

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

March 24, 2016

The Marlboro Township Council held its regularly scheduled Meeting on March 24, 2016 at 7:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Mazzola 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 11, 2016; 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, Councilman Scalea, Council Vice President Marder and Council President Mazzola.
Councilman Metzger was absent.

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

Council Vice President Marder moved that the minutes of March 10, 2016 be approved. This was seconded by Councilman Scalia, and passed on a roll call vote of 4 - 0 in favor (Absent: Metzger).

The following Resolution #2016-119/Ord. #2016-6 (Exceed Municipal Budget Appropriation Limits and Establish a Cap Bank 2016) was introduced by reference, offered by Councilman Scalea and seconded by Council Vice President Marder. Council President Mazzola opened the Public Hearing on Ord. #2016-6. As there was no one who wished to speak, the Public Hearing was closed. The resolution/ordinance was passed on a roll call vote of 3 - 1 in favor with Councilman Cantor voting no (Absent: Metzger).

RESOLUTION # 2016-119

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

ORDINANCE # 2016-6

CALENDAR YEAR 2016

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

which was introduced on March 10, 2016, public hearing held on March 24, 2016, be adopted on second and final reading this 24th day of March, 2016.

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

The following Resolution #2016-121 (Authorizing Execution and Delivery of Loan Agreements - 2016 NJEIT Financing Program - Harbor Road Water Treatment Plant Project) was introduced by reference, offered by Councilman Scalea, seconded by Councilman Cantor, and passed on a roll call vote of 4 - 0 in favor (Metzger: Absent).

RESOLUTION # 2016-121

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF LOAN AGREEMENTS TO BE EXECUTED BY THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY AND EACH OF THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST AND THE STATE OF NEW JERSEY, ACTING BY AND THROUGH THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, AND FURTHER AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW AGREEMENT, ALL PURSUANT TO THE STATE FISCAL YEAR 2016 NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM FOR FUNDING THE TOWNSHIP'S HARBOR ROAD WATER TREATMENT PLANT PROJECT

WHEREAS, the Township of Marlboro (the "Local Unit"), in the County of Monmouth, New Jersey, has determined that there exists a need within the Local Unit to construct that certain Harbor Road water treatment plant project (the "Project"), as said Project is more particularly defined in each of that certain Loan Agreement (the "Trust Loan Agreement") to be entered into by and between the Local Unit and the New Jersey Environmental Infrastructure Trust (the "Trust") and that certain Loan Agreement (the "Fund Loan Agreement", and together with the Trust Loan Agreement, the "Loan Agreements") to be

entered into by and between the Local Unit and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection (the "State"), all pursuant to the State Fiscal Year 2016 New Jersey Environmental Infrastructure Trust Financing Program (the "Program");

WHEREAS, the Local Unit has determined to finance the acquisition, construction, renovation or installation of the Project with the proceeds of a loan to be made by each of the Trust (the "Trust Loan") and the State (the "Fund Loan", and together with the Trust Loan, the "Loans") pursuant to the Trust Loan Agreement and the Fund Loan Agreement, respectively;

WHEREAS, to evidence the Loans, each of the Trust and the State require the Local Unit to authorize, execute, attest and deliver the Local Unit's General Obligation Bonds, Series 2016, to the Trust (the "Trust Loan Bond") and General Obligation Bonds, Series 2016, to the State (the "Fund Loan Bond", and together with the Trust Loan Bond, the "Local Unit Bonds"), said Local Unit Bonds to be issued in an aggregate principal amount not to exceed \$12,400,000, pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (the "Local Bond Law"), other applicable law and the Loan Agreements; and

WHEREAS, the Trust and the State have expressed their desire to close in escrow the making of one or more of the Loans, the issuance of one or more of the Local Unit Bonds and the execution and delivery of one or more of the Loan Agreements, all pursuant to the terms of an Escrow Agreement (the "Escrow Agreement") to be entered into by and among the Trust, the State, the Local Unit and the escrow agent to be named therein.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Local Unit as follows:

Section 1. The Trust Loan Agreement, the Fund Loan Agreement and the Escrow Agreement (collectively, the "Financing Documents") are hereby authorized to be executed and delivered on behalf of the Local Unit by either the Mayor or the Chief Financial Officer in substantially the forms attached hereto as Exhibits I, II and III, respectively, with such changes as the Mayor or the Chief Financial Officer (each an "Authorized Officer"), in their respective sole discretion, after consultation with counsel and any advisors to the Local Unit

(collectively, the "Local Unit Consultants") and after further consultation with the Trust, the State and their representatives, agents, counsel and advisors (collectively, the "Program Consultants", and together with the Local Unit Consultants, the "Consultants"), shall determine, such determination to be conclusively evidenced by the execution of such Financing Documents by an Authorized Officer as determined hereunder. The Local Unit Clerk is hereby authorized to attest to the execution of the Financing Documents by an Authorized Officer of the Local Unit as determined hereunder and to affix the corporate seal of the Local Unit to such Financing Documents.

Section 2. The Authorized Officers of the Local Unit are hereby further severally authorized to (i) execute and deliver, and the Local Unit Clerk is hereby further authorized to attest to such execution and to affix the corporate seal of the Local Unit to, any document, instrument or closing certificate deemed necessary, desirable or convenient by the Authorized Officers or the Local Unit Clerk, as applicable, in their respective sole discretion, after consultation with the Consultants, to be executed in connection with the execution and delivery of the Financing Documents and the consummation of the transactions contemplated thereby, which determination shall be conclusively evidenced by the execution of each such certificate or other document by the party authorized hereunder to execute such certificate or other document, and (ii) perform such other actions as the Authorized Officers deem necessary, desirable or convenient in relation to the execution and delivery thereof.

Section 3. This resolution shall take effect upon the adoption hereof.

Section 4. Upon the adoption hereof, the Local Unit Clerk shall forward certified copies of this resolution to DeCotiis, FitzPatrick & Cole LLP, bond counsel to the Local Unit, and Richard Nolan, Esq., McCarter & English, LLP, bond counsel to the Trust.

The following Resolution #2016-122 (Determining Form and Other Details of \$12,400,000 General Obligation Bonds - 2016 NJEIT Financing Program - Harbor Road Water Treatment Plant Project) was introduced by reference, offered by Council Vice President Marder, seconded by Councilman Scalea, and passed on a roll call vote of 4 - 0 in favor (Metzger: Absent).

RESOLUTION # 2016-122

RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF NOT EXCEEDING \$12,400,000 GENERAL OBLIGATION BONDS OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, AND PROVIDING FOR THEIR SALE TO THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST AND THE STATE OF NEW JERSEY, ACTING BY AND THROUGH THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, PURSUANT TO THE STATE FISCAL YEAR 2016 NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM FOR FUNDING THE TOWNSHIP'S HARBOR ROAD WATER TREATMENT PLANT PROJECT

WHEREAS, the Township of Marlboro (the "Local Unit"), in the County of Monmouth, New Jersey, has determined that there exists a need within the Local Unit to construct that certain Harbor Road water treatment plant (the "Project"), as said Project is more particularly defined in each of that certain Loan Agreement (the "Trust Loan Agreement") to be entered into by and between the Local Unit and the New Jersey Environmental Infrastructure Trust (the "Trust") and that certain Loan Agreement (the "Fund Loan Agreement", and together with the Trust Loan Agreement, the "Loan Agreements") to be entered into by and between the Local Unit and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection (the "State"), all pursuant to the State Fiscal Year 2016 New Jersey Environmental Infrastructure Trust Financing Program (the "Program");

WHEREAS, the Local Unit has determined to finance the acquisition, construction, renovation or installation of the Project with the proceeds of a loan to be made by each of the Trust (the "Trust Loan") and the State (the "Fund Loan", and together with the Trust Loan, the "Loans") pursuant to the Trust Loan Agreement and the Fund Loan Agreement, respectively;

WHEREAS, to evidence the Loans, each of the Trust and the State require the Local Unit to authorize, execute, attest and deliver the Local Unit's General Obligation Bonds, Series 2016, to the Trust (the "Trust Loan Bond") and General Obligation Bonds, Series 2016, to the State (the "Fund Loan Bond", and together with the Trust Loan Bond, the "Local Unit Bonds"), said Local Unit Bonds to be issued in an aggregate principal amount not to exceed \$12,400,000, pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (the "Local Bond Law"), other applicable law and the Loan Agreements; and

WHEREAS, N.J.S.A. 40A:2-27(a)(2) of the Local Bond Law allows for the sale of the Trust Loan Bond and the Fund Loan Bond to the Trust and the State, respectively, without any public offering, and N.J.S.A. 58:11B-9(a) allows for the sale of the Trust Loan Bond to the Trust without any public offering, all under the terms and conditions set forth herein.

NOW, THEREFORE, BE IT RESOLVED by a 2/3 vote of the full membership of the governing body of the Local Unit as follows:

Section 1. In accordance with N.J.S.A. 40A:2-27(a)(2) of the Local Bond Law and N.J.S.A. 58:11B-9(a), the Local Unit hereby sells and awards its (a) Trust Loan Bond to the Trust in accordance with the provisions hereof and (b) Fund Loan Bond to the State in accordance with the provisions hereof, said Local Unit Bonds to be issued in the aggregate principal amount not to exceed \$12,400,000. The Local Unit Bonds have been authorized by Bond Ordinance Numbers 2014-6 and 2015-4 of the Local Unit entitled "AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, PROVIDING FOR THE CONSTRUCTION OF A NEW WATER TREATMENT PLANT IN AND FOR THE TOWNSHIP OF MARLBORO AND APPROPRIATING \$11,500,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$11,500,000 IN WATER UTILITY BONDS OR NOTES OF THE TOWNSHIP OF MARLBORO TO FINANCE THE SAME" and "AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, AMENDING ORDINANCE NO. 2014-6 OF THE TOWNSHIP FINALLY ADOPTED FEBRUARY 20, 2014, PROVIDING FOR THE CONSTRUCTION OF A NEW WATER TREATMENT PLANT IN AND FOR THE TOWNSHIP OF MARLBORO AND APPROPRIATING \$12,400,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$12,400,000 IN WATER UTILITY BONDS OR NOTES OF THE TOWNSHIP OF MARLBORO TO FINANCE THE SAME" which were finally adopted by the Local Unit at meetings duly called and held on February 20, 2014 and February 12, 2015, respectively (collectively, the "Bond Ordinance"), at which respective time a quorum was present and acted throughout, all pursuant to the terms of the Local Bond Law and other applicable law. The principal amount of bonds authorized to be issued pursuant to the respective Bond Ordinances are hereby combined into a single and combined issue in the aggregate principal amount not to exceed \$12,400,000.

Section 2. The Chief Financial Officer of the Local Unit (the "Chief Financial Officer") is hereby authorized to determine, in accordance with the Local Bond Law and pursuant to the terms and conditions established by the Trust and the State under the Loan Agreements and the terms and conditions hereof,

the following items with respect to the Trust Loan Bond and the Fund Loan Bond:

- (a) The aggregate principal amounts of the Trust Loan Bond and the Fund Loan Bond to be issued, provided that the aggregate principal amount of the Local Unit Bonds shall not exceed \$12,400,000
- (b) The maturity and annual principal installments of the Local Unit Bonds, which maturity shall not exceed thirty (30) years;
- (c) The date of the Local Unit Bonds;
- (d) The interest rates of the Local Unit Bonds;
- (e) The purchase price for the Local Unit Bonds; and
- (f) The terms and conditions under which the Local Unit Bonds shall be subject to redemption prior to their stated maturities.

Section 3. Any determination made by the Chief Financial Officer pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of the Local Unit Bonds by the parties authorized under Section 4(c) hereof.

Section 4. The Local Unit hereby determines that certain terms of the Local Unit Bonds shall be as follows:

- (a) The Trust Loan Bond shall be issued in a single denomination and shall be numbered as shall be specified by the Chief Financial Officer. The Fund Loan Bond shall be issued in a single denomination and shall be numbered as shall be specified by the Chief Financial Officer;
- (b) The Local Unit Bonds shall be issued in fully registered form and shall be payable to the registered owners thereof as to both principal and interest in lawful money of the United States of America; and
- (c) The Local Unit Bonds shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under official seal or facsimile thereof affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Local Unit Clerk.

Section 5. The Trust Loan Bond and the Fund Loan Bond shall be substantially in the form set forth in the Trust Loan Agreement and the Fund Loan Agreement, respectively.

Section 6. The law firm of DeCotiis, FitzPatrick & Cole, LLP, is hereby authorized to arrange for the printing of the Local Unit Bonds, which law firm may authorize McCarter & English, LLP, bond counsel to the Trust and the State for the Program, to arrange for same. The Local Unit auditor is hereby authorized to prepare the financial information necessary in connection with the issuance of the Local Unit Bonds. The Mayor, the Chief Financial Officer and the Local Unit Clerk are hereby authorized to execute any certificates necessary or desirable in connection with the financial and other information.

Section 7. The terms of the Local Unit Bonds authorized to be set forth by the Chief Financial Officer in accordance with

Section 2 hereof shall be ratified by the affirmative vote of 2/3 of the full membership of the governing body of the Local Unit.

Section 8. The Mayor and the Chief Financial Officer are hereby severally authorized to execute any certificates or documents necessary or desirable in connection with the sale of the Local Unit Bonds, and are further authorized to deliver same to the Trust and the State upon delivery of the Local Unit Bonds and the receipt of payment therefor in accordance with the Loan Agreements.

Section 9. This resolution shall take effect upon adoption.

Section 10. Upon the adoption hereof, the Local Unit Clerk shall forward certified copies of this resolution to DeCotiis, FitzPatrick & Cole, LLP, bond counsel to the Local Unit, and Richard Nolan, Esq., McCarter & English, LLP, bond counsel to the Trust.

As the Consent Agenda, the following resolutions were introduced by reference, offered by Council Vice President Marder, seconded by Councilman Scalea and passed on a roll call vote of 4 - 0 in favor (Absent: Metzger): Res. #2016-123 (Authorizing Increase in Change Funds), Res. #2016-124 (Authorizing Click It or Ticket Grant Application 2016), Res. #2016-125 (Award of Bid - Disposal of Township Transported Millings), Res. #2016-126 (Authorizing

Final Close Out Change Order and Acceptance Shingle Roof Replacement at Two Facilities), Res. #2016-127 (Authorizing One Year Renewal - Emergency Water Main Repairs), Res. #2016-128 (Authorizing One Year Renewal - Water Meters), Res. #2016-129 (Authorizing One Year Renewal - Chemicals), Res. #2016-130 (Accepting Donation of Bench to Rec Dept. from Family and Friends of Anne Marie Pesce), and Res. #2016-131 (Authorizing Purchase of Replacement Vehicle for UCC Division) and Res. #2016-132 (Authorizing 2016 Temporary Emergency Appropriations).

RESOLUTION # 2016-123

RESOLUTION AUTHORIZING INCREASE IN CHANGE FUNDS

WHEREAS, the Township Council of the Township of Marlboro, Monmouth County, State of New Jersey had previously authorized the establishment of a change fund for both the Tax Department and Water Department in the amounts of \$300.00 and \$200.00 respectively, and

WHEREAS, a request has been made that the change funds in each office be increased, and

WHEREAS, it has been determined that the Tax Department needs a change fund of \$800.00, and the Water Department needs a change fund of \$400.00.

NOW, THEREFORE, BE IT RESOLVED that the change fund of the Tax Department is hereby increased to \$800.00, and the change fund of the Water Department is hereby increased to \$400.00.

RESOLUTION # 2016-124

RESOLUTION SUPPORTING THE CLICK IT
OR TICKET MOBILIZATION OF MAY 23 - JUNE 5, 2016

WHEREAS, a large percentage of the motor vehicle occupants killed in traffic crashes were not wearing a seat belt; and

WHEREAS, use of a seat belt remains the most effective way to avoid death or serious injury in a motor vehicle crash; and

WHEREAS, the National Highway Traffic Safety Administration estimates that more than 12,000 lives were saved by seat belt usage nationally in the year 2012; and

WHEREAS, the State of New Jersey will participate in the nationwide "CLICK IT OR TICKET" seat belt mobilization from May 23 - June 5, 2016 in an effort to raise awareness and increase

seat belt usage through a combination of enforcement and education; and

WHEREAS, the Division of Highway Traffic Safety has set a goal of increasing the seat belt usage rate in the state from the current level of 91.36% to 100%; and

WHEREAS, a further increase in seat belt usage in New Jersey will save lives on our roadways;

NOW THEREFORE, be it resolved that the Township of Marlboro declares its support for the "CLICK IT OR TICKET" seat belt mobilization both locally and nationally from May 23 - June 5, 2016 and pledges to increase awareness of the mobilization and the benefits of seat belt use.

RESOLUTION # 2016-125

A RESOLUTION AWARDING CONTRACTS TO STAVOLA ASPHALT COMPANY AND MAZZA & SONS FOR DISPOSAL OF ASPHALT MILLINGS, CONCRETE, BRICK AND BLOCK FOR THE DEPARTMENT OF PUBLIC WORKS (DPW)

WHEREAS, the Marlboro Township Department of Public Works performs routine asphalt repair work and repairs to inlets and catch basins; and

WHEREAS, the repair work results in asphalt millings, concrete, brick and block that must be disposed of properly at licensed facilities; and

WHEREAS, the Township of Marlboro authorized the acceptance of bids for the DISPOSAL OF TOWNSHIP TRANSPORTED ASPHALT MILLINGS, CONCRETE, BRICK AND BLOCK, and on February 3, 2016, received two (2) bids, as follows:

| Material | Stavola Asphalt Company, | Mazza & Sons, Inc. |
|-----------------------|--------------------------|--------------------|
| Asphalt Millings or | \$30.00 per ton | No Bid |
| Clean Concrete | \$10.50 per ton | \$9.00 per ton |
| Concrete with Encased | \$30.00 per ton | \$19.00 per ton |

; and

WHEREAS, the bid submission of the apparent low bidder for the asphalt millings or pieces, STAVOLA ASPHALT COMPANY, INC. has been determined to be responsive as detailed in a March 17, 2016 memo transmitted by the Director of Public Works; and

WHEREAS, the bid submission of the apparent low bidder for the clean concrete and concrete encased in metal, MAZZA & SONS,

INC. has been determined to be responsive as detailed in a March 17, 2016 memo transmitted by the Director of Public Works; and

WHEREAS, the Director of Public Works has recommended the award of contract to STAVOLA ASPHALT COMPANY, INC. for the disposal of asphalt millings or pieces at the bid price of \$30.00 per ton; and

WHEREAS, the Director of Public Works has recommended the award of contract to MAZZA & SONS, INC. for the disposal of clean concrete at the bid price of \$9.00 per ton and concrete encased in metal at the bid price of \$19.00 per ton; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro, that a contract be awarded to STAVOLA ASPHALT COMPANY, INC. whose address is 175 Drift Road, Tinton Falls, NJ 07724 for the disposal of asphalt millings or pieces at the bid price of \$30.00 per ton for the period of April 1, 2016 through March 31, 2017, 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 by the Township Council of the Township of Marlboro, that a contract be awarded to MAZZA & SONS, INC. whose address is 3230 Shafto Road, Tinton Falls, NJ 07753 for the disposal of clean concrete at the bid price of \$9.00 per ton and concrete encased in metal at the bid price of \$19.00 per ton for the period of April 1, 2016 through March 31, 2017, 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, contracts with STAVOLA ASPHALT COMPANY, INC. and MAZZA & SONS, 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 that the Chief Financial Officer will certify funds from Capital Account #04-215-14-03B-060288 at the time material disposal is needed; and

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

- a. Stavola Asphalt Company, Inc.
- b. Mazza & Sons, Inc.
- c. Township Administrator
- d. Township Chief Financial Officer
- e. Director of Public Works

RESOLUTION # 2016-126

A RESOLUTION APPROVING CLOSE OUT CHANGE ORDER TO THE EXISTING CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO AND ROOF MANAGEMENT, INC. AND AUTHORIZING FINAL PAYMENT AND ACCEPTANCE OF SHINGLE ROOF REPLACEMENT AT RECREATION CENTER AND MUNICIPAL PARK COMPLEX GAZEBO

WHEREAS, by Resolution #2014-337 the Township of Marlboro authorized the award of a contract to Roof Management, Inc. for the Shingle Roof Replacement project (the "Project"); and

WHEREAS, Closeout Change Order has been requested resulting in a decrease in the original contract amount of \$134,000.00 to \$132,000.00, a net decrease of \$2,000.00; and

WHEREAS, in a Letter dated February 29, 2016, the Project Architect has confirmed that the Project has been completed in accordance with the approved contract documents and has recommended approval of the Closeout Change Order, acceptance of the Project improvements, and issuance of final payment in the amount of \$10,628.00; 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 Roof Management, Inc. in the amount of \$10,628.00, 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 Roof Management, Inc. be and is hereby approved, decreasing the original contract total of \$134,000.00 to \$132,000.00, a net decrease of \$2,000.00.

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 \$10,628.00 for work completed by Roof Management, Inc. is hereby approved.

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

- a. Roof Management, Inc.
- b. Fraytak, Veisz, Hopkins, Duthie, P.C.
- c. Township Administrator
- d. Township Director of Public Works
- e. Township Chief Financial Officer

RESOLUTION # 2016-127

A RESOLUTION AUTHORIZING YEAR 2 OF CONTRACT TO LUCAS CONSTRUCTION GROUP, INC. FOR THE PROVISION OF EMERGENCY WATER MAIN REPAIRS FOR THE TOWNSHIP OF MARLBORO WATER UTILITY DIVISION

WHEREAS, on March 19, 2015 (R.2015-138) the Township Council of the Township of Marlboro awarded a contract to LUCAS CONSTRUCTION GROUP, INC. FOR THE PROVISION OF EMERGENCY WATER MAIN REPAIRS FOR THE TOWNSHIP OF MARLBORO WATER UTILITY DIVISION; 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 March 17, 2016, 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 renewed with LUCAS CONSTRUCTION GROUP, INC. whose address is 173 Amboy Road, Morganville, NJ 07751 for a period of one year commencing on April 1, 2016 and expiring on March 31, 2017, in a total amount not to exceed \$108,016.00; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, contracts with

LUCAS CONSTRUCTION GROUP, 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 that the Chief Financial Officer has certified that sufficient funds are available in Water Capital Account No. 06-215-16-03B-500288 for the Services; and

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. Director of Public Works
- d. Chief Financial Officer

RESOLUTION # 2016-128

A RESOLUTION AUTHORIZING YEAR 2 OF CONTRACT TO HD SUPPLY
WATERWORKS LTD FOR THE PROVISION OF WATER METERS FOR THE
MARLBORO TOWNSHIP DEPARTMENT OF PUBLIC WORKS
WATER UTILITY DIVISION

WHEREAS, on March 19, 2015 (R.2015-136) the Township Council of the Township of Marlboro awarded a contract to HD SUPPLY WATERWORKS LTD for the PROVISION OF WATER METERS FOR THE MARLBORO TOWNSHIP DEPARTMENT OF PUBLIC WORKS WATER UTILITY DIVISION; 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 March 17, 2016, 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 renewed with HD SUPPLY WATERWORKS LTD whose address is 61 Gross Avenue, Edison, NJ 08817, for the PROVISION OF WATER METERS FOR THE MARLBORO TOWNSHIP DEPARTMENT OF PUBLIC WORKS WATER UTILITY DIVISION, for a period of one year commencing on April 1, 2016

and expiring on March 31, 2017, and for the total contract amount not to exceed \$359,650.00; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, contracts with HD SUPPLY WATERWORKS LTD 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 \$144,675.00 are available and have been certified by the Chief Financial Officer in capital accounts 06-215-12-10A-500288, 06-215-13-10A-500288 and 06-215-14-05B-500288; and

BE IT FURTHER RESOLVED funds for the remaining amount will be certified by the Chief Financial Officer at the time of order; and

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

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

RESOLUTION # 2016-129

A RESOLUTION AUTHORIZING YEAR 2 OF CONTRACT TO BUCKMAN'S INC., GEORGE S. COYNE CHEMICAL CO., INC., MIRACLE CHEMICAL CO., REED & PERRINE SALES INC., AND SHANNON CHEMICAL CORP. FOR THE SUPPLY OF CHEMICALS FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS WATER UTILITY DIVISION AND RECREATION AND SWIM UTILITY

WHEREAS, on March 19, 2015 (R.2015-135) the Township Council of the Township of Marlboro awarded contracts to BUCKMAN'S INC., GEORGE S. COYNE CHEMICAL CO., INC., MIRACLE CHEMICAL CO., REED & PERRINE SALES INC., AND SHANNON CHEMICAL CORP. FOR THE SUPPLY OF CHEMICALS FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS WATER UTILITY DIVISION AND RECREATION AND SWIM UTILITY; 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 March 17, 2016, the Director of Public Works has recommended that the Township approve a one (1) year renewal of each of the chemical supply contracts; 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 Contract 1A be renewed with George S. Coyne Chemical Co., Inc. whose address is 3015 State Road, Croydon, PA 19021 for the Supply of Liquid Chlorine for the Township of Marlboro Water Utility Division, for a contract amount not to exceed \$22,355.25 and for a term of one (1) year beginning on April 1, 2016; and

BE IT FURTHER RESOLVED by the Township Council of the Township of Marlboro, that Contract 1B be renewed with Reed & Perrine Sales Inc. whose address is 396 Main Street, Tennent, NJ 07763 for the Supply of Hydrated Lime for the Township of Marlboro Water Utility Division, for a contract amount not to exceed \$23,835.00 and for a term of one (1) year beginning on April 1, 2016; and

BE IT FURTHER RESOLVED by the Township Council of the Township of Marlboro, that a Contract 1C and Contract 1E be renewed with Shannon Chemical Corp. whose address is P.O. Box 376, Malvern, PA 19355 for the Supply of Zinc Orthophosphate and Sodium Hydroxide for the Township of Marlboro Water Utility Division, for a contract amount not to exceed \$45,012.00 and for a term of one (1) year beginning on April 1, 2016; and

BE IT FURTHER RESOLVED by the Township Council of the Township of Marlboro, that Contract 1D be renewed with Buckman's Inc. whose address is 105 Airport Road, Pottstown, PA 19464 for the Supply of Sodium Hypochlorite for the Township of Marlboro Water Utility Division, for a contract amount not to exceed \$14,990.00 and for a term of one (1) year beginning on April 1, 2016; and

BE IT FURTHER RESOLVED by the Township Council of the Township of Marlboro, that Contract 1F be renewed with Miracle Chemical Co. whose address is 1151B Highway 33, Farmingdale, NJ 07727 for the Supply of Sodium Hypochlorite, Sodium Bicarbonate, Calcium Chloride, and Sodium Thiosulfate for the Township of Marlboro Recreation and Swim Utility, for a contract amount not to exceed \$25,968.48 and for a term of one (1) year beginning on

April 1, 2016; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, Contracts with BUCKMAN'S INC., GEORGE S. COYNE CHEMICAL CO., INC., MIRACLE CHEMICAL CO., REED & PERRINE SALES INC., AND SHANNON CHEMICAL CORP. in accordance with this resolution, the bid specifications, and in a form to be approved by the Township Attorney; and

BE IT FURTHER RESOLVED the Chief Financial Officer has certified that funds for the 2016 portion of the contracts in the amount of \$105,612.67 are available in the Water Utility Account #05-201-55-500-293020 and Recreation Utility Account #09-201-55-400-293; and

BE IT FURTHER RESOLVED funds for the 2017 portion of each contract in the total amount of \$26,548.06 will be certified by the Chief Financial Officer for this purpose upon adoption of the 2017 Municipal Budget.

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

- a. Buckman's Inc.
- b. George S. Coyne Chemical Co., Inc.
- c. Miracle Chemical Co.
- d. Reed & Perrine Sales Inc.
- e. Shannon Chemical Corp.
- f. Township Business Administrator
- g. Township Chief Financial Officer
- h. Township Director of Public Works
- i. Township Recreation Director

RESOLUTION # 2016-130

A RESOLUTION AUTHORIZING ACCEPTANCE OF DONATION OF A BENCH FROM THE FAMILY AND FRIENDS OF ANNE MARIE PESCE

WHEREAS, Anne Marie Pesce was a resident of Marlboro; and

WHEREAS, Anne Marie Pesce was an avid supporter of Marlboro Soccer; and

WHEREAS, Anne Marie Pesce passed away on June 9, 2015; and

WHEREAS, the Family and Friends of Anne Marie Pesce would

like to donate the following item in memory of Anne Marie:

1 Bench

; and

WHEREAS, the bench will be placed at Vanderburg Park along the pathway facing the playing fields and be utilized during various sporting events; 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 of the bench from the Family and Friends of Anne Marie Pesce 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

RESOLUTION # 2016-131

RESOLUTION AUTHORIZING THE AWARD OF CONTRACT TO PINE
BELT ENTERPRISE FOR THE PURCHASE OF ONE (1)
REPLACEMENT 2016 CHEVROLET COLORADO 4WD PICKUP TRUCK
FOR THE TOWNSHIP OF MARLBORO

WHEREAS, the Township of Marlboro as part of its 2016 capital program reviewed the vehicle requirements and funding sources available in the Uniform Construction Code ("UCC") Division; and

WHEREAS, the Department of Public Works solicited quotes from qualified vendors for one (1) replacement 2016 Chevrolet Colorado 4WD Pickup Truck for the Uniform Construction Code Division; and

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

| Vendor | Address | Amount |
|----------------------|--|-------------|
| Pine Belt Enterprise | 1088 Route 88, Lakewood, NJ 08701 | \$27,150.00 |
| Mall Chevrolet, Inc. | 75 Haddonfield Road, NJ 08002 | \$27,650.00 |
| Action Chevrolet | 3712 Route 9 South, Freehold, NJ 07728 | \$27,650.00 |

; and

WHEREAS, the lowest quote provided by Pine Belt Enterprise for the purchase of the aforementioned replacement vehicle is less than the Township's established threshold of \$30,500.00 in the contract year, thereby allowing a contract to be awarded pursuant to N.J.S.A. 40A:11-3 without public advertising for bids; and

WHEREAS, the Director of Public Works has reviewed the quotes received and in a memo dated March 1, 2016 recommends that the Township purchase one (1) replacement 2016 Chevrolet Colorado 4WD Pickup Truck from Pine Belt Enterprise ("Pine Belt") in an amount not to exceed \$27,150.00 pursuant to Pine Belt's quote (attached); and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to purchase the replacement vehicle to be utilized by the Uniform Construction Code Division; and

WHEREAS, funds are available and have been certified by the Chief Financial Officer in an amount not to exceed \$27,150.00 from UCC Trust Account #16-201-56-850-297850, and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase one (1) replacement 2016 Chevrolet Colorado 4WD Pickup Truck from Pine Belt Enterprise for an amount not to exceed \$27,150.00.

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

- a. Pine Belt Enterprise
- b. Township Administrator
- c. Township Chief Financial Officer

- d. Township Director of Public Works
- e. Township Uniform Construction Code Official

RESOLUTION # 2016-132

EMERGENCY TEMPORARY APPROPRIATION
PRIOR TO ADOPTION OF THE BUDGET

WHEREAS, N.J.S.A. 40A:4-20 provides authorization for an emergency temporary appropriation after the first thirty days of the fiscal year and before the adoption of the 2016 Municipal budget; and

WHEREAS, this resolution authorizes appropriations representing 50% of the full 2015 appropriations with the exception of debt service and obligations associated with seasonal considerations; and

WHEREAS, the total emergency temporary resolutions adopted in the year CY 2016 pursuant to the provisions of N.J.C.A. 40A 4-20 (Chapter 96, P.L.1951 as amended) including this resolution total: \$21,716,602.07 for the municipal budget, \$3,736,342.94 for the operations of the water utility, and \$1,244,316.29 for the operations of the recreation and swim utility; and

NOW THEREFORE, BE IT RESOLVED, that in accordance with the provisions of N.J.S.A. 40A:4-20:

1. An emergency temporary appropriation be and the same is hereby made for each of the accounts listed on the attached.
2. That each said emergency temporary appropriation will be provided for in the CY 2016 budget under the same title as appropriated above.
3. That one certified copy of this resolution be filed with the Director of Local Government Services.

At 7:30 PM, Councilman Scalea moved that the meeting be adjourned. This was seconded by Council President Scalea, and passed on a roll call vote of 4 - 0 in favor (Absent: Metzger).

MINUTES APPROVED: APRIL 14, 2016

OFFERED BY: MARDER

AYES: 3

SECONDED BY: METZGER

NAYS: 0

ABSTAIN: METZGER

ABSENT: SCALEA

ALIDA MANCO,
MUNICIPAL CLERK

CAROL MAZZOLA,
COUNCIL PRESIDENT