

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

October 22, 2015

The Marlboro Township Council held its regularly scheduled Meeting on October 22, 2015 at 7:00 P.M. at Marlboro Greens Clubhouse, 1 Ivy Hill Drive, Englishtown, 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 September 14, 2015; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building; filed in the office of the Municipal Clerk and placed on the township website and Channel 77.

The Clerk called the Roll.

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

Councilwoman Mazzola moved that the minutes of October 8, 2015 be approved. This was seconded by Council President Metzger, and passed on a roll call vote of 3 - 0 in favor with Councilman Scalea abstaining (Absent: Marder).

The following Resolution #2015-324 (Deputy Municipal Clerk Appointment) was introduced by reference, offered by Councilman Cantor, seconded by Councilman Scalea, and passed on a roll call vote of 4 - 0 in favor (Absent: Marder).

RESOLUTION # 2015-324

RESOLUTION APPOINTING SUZANNE BRANAGAN  
AS DEPUTY MUNICIPAL CLERK

BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro, pursuant to N.J.S.A. 40A:9-135 et seq. and Township Ordinances Section 4-27, that it does hereby appoint SUZANNE BRANAGAN as Deputy Municipal Clerk of the Township of Marlboro.

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

- a. Suzanne Branagan
- b. Township Administrator
- c. Township Attorney

The following Resolution #2015-325 (Calling For The Monmouth County Tax Board To Suspend The Mandatory Assessment Demonstration Pilot Program ) was introduced by reference, offered by Councilman Scalea, seconded by Council President Metzger, and passed on a roll call vote of 4 - 0 in favor (Absent: Marder).

RESOLUTION # 2015-325

CALLING FOR THE MONMOUTH COUNTY TAX BOARD TO SUSPEND THE  
MANDATORY ASSESSMENT DEMONSTRATION PILOT PROGRAM

WHEREAS, in March, 2013, Governor Christie signed into law P.L. 2013, Chapter 15 known as the Assessment Demonstration Pilot Program; and

WHEREAS, Monmouth County elected to participate in this pilot program, and remains the only County to do so; and

WHEREAS, Marlboro Township was ordered by the Monmouth County Board of Taxation to implement the Assessment Demonstration program; and

WHEREAS, the program requires the Tax Assessor to annually perform a town-wide reassessment and mandates that 20% of the properties within a municipality be inspected annually so that 100% of all properties are inspected every 5 years; and

WHEREAS, Mayor Hornik has been vocal in opposition to the program, expressing that it did not fairly and accurately reflect market value, that it inappropriately interfered with

local tax assessors and that it had a disproportionate adverse effect on residential and senior citizen property taxpayers; and

WHEREAS, pursuant to the order, the new revised assessments were certified by the County Tax Board for the 2015 tax year; and

WHEREAS, residents have reported significant fluctuations in their 2015 tax assessments as a result of this pilot program, and must make up the difference owed in only six months; and

WHEREAS, the Asbury Park Press published an article dated October 14, 2015 raising numerous questions about the program; and

WHEREAS, Mayor Hornik has called for the County Tax Board to suspend this program; and

WHEREAS, the Municipal Council believes that the Mayor's call for the suspension of the Monmouth County Tax Assessment Demonstration Pilot program is in the best interest of the taxpayers of Marlboro.

NOW, THEREFORE, BE IT RESOLVED that the Municipal Council of the Township of Marlboro formally calls for the suspension of the Monmouth County Tax Assessment Demonstration Pilot program.

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

- a. Monmouth County Board of Freeholders
- b. Monmouth County Tax Board
- c. State Senator Joseph Kyrillos
- d. State Assembly Member Declan O'Scanlon
- e. State Assembly Member Amy Handlin

As the Consent Agenda, the following resolutions were introduced by reference, offered by Councilman Scalea, seconded by Council President Metzger and passed on a roll call vote of 4 - 0 in favor (Absent: Marder): Res. #2015-326 (Authoring One Year Contract Renewal - Generator Rental), Res. #2015-327 (Confirming Contract with Trius, Inc. for Purchase/Installation of Two Snow Plows), Res. #2015-328 (Redemption Tax Sale Certificates - Various), Res. #2015-329 (Authorizing 2014 Unexpended Balances Budgeted for Snow Removal to be Lapsed into Snow Removal Reserve), Res. #2015-330 (Authorizing Award of Contract - Snow Removal Services).

RESOLUTION # 2016-326

A RESOLUTION AUTHORIZING YEAR 2 OF CONTRACT TO FOLEY,  
INCORPORATED FOR THE PROVISION OF GENERATOR RENTAL SERVICE  
FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (DPW)

WHEREAS, on October 23, 2014 (R.2014-359) the Municipal Council of the Township of Marlboro awarded a contract to FOLEY, INCORPORATED for THE PROVISION OF GENERATOR RENTAL SERVICE 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 October 14, 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 FOLEY, INCORPORATED whose address is 855 Centennial Avenue, Piscataway, NJ 08855 for a one-year period beginning on November 1, 2015, for an amount not to exceed \$98,573.75; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, contracts with FOLEY, INCORPORATED 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 shall be certified by the Chief Financial Officer prior to services being provided.

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

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

RESOLUTION # 2015-327

A RESOLUTION CONFIRMING CONTRACT WITH TRIUS, INC.  
FOR THE PURCHASE AND INSTALLATION OF TWO  
(2) SNOW PLOWS FOR THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro has acquired two dump trucks from the United States Department of Defense through the 1033 Program; and

WHEREAS, the Township of Marlboro is in need of additional snow plows to perform snow removal from the streets and roads within the Township; and

WHEREAS, the Department of Public Works solicited quotes for one (1) 11' Henke Model 41R11IS reversible snow plow with hitch, hydraulic power unit and controls, and plow lights from qualified vendors and received one response, as follows:

Vendor Name	Cost per Snow Plow (Installed)	Cost for Plow Lights (Installed)	Total Cost
Trius, Inc.	\$16,276.00	\$525.00	\$16,801.00

; and

WHEREAS, the Township of Marlboro authorized the purchase of one (1) snow plow from the sole respondent, Trius, Inc., for a total cost of \$16,801.00; and

WHEREAS, on September 18, 2015 and on October 7, 2015 the Township took delivery of two military surplus vehicles not equipped with snow plows; and

WHEREAS, in accordance with New Jersey Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) the Township of Marlboro is in the process of advertising for and receiving sealed bids for the purchase and installation of additional snow plows; and

WHEREAS, the vendor informed the Township that the turnaround time for the provision and installation of the snow plow will be 10 to 12 weeks; and

WHEREAS, due to the impending winter and the need for an additional snow plow, authorization was given by the Qualified Purchasing Agent for the purchase and installation of a second snow plow; and

WHEREAS, by R. 2014-047 the Township Council authorized the Qualified Purchasing Agent to award contracts up to \$25,000.00; and

WHEREAS, N.J.S.A. 40A:11-9 permits governing bodies to authorize the Qualified Purchasing Agent to award contracts up to \$40,000.00; and

WHEREAS, the Township Council wishes to confirm the determination of the Qualified Purchasing Agent to award the contract for the purchase and installation of two (2) 11' Henke Model 41R11IS reversible snow plows with hitches, hydraulic power units and controls, and plow lights to Trius, Inc. whose address is PO Box 158, Bohemia, New York 11716 in an amount not to exceed \$33,602.00; and

WHEREAS, funds have been certified by the Chief Financial Officer in account 01-201-26-119-297105.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, hereby confirms the contract with Trius, Inc. in the amount of \$33,602.00 for the purchase and installation of two (2) 11' Henke Model 41R11IS reversible snow plows with hitches, hydraulic power units and controls, and plow lights for the Department of Public Works.

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

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

RESOLUTION # 2015-328

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$ 40,983.08 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 \$ 40,983.08 to be refunded to the certificate holders as per Schedule "A",

SCHEDULE "A"

<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>LIENHOLDER</u>	<u>AMOUNT</u>
2014-013	120/10 2 Oak Street	Christiana Trust as Custodian 2020 Howell Mill Road C-513 Atlanta, GA 30518 Assessed Owner: Powell, Anthony William	30,086.49
2014-065	225/214 25 Girard Street	Mtag Custodian for Fig Capital Investment 8233 Ramona Blvd West Suite 2 Jacksonville, FL 32221 Assessed Owner: Rosenberg, Vicki	1,960.21
2014-055	193.02/54.19 31 Pueblo Court	Mtag Custodian for Fig Capital Investment 8233 Ramona Blvd West Suite 2 Jacksonville, FL 32221 Assessed Owner: Nimirovsky, Mark & Igna	1,972.03
2014-055	193.02/54.19 25 Colts Run	Mtag Custodian for Fig Capital Investment 8233 Ramona Blvd West Suite 2 Jacksonville, FL 32221 Assessed Owner: Dibenedetto, Danielle	1,962.11
2014-032	171.02/15 25 Colts Run	Mtag Custodian for Fig Capital Investment 8233 Ramona Blvd West Suite 2 Jacksonville, FL 32221 Assessed Owner: Pignatelli, Kathleen	2,274.23
2013-061	192/4 35 Stony Hill Drive	Gabrielle R. Nico 2 Geanne Way Marlboro, NJ 07746 Assessed Owner: Greenstein, Dafna	2,728.01

Totals: 40,983.08

RESOLUTION # 2015-329

RESOLUTION AUTHORIZING UNEXPENDED 2014 BALANCES  
BUDGETED FOR SNOW REMOVAL TO BE LAPSED INTO SNOW  
REMOVAL RESERVE PURSUANT TO NJSA 40A:4-62.1

WHEREAS, NJSA 40A:4-62.1 permits a local unit to establish a snow removal reserve; and

WHEREAS, the Township of Marlboro has established a snow removal reserve; and

WHEREAS, once a snow removal reserve is established, unexpended balances budgeted annually for snow removal may be lapsed into the reserve; and

WHEREAS, it is recommended that the Township transfer \$57,000 to the snow removal reserve.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth that \$57,000 of unexpended 2014 budget appropriations for snow removal be transferred to the snow removal reserve.

RESOLUTION # 2015-330

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACTS FOR  
THE PROVISION OF SNOW REMOVAL SERVICES FOR THE  
TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro advertised for the receipt of bids for the provision of SNOW REMOVAL SERVICES in the Township of Marlboro; 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, five bids received on September 24, 2015 (R.2015-304) were rejected as the sum of the bids submitted by the apparent lowest bidders exceeded the Township's estimated cost; and

WHEREAS, bids were advertised for again and on October 8, 2015 the Township received five (5) bids; and

WHEREAS, the five bids received on October 8, 2015 (R.2015-313) were rejected as the sum of the bids submitted by the apparent lowest bidders exceeded the Township's estimated cost; and

WHEREAS, N.J.S.A. 40A:11-5(3)(b) provides that a contract, the amount of which exceeds the bid threshold, may be negotiated and awarded by the governing body without public advertising if bids have been advertised pursuant to N.J.S.A. 40A:11-4 on two occasions and the governing body has rejected such bids because it has determined that they are not reasonable as to price, on the basis of cost estimates prepared for or by the contracting agent prior to the advertising therefor; and

WHEREAS, in accordance with Local Public Contracts Law, the Township proceeded to negotiate contracts for the provision of snow removal services for the Township of Marlboro; and

WHEREAS, the Township Administration and the Department of Public Works have recommended that L.J. Pesce, Inc. be awarded the contract as follows:

Vehicle Description	Hourly Rate	Set-up Fee
Class 1	\$275.00 per hour	Per Bid Spec
Class 2	\$275.00 per hour	Per Bid Spec

; and

WHEREAS, the Township Administration and the Department of Public Works have recommended that Lucas Construction Group, Inc. be awarded the contract as follows:

Vehicle Description	Hourly Rate	Set-up Fee
Class 1	\$275.00 per hour	Per Bid Spec

; and

WHEREAS, the Township Administration and the Department of Public Works have recommended that Tri County Turf, LLC be awarded the contract as follows:

Vehicle Description	Hourly Rate	Set-up Fee
Class 1	\$245.00 per hour	\$3,000.00 per vehicle
Class 3	\$160.00 per hour	Per Bid Spec

; and

WHEREAS, the Chief Financial Officer has certified that funds in the amount of \$60,607.50 are available in Current Account No. 01-201-26-119-288105 for the services estimated for 2015; and

WHEREAS, funds for the 2016 portion will be made available and certified by the Chief Financial Officer upon adoption of the 2016 municipal budget and/or at the time services are ordered.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that contracts be awarded for 2015-2016 contract snow plowing services for a term of one year, not to exceed an estimated 90 hours of service, as follows:

Vendor Name	Address	City	St	Zip	Total
L.J. Pesce, Inc.	100 Igoe Road	Morganville	NJ	07751	99,900.00
Lucas Construction Group, Inc.	173 Amboy Road 81 John White	Morganville	NJ	07751	150,000.00
Tri County Turf LLC	Road, PO Box 463	Cranbury	NJ	08512	89,550.00
				Total	339,450.00
				2015	60,607.50
				2016	278,842.50

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Township Clerk to witness, contracts with L.J. Pesce Inc., Lucas Construction Group, Inc., Tri County Turf, LLC, 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 a certified copy of this Resolution shall be provided to each of the following:

- a. L.J. Pesce Inc.
- b. Lucas Construction Group, Inc.
- c. Tri County Turf, LLC
- d. Township Business Administrator
- e. Township Chief Financial Officer
- f. Township Director of Public Works

At 8:11 PM, Council Vice President Mazzola moved that the meeting be adjourned. This was seconded by Council President Metzger, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Marder).

MINUTES APPROVED: NOVEMBER 12, 2015

OFFERED BY: MARDER AYES: 3

SECONDED BY: MAZZOLA NAYS: 0

ABSTAIN: MARDER

ABSENT: SCALEA

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ALIDA MANCO  
MUNICIPAL CLERK

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SCOTT METZGER  
COUNCIL PRESIDENT