwoman Marder, seconded by Council Vice President Mazzola, and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2015-297

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

ORDINANCE # 2015-17

AN ORDINANCE AMENDING CHAPTER 138
VEHICLES AND TRAFFIC BUS STOPS DESIGNATED

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 October 8, 2015 at 7:00 p.m. at the Greenbriar at Marlboro Clubhouse, 21 Clubhouse Lane, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2015-17

AN ORDINANCE AMENDING CHAPTER 138
VEHICLES AND TRAFFIC BUS STOPS DESIGNATED

BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that the following section of the Marlboro Township Code be and is hereby supplemented to include the following bus stop designations:

§ 138-49 Bus stops designated, Schedule XII.

US Route 9 North and Texas Road at Marlboro/Old Bridge Boundary Line

US Route 9 South and Robertsville Road

US Route 9 North and Robertsville Road

US Route 9 South and Sandburg Drive

US Route 9 South and Longfellow Terrace

US Route 9 South and Ivy Hill Drive

US Route 9 South and Jug Handle at Marlboro/Manalapan Boundary Line

US Route 9 North Ramp and Union Hill Road

US Route 9 North and Union Hill Road (Park & Ride)

US Route 9 North and Willow Lane

NJ State Route 79 North and Inverness Drive

NJ State Route 79 North and Newton Street

NJ State Route 79 North and Blossom Ave

NJ State Route 79 South and Station Road

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.

As the Consent Agenda, the following resolutions were introduced by reference, offered by Council Vice President Mazzola, seconded by Council President Metzger and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor): Res. #2015-298 (Authorizing Amendment to Shared Services Agreement - Professional Services to Prepare Fair Share Analysis), Res. #2015-299 (One Year Contract Renewal - Temporary Personnel Agency Services), Res. #2015-300 (Rejection of Bid - Parking Lot Snow Removal Services), Res. #2015-301 (Approval of Items of Revenue and Appropriation - 2015 Bulletproof Vest Partnership Grant), Res. #2015-302 (Confirming Emergency Contracts Emergency Water System Repairs), Res. #2015-303 (Authorizing Transfer and Acceptance of Surplus Military

RESOLUTION # 2015-298

AUTHORIZING AMENDMENT TO A SHARED SERVICES AGREEMENT FOR
PROFESSIONAL SERVICES TO PREPARE FAIR SHARE ANALYSIS

WHEREAS, the Township Council of the Township of Marlboro entered into the Municipal Shared Services Defense Agreement ("MSSDA") for the purpose as set forth therein, which included retaining a common expert in the Declaratory Judgment action ("Litigation") that was filed in accordance with In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) ("Decision"); and

WHEREAS, the MSSDA identified Dr. Robert Burchell, a distinguished professor at Rutgers University, as the expert to be retained; and

WHEREAS, Dr. Burchell became ill and has been unable to complete the obligations under the Research Agreement as set forth in the MSSDA; and

WHEREAS, as a result, Rutgers University has exercised its right to terminate the Research Agreement as permitted under its terms; and

WHEREAS, the MSSDA requires modification to allow the members to retain one or more alternative experts, consultants and/or other professionals for the Litigation; and

WHEREAS, an Amendment to the MSSDA ("Amendment") has been prepared to effectuate the modification; and

WHEREAS, the Township Council of the Township of Marlboro recognizes that the Litigation requires immediate action and may require further expedited actions by its counsel determined to be necessary and appropriate; and

WHEREAS, the Township Council of the Township of Marlboro has determined that it is in the best interests of the citizens of Marlboro to approve the Amendment, and/or to affirm and ratify the Amendment, and to authorize their designated counsel to take actions on behalf of the municipality with regard to the multiplicity of issues raised and associated with the continued implementation of the MSSDA;

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

1. The terms and conditions of the Amendment to MSSDA attached hereto are hereby approved, and/or ratified and confirmed.

2. The Mayor and Township Clerk, be and are hereby authorized to execute the aforesaid Amendment.
3. The Township Council of the Township of Marlboro hereby authorizes Jeffrey R. Surenian, Esq., to execute an agreement on behalf of the Township of Marlboro with Econsult Solutions, Inc.

The Township Council of the Township of Marlboro hereby authorizes Jeffrey R. Surenian, Esq., to execute on behalf of the Township of Marlboro with the approval of the Marlboro's designated counsel such other agreement(s) as are advisable to effectuate the purposes of the MSSDA as amended.

4. The Township Council of the Township of Marlboro further authorizes its designated counsel to approve such other changes to the MSSDA as may be necessary to effectuate its purposes, and to take action on behalf of the municipality with regard to the multiplicity of issues raised and associated with the implementation of the MSSDA provided that the action will not require the municipality to appropriate and commit any additional funding for the MSSDA. In the event such changes and actions require the municipality to appropriate and commit any additional funding for the MSSDA, Township of Marlboro shall only be responsible for such funding if it authorizes same.
5. If additional monies are needed to effectuate the intent and purpose of the MSSDA, no such services shall be authorized by designated counsel without further action from the Township.
6. This Resolution shall take effect immediately.

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

- a. Econsult Solutions, Inc.
- b. Township Business Administrator
- c. DeCotiis, FitzPatrick & Cole, LLP

RESOLUTION # 2015-299

A RESOLUTION AUTHORIZING YEAR 2 OF CONTRACT TO ANCHOR STAFFING
FOR THE PROVISION OF TEMPORARY PERSONNEL AGENCY SERVICES

FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (DPW)

WHEREAS, on September 18, 2014 (R.2014-336) the Municipal Council of the Township of Marlboro awarded a contract to ANCHOR STAFFING for THE PROVISION OF TEMPORARY PERSONNEL AGENCY SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (DPW); and

WHEREAS, the bid specifications included the option to renew said contract for an additional one two-year, or two one-year extensions on the same terms and conditions at the exclusive option of the Township; and

WHEREAS, in a memo dated September 18, 2015, the Director of Public Works has recommended that the Township approve a 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 ANCHOR STAFFING whose address is 754 Route 18 North, Suite 105, East Brunswick, NJ 08816 for a period of one year commencing on October 1, 2015 and expiring on September 30, 2016, in a total amount not to exceed \$137,848.55; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, contracts with ANCHOR STAFFING 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 \$56,467.52 are available for the aforesaid contract in 2015 Budget Account 01-201-28-123-288454 and Grant Accounts 02-213-13-703-123000, 02-213-14-703-123000, 02-213-11-701-117288, 02-213-12-701-117288 and 02-213-13-701-117000; and

BE IT FURTHER RESOLVED, that funds in the amount of \$66,227.43 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. ANCHOR STAFFING
- b. Township Business Administrator
- c. Director of Public Works
- d. Chief Financial Officer

RESOLUTION # 2015-300

A RESOLUTION AUTHORIZING THE REJECTION OF BIDS
FOR PARKING LOT SNOW REMOVAL SERVICES FOR THE
TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, on September 3, 2015, bids were opened for PARKING LOT SNOW REMOVAL SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS; and

WHEREAS, three (3) bids were received as follows:

		Royal Irrigation	Garden Irrigation	Lucas Construction Group			
		8 Timber Lane	316 Tennent Road	173 Amboy Road			
		Marlboro, NJ 07746	Morganville, NJ 07751	Morganville, NJ 07751			
#	ROUTE 9 & TEXAS ROAD	BID AMOUNT	BID AMOUNT	BID AMOUNT			
A.	2015/2016 Season - up to 2"	\$ 750.00	\$ 1,500.00	\$ 6,520.00			
B.	2015/2016 Season - 2.1" to 4"	\$ 1,300.00	\$ 2,750.00	\$ 9,780.00			
C.	2015/2016 Season - 4.1" to 6"	\$ 1,700.00	\$ 4,500.00	\$ 19,560.00			
D.	2015/2016 Season - 6.1" to 9"	\$ 2,800.00	\$ 6,500.00	\$ 26,080.00			
E.	2015/2016 Season - 9.1" to 12"	\$ 3,600.00	\$ 8,500.00	\$ 39,120.00			
F.	TOTAL BID AMOUNT (Items A through E)	\$ 10,150.00	\$ 23,750.00	\$ 101,060.00			
	VEHICLES/EQUIPMENT	NO. OF VEHICLES	UNIT PRICE PER HOUR	NO. OF VEHICLES	UNIT PRICE PER HOUR	NO. OF VEHICLES	UNIT PRICE PER HOUR
	Class II	0	\$ -	1	\$ 300.00	1	\$ 325.00
	Class III	5	\$ 150.00	4	\$ 250.00	1	\$ 325.00
	Loader	0	\$	4	\$	1	\$

			-		395.00		325.00
	Loader/Backhoe	1	\$ 250.00	0	\$ -	1	\$ 325.00
#	ALTERNATE NO. 1 UNION HILL ROAD	BID AMOUNT		BID AMOUNT		BID AMOUNT	
1A.	2015/2016 Season - up to 2"	\$ 1,500.00		\$ 3,000.00		\$11,730.00	
1B.	2015/2016 Season - 2.1" to 4"	\$ 2,300.00		\$ 5,500.00		\$17,595.00	
1C.	2015/2016 Season - 4.1" to 6"	\$ 3,400.00		\$ 9,000.00		\$ 35,190.00	
1D.	2015/2016 Season - 6.1" to 9"	\$ 4,500.00		\$ 13,000.00		\$46,920.00	
1E.	2015/2016 Season - 9.1" to 12"	\$ 5,600.00		\$ 17,000.00		\$70,380.00	
1F.	TOTAL BID AMOUNT (Items 1A through 1E)	\$17,300.00		\$ 47,500.00		\$ 181,815.00	
	VEHICLES/EQUIPMENT	NO. OF VEHICLES	UNIT PRICE PER HOUR	NO. OF VEHICLES	UNIT PRICE PER HOUR	NO. OF VEHICLES	UNIT PRICE PER HOUR
	Class II	0		1	\$300	1	\$325.00
	Class III	5	\$150	4	\$250	1	\$325.00
	Loader	0		4	\$395	1	\$325.00
	Loader/Backhoe	1	\$ 250.00	0		1	\$325.00

; and

WHEREAS, the proposal received from the apparent lowest bidder, Royal Irrigation, did not include valid registrations for all equipment to be furnished under the contract as per Section 1.5 of the Technical Specifications - Instructions to Bidders, making it unresponsive; and

WHEREAS, pursuant to N.J.S.A. 40A:11-13.2(b), a contracting unit may reject all bids if the lowest bid substantially exceeds the contracting unit's appropriation for the provision or performance of the goods or services; and

WHEREAS, the response received from the second apparent lowest bidder, Garden Irrigation, Inc. substantially exceeded the Township's budgeted cost.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that all bids heretofore received for PARKING LOT SNOW REMOVAL SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS are hereby rejected pursuant to N.J.S.A. 40A:11-23.2(b).

BE IT FURTHER RESOLVED, that the Business Administrator is hereby authorized and directed to return the bid bond(s) or other security(ies) to the appropriate bidder(s).

RESOLUTION # 2015-301

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 \$7,974.85, which has been awarded to the municipality for the "2015 Bulletproof Vest Partnership" Grant.

Section 2

BE IT FURTHER RESOLVED that the amount of \$7,974.85 be hereby appropriated under the caption "2015 Bulletproof Vest Partnership" Grant.

RESOLUTION # 2015-302

A RESOLUTION CONFIRMING EMERGENCY CONTRACT WITH LUCAS
CONSTRUCTION GROUP, INC. FOR THE PROVISION OF EMERGENCY WATER
MAIN 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 summer season of 2015 the Department of

Public Works Water Utility Division has reported a water main break at 526 Route 79, designated as Emergency #1518; 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 main repairs, estimated at an amount not to exceed \$7,059.83; and

WHEREAS, the Chief Financial Officer has certified the availability of funds in Account # 06-215-15-03B-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 main repairs to LUCAS CONSTRUCTION GROUP, INC., 173 Amboy Road, Morganville, NJ 07751 for an amount not to exceed \$7,059.83.

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 Director of Public Works

RESOLUTION # 2015-303

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 Marlboro 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.

At 8:19 PM, Council Vice President Mazzola moved that the meeting be adjourned. This was seconded by Councilwoman Marder, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: October 8, 2015

OFFERED BY: AYES: 3

SECONDED BY: NAYS: 0

ABSTAIN: Cantor

ABSENT: Scalea

ALIDA MANCO
MUNICIPAL CLERK

SCOTT METZGER
COUNCIL PRESIDENT