

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

May 5, 2016

The Marlboro Township Council held its regularly scheduled Meeting on May 5, 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 Metzger, and Council President Mazzola. Council Vice President Marder 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 Municipal Clerk Suzanne Branagan.

Councilman Metzger moved that the minutes of April 14, 2016 be approved. This was seconded by Councilman Cantor, and passed on a roll call vote of 3 - 0 in favor (Absent: Marder, Scalea).

The following Resolution #2016-165/Ord. #2016-7 (Appropriating \$220,000 Grant for Improvements to Greenwood Road Phase 1) was introduced by reference, offered by Councilman Metzger and seconded by Councilman Cantor. Council President Mazzola opened the Public Hearing on Ord. #2016-7. 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 - 0 in favor (Absent: Marder, Scalea).

RESOLUTION # 2016-165

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

ORDINANCE # 2016-7

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING A \$220,000 GRANT TO BE RECEIVED BY THE TOWNSHIP FOR IMPROVEMENTS TO GREENWOOD ROAD-PHASE 1 IN AND FOR THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY

which was introduced on April 14, 2016, public hearing held on May 5, 2016, be adopted on second and final reading this 5th day of May, 2016.

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

Councilman Metzger moved to amend Ordinance 2016-8 (Establishing "Safe Space" for Internet-based Transactions at Marlboro Municipal Complex) by changing "Safe Space Zone" to "on-line exchange zone". Township Attorney Louis Rainone deemed that the change was not substantial and therefore could be amended at this time. Motion to amend was seconded by Councilman Cantor and passed on a roll call vote of 3 - 0 in favor (Absent: Marder, Scalea).

The following Resolution #2016-166/Ord. #2016-8 (Establishing "On-Line Exchange Zone" for Internet-based Transactions at Marlboro Municipal Complex) was introduced by reference, offered by Councilman Cantor and seconded by Councilman Metzger. Council President Mazzola opened the Public Hearing on Ord. #2016-8. 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 - 0 in favor. (Absent: Marder, Scalea).

RESOLUTION # 2016-166

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

ORDINANCE # 2016-8

CREATING AN "ON-LINE EXCHANGE ZONE" FOR INTERNET-BASED  
TRANSACTIONS AT THE TOWNSHIP OF MARLBORO MUNICIPAL COMPLEX

which was introduced on April 14, 2016, public hearing held on May 5, 2016, be adopted on second and final reading this 5th day of May, 2016.

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

The following Resolution #2016-167 (Change Date of Council Meeting - June 16 to Wednesday, June 22, 2016) was introduced by reference, offered by Councilman Cantor seconded by Council President Mazzola, and passed on a roll call vote of 3 - 0 in favor (Absent: Marder, Scalea).

RESOLUTION # 2016-167

CHANGE OF COUNCIL MEETING DATE

BE IT RESOLVED by the Township Council of the Township of Marlboro that the Council meeting scheduled for June 16, 2016 be changed to Wednesday, June 22, 2016.

BE IT FURTHER RESOLVED that the meeting will take place at the usual time and place, 7 PM, Town Hall, 1979 Township Drive, Marlboro, New Jersey.

The following Resolution #2016-168 (Authorizing Bond Release - Old Mill Estates) was introduced by reference, offered by Council President Mazzola seconded by Councilman Metzger, and passed on a roll call vote of 3 - 0 in favor (Absent: Marder, Scalea).

RESOLUTION # 2016-168

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES  
FOR THE SITE KNOWN AS OLD MILL ESTATES, BLOCK 413,  
LOTS 38-40 OLD MILL ROAD, TOWNSHIP OF MARLBORO, NEW JERSEY

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro has received a request from Old Mill Estates, LLC for a release in the Township held Performance Guarantees in the form of a Performance Bond and cash deposit for site improvements ("Public Improvements") on the Site known

as "Old Mill Estates" (the "Site"), property known as Block 413, Lots 38-40, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by Old Mill Estates, LLC (the "Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed the Township Engineer's report dated April 21, 2016, regarding the completion of the Public Improvements at the Site, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the aforesaid report recommends that the current Performance Guarantee in the form of a Performance Bond, original Bond No. #5030066 issued by Safeguard Insurance Company in the original amount of \$717,149.65 and the present Bond No. #S0013962 issued by First Indemnity of America Insurance Company in the current value of \$365,721.54, and cash deposit original amount of \$79,683.29 and current value of \$40,635.72 (excludes accrued interest), posted by the Developer and being held by the Township, be released in their entirety, conditioned upon the payment of any and all outstanding review and/or inspection fee charges to the time of the performance guarantee release and the posting of a two (2) year fifteen percent (15%) maintenance bond in the amount of \$99,604.12; and

WHEREAS, the Township Council now wishes to take the following action regarding the aforesaid Performance Guarantee.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the above-described current Performance Guarantee in the form of a Performance Bond, original Bond No. #5030066 issued by Safeguard Insurance Company in the original amount of \$717,149.65 and the present Bond No. #S0013962 issued by First Indemnity of America Insurance Company in the current value of \$365,721.54, and cash deposit original amount of \$79,683.29 and current value of \$40,635.72 (excludes accrued interest), posted by the Developer and being held by the Township, be released in their entirety, conditioned upon the payment of any and all outstanding review and/or inspection fee charges to the time of the performance guarantee release and the posting of a two (2) year fifteen percent (15%) maintenance bond in the amount of \$99,604.12; and

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

- a. Old Mill Estates, LLC
- b. First Indemnity of America Insurance Company
- c. Mayor Jonathan L. Hornik
- d. Township Business Administrator
- e. Township Chief Financial Officer
- f. Township Engineer
- g. DeCotiis, FitzPatrick & Cole, LLP.

The following Resolution #2016-169 (Expressing Opposition to Proposed NJNG 24% Rate Increase) was introduced by reference, offered by Councilman Cantor, seconded by Councilman Metzger, and passed on a roll call vote of 3 - 0 in favor (Absent: Marder, Scalea).

RESOLUTION # 2016-169

VOICING OPPOSITION TO NEW JERSEY NATURAL GAS  
24% RATE INCREASE

WHEREAS, New Jersey Natural Gas (NJNG) is a public utility operating in the Township of Marlboro, County of Monmouth providing natural gas energy to our residents and businesses; and

WHEREAS, New Jersey Natural Gas has proposed raising gas rates by 24% on Marlboro residents and business; and

WHEREAS, the proposed 24% rate increase by New Jersey Natural Gas would increase an average homeowner's gas bill by \$237.00 a year; and

WHEREAS, while proposing such an increase, it has been widely reported that New Jersey Natural Gas paid their top executives \$13 million in total compensation in 2015, a number 125% higher than 2013; and

WHEREAS, the Mayor and Council with the help of the municipal workforce has worked hard to limit expenditures and keep the cost of municipal services affordable for working families and senior citizens; and

WHEREAS, a one year increase of 24% in utility rates is excessive and unjustifiable.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Marlboro in the County of Monmouth, that the

Township hereby opposes the 24% rate increase as proposed by New Jersey Natural Gas.

BE IT FURTHER RESOLVED that the Township urges State Officials and the Board of Public Utilities to stand by the residential rate paying customers and reject this application.

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

As the Consent Agenda, the following resolutions were introduced by reference, offered by Councilman Metzger, seconded by Council President Mazzola and passed on a roll call vote of 3 - 0 in favor (Absent: Marder, Scalea). Res. #2016-170 (Authorizing Rejection of Bids - Recycling Collection), Res. #2016-171 (Award of Bid - Wells and Pumps Service), Res. #2016-172 (Award of Bid - Lowboy Trailer), Res. #2016-173 (Amending Co-Locator License Agreement Verizon - Lease Space Township Owned Monopole -Block 171, Lot 71 - 14 Harbor Road), Res. #2016-174 (Authorizing Discharge of Mortgage - 29 Quebec Road), Res. #2016-175 (Authorizing Award of Contract - Lease of Farming Rights - Block 159, Lot 1 - Dimeo), Res. #2016-176 (Authorizing Award of Contract - Lease of Farming Rights - Block 155, Lot 13.03 - McCarron), Res. #2016-177 (Authorizing Honorary Street Designation Recognizing Carlton "Bud" Borden), Res. #2016-178 (Authorizing Cooperative Contract (MRESC) - Purchase of Front End Loader)and Res. #2016-179 (Confirming Change Order to Emergency Contract and Approving Expenditures - AST Rental) Res. #2016-180 (Authorizing Shared Services Agreement Marlboro BOE - Recreation Summer Camp Busing)and Res. #2016-181 (Authorizing State Contract - Fabricate and Install Communications Antennas).

RESOLUTION # 2016-170

A RESOLUTION AUTHORIZING THE REJECTION OF BIDS FOR  
THE PROVISION OF RECYCLING COLLECTION AND DISPOSAL  
SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT  
OF PUBLIC WORKS

WHEREAS, on April 19, 2016, bids were opened for RECYCLING COLLECTION AND DISPOSAL SERVICES for the Township of Marlboro Department of Public Works; 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 bid submitted by the apparent lowest bidder exceeds 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 the project titled RECYCLING COLLECTION AND DISPOSAL SERVICES for the Township of Marlboro are hereby rejected pursuant to N.J.S.A. 40A:11-13.2(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 # 2016-171

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT TO A.C. SCHULTES, INC. FOR MAINTENANCE AND SERVICE OF WELLS AND PUMPS FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS WATER UTILITY DIVISION

WHEREAS, the Township of Marlboro as part of its 2016 capital program (500-2) authorized certain water utility system improvements; and

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for MAINTENANCE AND SERVICE OF WELLS AND PUMPS, and on April 26, 2016, received one (1) bid, as follows:

#	Bidder	Bid Amount
1	A.C. Schultes, Inc. Woodbury Heights, NJ 08097	\$157,800.00

; and

WHEREAS, the bid submission of the sole bidder, A.C. SCHULTES, INC. of Woodbury Heights, NJ has been determined to be responsive as detailed in an April 27, 2016 memo transmitted by the Director of Public Works; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation of the Director of Public Works to award the bid 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 A.C. SCHULTES, INC., whose address is 664 South Evergreen Avenue, Woodbury Heights, NJ 08097 in an amount not to exceed \$157,800.00 for MAINTENANCE AND SERVICE OF WELLS AND PUMPS for a period of one (1) year beginning on May 1, 2016, with an option to renew for one two-year or two one-year periods on the same terms and conditions as specified in the bid; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, a contract with A.C. SCHULTES, INC., whose address is 664 South Evergreen Avenue, Woodbury Heights, NJ 08097 in an amount not to exceed \$157,800.00; and

BE IT FURTHER RESOLVED that funds have been certified by the Chief Financial Officer in the amount of \$157,800.00 in Current Account #01-201-28-123-288121, Water Utility Account #05-201-55-500-288020, and Capital Accounts #06-215-13-10A-500288 and #06-215-14-05C-500288; and

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

- a. A.C. SCHULTES, INC.
- b. Township Administrator
- c. Director of Public Works
- d. Chief Financial Officer

RESOLUTION # 2016-172

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT TO HALE TRAILER BRAKE & WHEEL, INC. FOR THE PROVISION OF ONE (1) 2016 OR NEWER 35 TON LOWBOY TRAILER FOR THE MARLBORO TOWNSHIP DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro as part of its 2016 capital program (120-28) authorized the purchase of a lowboy trailer for the Department of Public Works Road Division; and

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the PROVISION OF ONE (1) 2016 OR NEWER 35 TON LOWBOY TRAILER, and on April 26, 2016, received one (1) bid, as follows:

			Hale Trailer Brake & Wheel, Inc.
			Voorhees, NJ 08043
#	Item Description	Qty.	Bid Price
1	Base Bid - One (1) Tandem Axle 35 Ton Lowboy Trailer	1	54,570.00
Opt. 1	Full Fenders to the Gooseneck with Mounting Brackets for the two (2) auxiliary ramps	1	3,400.00
GRAND TOTAL			57,970.00

; and

WHEREAS, the submission of the sole bidder, HALE TRAILER BRAKE & WHEEL, INC., included exceptions which were determined to be non-material in nature by the Township's Risk Manager and Township Attorney; and

WHEREAS, the Director of Public Works has recommended that the contract for the PROVISION OF ONE (1) 2016 OR NEWER 35 TON LOWBOY TRAILER be awarded to HALE TRAILER BRAKE & WHEEL, INC., Route 73 & Cooper Road, PO Box 1400, Voorhees, NJ 08043; and

WHEREAS, the bid was comprised of a base bid and Option 1; and

WHEREAS, the Director of Public Works has recommended that the contract be awarded to HALE TRAILER BRAKE & WHEEL, INC. for the base bid plus Option 1 for an amount not to exceed \$57,970.00; 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 HALE TRAILER BRAKE & WHEEL, INC., whose address is Route 73 & Cooper Road, PO Box 1400, Voorhees, NJ 08043 in an amount not to exceed \$57,970.00 for the purchase of ONE (1) 2016 OR NEWER 35 TON LOWBOY TRAILER; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, a contract with HALE TRAILER BRAKE & WHEEL, INC., in an amount not to exceed \$57,970.00 for the purchase of ONE (1) 2016 OR NEWER 35 TON LOWBOY TRAILER; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that sufficient funds in the amount of \$57,970.00 are available for the aforesaid contract in Capital Account 04-215-16-02H-120297; and

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

- a. HALE TRAILER BRAKE & WHEEL, INC.
- b. Township Administrator
- c. Director of Public Works
- d. Township Chief Financial Officer

RESOLUTION # 2016-173

A RESOLUTION AUTHORIZING AMENDMENT TO CO-LOCATOR LICENSE AGREEMENT ISSUED TO NEW YORK SMSA LIMITED PARTNERSHIP d/b/a VERIZON WIRELESS ("VERIZON") TO LEASE SPACE AT 14 HARBOR ROAD, BLOCK 171, LOT 71 IN CONNECTION WITH THE TOWNSHIP OWNED MONOPOLE FOR CO-LOCATION OF CELLULAR ANTENNAE AND LEASE LAND FOR THE CONSTRUCTION OF ANCILLARY SUPPORT EQUIPMENT AND/OR STRUCTURE

WHEREAS, on November 6, 2006 the Marlboro Township Municipal Utilities Authority ("MTMUA") entered into an agreement with NEW YORK SMA LIMITED PARTNERSHIP d/b/a VERIZON WIRELESS ("VERIZON") to lease space at 14 Harbor Road, Block 171, Lot 71 for co-location of cellular antennae and lease of land for the construction of ancillary support equipment and/or structure ("License Agreement" Verizon Site 413044); and

WHEREAS, the Township of Marlboro (the "Township") legally dissolved and is the Successor in Interest to the MTMUA and assumed this lease obligation; and

WHEREAS, on March 18, 2015, Verizon requested the Township's consent to a sublease of the current ground lease to American Tower Corporation ("American Tower"), permissible under the existing license agreement; and

WHEREAS, Verizon and American Tower subsequently requested that the Township execute a formal amendment to the existing license agreement memorializing the sublease; and

WHEREAS, the proposed amendment does not alter the terms of the agreement other than to recognize American Tower's sublease of the ground lease from Verizon; and

WHEREAS, the Department of Law has reviewed and approved the proposed confirming amendment to the license agreement as to form, and the Business Administrator has recommended ratification of the amendment.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Township Council hereby confirms the amendment to the License Agreement recognizing the sublease of the ground lease at 14 Harbor Road, Block 171, Lot 71 by Verizon to American Tower; and

BE IT FURTHER RESOLVED, that the Mayor and Township Clerk are authorized to execute the documents, in a form legally acceptable to the Township Attorney, to effectuate the amendment to the license agreement.

- a. Verizon
- b. American Tower
- c. Business Administrator
- d. Chief Financial Officer
- e.

RESOLUTION # 2016-174

A RESOLUTION OF THE MARLBORO TOWNSHIP TOWN COUNCIL  
AUTHORIZING A DISCHARGE OF A MORTGAGE DATED MAY 12, 2004,  
WHICH WAS RECORDED AGAINST A RESIDENTIAL PROPERTY  
LOCATED AT 29 QUEBEC ROAD, MARLBORO, NEW JERSEY

WHEREAS, a residential unit commonly known as 29 Quebec Road, Marlboro, New Jersey, a/k/a Lot 19, Block 327 ("the Property"), is a residential unit which was deemed eligible by the Township of Marlboro to participate in its housing rehabilitation program which is governed by the provisions of New Jersey's Fair Housing Act (N.J.S.A. 52:27D-301 et seq.) and the substantive and procedural rules of the Council on Affordable Housing (N.J.A.C. 5:96-1 and 5:97-1 et seq.); and

WHEREAS, in or about May of 2004, the owners of the Property, to wit; Lee Sims, Jane Sims, and Christine Raza, made application to participate in Marlboro's rehabilitation program and as a consequence of participating in such a program, they executed a mortgage note and gave Marlboro Township a mortgage as it relates to rehabilitation work done to the Property ("the Mortgage"); and

WHEREAS, the Mortgage was subsequently recorded in the Monmouth County Clerk's Office on June 2, 2004, in Mortgage Book

OR-8367, at Page 9901 et seq.; and

WHEREAS, the terms of the mortgage note provided for certain conditions to be met and if they were met the foregoing loan to Lee Sims, Jane Sims, and Christine Raza, as owners of the Property, would be deemed forgivable; and

WHEREAS, proof has been given to the Township that the conditions for loan forgivability as set forth in the mortgage note have been met therefore, providing a basis upon which to discharge the Mortgage; and

WHEREAS, Lee Sims, Jane Sims, and Christine Raza, as owners of the Property, now desire to refinance the Property to obtain more favorable financing and as a condition of refinancing, the Mortgage must be discharged of record; and

WHEREAS, the Marlboro Township Council finds that there is good cause for the release and discharge of the foregoing Mortgage for the reasons sets forth herein and because of the impending refinance;

NOW THEREFORE BE IT RESOLVED that the Honorable Mayor Jonathan L. Hornik is hereby authorized to sign the attached discharge of Mortgage as aforesaid;

BE IT FURTHER RESOLVED that subsequent to Mayor Hornik's signature of said discharge of the Mortgage that it will be recorded in the Monmouth County Clerk's Office;

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

- a. Township Business Administrator, Jonathan Capp;
- b. Kenneth W. Biedzynski, Affordable Housing Special Counsel

RESOLUTION # 2016-175

A RESOLUTION AWARDING A CONTRACT TO MATT ZELEZNIK FOR THE LEASE OF FARMING RIGHTS ON THE PARCEL OF LAND OWNED BY THE TOWNSHIP OF MARLBORO KNOWN AS THE "DIMEO PROPERTY", LOCATED ON CONOVER ROAD AND DESIGNATED AS BLOCK 159, LOT 1 ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF MARLBORO, MONMOUTH COUNTY, NEW JERSEY

WHEREAS, the Township of Marlboro has authorized the acceptance of bids on two occasions for the lease of farming rights for a one (1) year period on a parcel of land owned by the Township known as the "DiMeo Property", which is located on Conover Road and designated as Block 159, Lot 1 on the Official Tax Map of the Township of Marlboro, Monmouth County, New Jersey (the "Property") and on both occasions received no bids; and

WHEREAS, N.J.S.A. 40A:11-5(3)(a) provides that a contract 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 no bids have been received on both occasions in response to the advertisement; and

WHEREAS, the Township Administration and the Director of Public Works desire that the Property should be farmed and recommend that the contract be awarded to Matt Zeleznik, 14 Vanderburg Rd, Marlboro, NJ 07746 conditioned upon the contractor providing the Township with evidence of insurance acceptable to the Township; and

WHEREAS, the Mayor and Township Council have indicated their desire to award a lease for farming rights on the Property to Matt Zeleznik through the Fall 2016 harvesting season ending on December 31, 2016 for a lease payment to the Township of \$1.00, conditioned upon the contractor providing the Township with evidence of insurance acceptable to the Township.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that farming rights on the property known as the "DiMeo Property" located on Conover Road and designated as Block 159, Lot 1 on the Official Tax Map of the Township of Marlboro, Monmouth County, New Jersey, be awarded to Matt Zeleznik, 14 Vanderburg Rd, Marlboro, NJ 07746 through the Fall 2016 harvesting season ending on December 31, 2016, for a lease payment to the Township of \$1.00, conditioned upon the contractor's provision of evidence of insurance acceptable to the Township; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute and the Township Clerk to witness a Contract with Matt Zeleznik for farming rights on the

property known as the "DiMeo Property" (as more specifically described hereinabove) through the Fall 2016 harvesting season ending on December 31, 2016, for a lease payment to the Township of \$1.00; and

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

- a. Matt Zeleznik
- b. Township Business Administrator
- c. Township Chief Financial Officer
- d. Township Director of Public Works

RESOLUTION # 2016-176

A RESOLUTION AWARDING A CONTRACT TO MATT ZELEZNIK FOR THE LEASE OF FARMING RIGHTS ON THE PARCEL OF LAND OWNED BY THE TOWNSHIP OF MARLBORO KNOWN AS THE "MCCARRON PROPERTY", LOCATED ON PLEASANT VALLEY ROAD AND DESIGNATED AS BLOCK 155, LOT 13.03 ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF MARLBORO, MONMOUTH COUNTY, NEW JERSEY

WHEREAS, the Township of Marlboro has authorized the acceptance of bids on two occasions for the lease of farming rights for a one (1) year period on a parcel of land owned by the Township known as the "McCarron Property", which is located on Pleasant Valley Road and designated as Block 155, Lot 13.03 on the Official Tax Map of the Township of Marlboro, Monmouth County, New Jersey (the "Property") and on both occasions received no bids; and

WHEREAS, N.J.S.A. 40A:11-5(3)(a) provides that a contract 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 no bids have been received on both occasions in response to the advertisement; and

WHEREAS, the Township Administration and the Director of Public Works desire that the Property should be farmed and recommend that the contract be awarded to Matt Zeleznik, 14 Vanderburg Rd, Marlboro, NJ 07746 conditioned upon the contractor providing the Township with evidence of insurance acceptable to the Township; and

WHEREAS, the Mayor and Township Council have indicated their desire to award a lease for farming rights on the Property to Matt Zeleznik through the Fall 2016 harvesting season ending on December 31, 2016 for a lease payment to the Township of \$1.00, conditioned upon the contractor providing the Township with evidence of insurance acceptable to the Township.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that farming rights on the property known as the "McCarron Property" located on Pleasant Valley Road and designated as Block 155, Lot 13.03 on the Official Tax Map of the Township of Marlboro, Monmouth County, New Jersey, be awarded to Matt Zeleznik, 14 Vanderburg Rd, Marlboro, NJ 07746 through the Fall 2016 harvesting season ending on December 31, 2016, for a lease payment to the Township of \$1.00, conditioned upon the contractor's provision of evidence of insurance acceptable to the Township; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute and the Township Clerk to witness a Contract with Matt Zeleznik for farming rights on the property known as the "McCarron Property" (as more specifically described hereinabove) through the Fall 2016 harvesting season ending on December 31, 2016, for a lease payment to the Township of \$1.00; and

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

- a. Matt Zeleznik
- b. Township Business Administrator
- c. Township Chief Financial Officer
- d. Township Director of Public Works

RESOLUTION # 2016-177

A RESOLUTION AUTHORIZING AN HONORARY STREET DESIGNATION IN HONOR OF CARLTON "BUD" BORDEN IN THE TOWNSHIP OF MARLBORO, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

WHEREAS, the Township of Marlboro desires to honor certain extraordinary community servants by assigning an honorary name

to streets within the Township, and marking the location with honorary signage; and

WHEREAS, Carlton "Bud" Borden is a lifelong resident of Marlboro and has given more than seven decades of honourable and dedicated service to the community as a member of Marlboro Volunteer Fire Department; and

WHEREAS, the Township wishes to recognize the countless hours of training, work details and firefighting that Bud has volunteered in the local fire service; and

WHEREAS, the Township is grateful for the sacrifices Bud and his family endured over those seven decades; and

WHEREAS, there exists a street currently known as Vanderburg Road within the Township; and

WHEREAS, the Office of Emergency Management of the Township and Division of Engineering have reviewed the request to assign Vanderburg Road the honorary name of "Bud Borden" Way, and has approved of the proposed verbiage "Honoring seven decades of service by Carlton "Bud" Borden" and signage to be 15" wide by 24" long and placed 100' east of State Highway 79 on Vanderburg Road and 100' west of the intersection of Boundary Road in Marlboro Township; and

WHEREAS, the Township has proposed that the street signage indicating the honorary designation contain the logo of the Marlboro Volunteer Fire Department.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that, it hereby authorizes that the street currently known as Vanderburg Road shall hereafter receive the honorary designation of Bud Borden Way, in honor of Carlton "Bud" Borden, a lifelong resident and dedicated volunteer firefighter; and

BE IT FURTHER RESOLVED, that street signs designating this street as Bud Borden Way shall be 15" wide by 24" long and placed 100' east of State Highway 79 on Vanderburg Road and 100' west of the intersection of Boundary Road in Marlboro Township, and produced with the Fire Department logo and the verbiage "Honoring seven decades of service by Carlton "Bud" Borden."

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

- a. Mayor Jonathan L. Hornik
- b. Carlton "Bud" Borden

RESOLUTION # 2016-178

RESOLUTION AUTHORIZING A CONTRACT FOR THE PURCHASE OF  
REPLACEMENT GROUNDS EQUIPMENT THROUGH BIDS OBTAINED BY THE  
MIDDLESEX REGIONAL EDUCATION SERVICES COMMISSION (MRESC)

WHEREAS, the Township of Marlboro as part of its 2016 capital program (120-13) authorized the acquisition of grounds equipment including a replacement front end loader for the Public Works Department; and

WHEREAS, the Township is authorized to purchase GROUNDS EQUIPMENT from bids obtained from a cooperative pricing system such as the MIDDLESEX REGIONAL EDUCATION SERVICES COMMISSION (MRESC) pursuant to the authority provided by N.J.S.A. 40A:11-11(6); and

WHEREAS, the MIDDLESEX REGIONAL EDUCATION SERVICES COMMISSION (MRESC) conducted a public bidding process and awarded a contract to Foley Inc., 855 Centennial Avenue, P.O. Box 1555, Piscataway, NJ 08855-1555, for the provision of GROUNDS EQUIPMENT; and

WHEREAS, the Public Works Department has indicated that Foley Inc. has agreed to extend the pricing provided through the MRESC to Marlboro Township; and

WHEREAS, at this time, the Public Works Department has recommended the award of contract for the purchase of replacement GROUNDS EQUIPMENT for a total amount not to exceed \$153,005.36; 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 replacement GROUNDS EQUIPMENT through the MRESC; and

WHEREAS, funds in the amount of \$153,005.36 have been certified by the Chief Financial Officer in Capital Account 04-215-16-02H-120297 for this purpose; and

WHEREAS, the Marlboro Township Council, having considered the same, desires to authorize the purchase of the replacement GROUNDS EQUIPMENT from Foley Inc., at pricing pursuant to the

bid obtained by the MRESC, for a total amount not to exceed \$153,005.36.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase replacement GROUNDS EQUIPMENT, at pricing pursuant to the bid obtained by the MRESC, for a total amount not to exceed \$153,005.36; and

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

- a. Foley Inc., Piscataway, NJ
- b. Township Administrator
- c. Township Public Works Department
- d. Township Chief Financial Officer

RESOLUTION # 2016-179

A RESOLUTION CONFIRMING AMENDMENT TO EMERGENCY CONTRACT WITH AURORA ENVIRONMENTAL INC. FOR TEMPORARY ABOVEGROUND FUEL TANK RENTAL ASSOCIATED WITH THE FAILURE OF THE ABOVEGROUND DIESEL STORAGE TANK LOCATED ON TOWNSHIP PROPERTY PURSUANT TO N.J.S.A. 40A:11-6 FOR THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, on October 16, 2014 the Director of Public Works reported to the Business Administrator that the aboveground diesel storage tank at the Township garage was failing; 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 Township promptly reported the resulting spill to the New Jersey Department of Environmental Protection (NJDEP), the Monmouth Joint Insurance Fund and the Environmental Joint Insurance Fund (EJIF), and the Business Administrator in consultation with the Director of Public Works and the Township Engineer determined that this constituted an emergency under the terms of N.J.S.A. 40A:11-6; and

WHEREAS, under State Contract #75554, Aurora Environmental, Inc. supplied proposals and was authorized to perform spill response, tank relocation and temporary tank installation and related services confirmed by the Municipal Council on January 29, 2015 (R.2015-066) totaling \$69,970.00; and

WHEREAS, during the tank remediation process the temporary aboveground tank rented from Aurora Environmental, Inc. was required for an additional three month period through April 2015 confirmed at a cost of \$8,400.00 (R.2015-177); and

WHEREAS, the Council confirmed the rental of the temporary tank for an additional nine month period through January 2016 (R.2015-388); and

WHEREAS, the project is still ongoing and the temporary above ground tank rental is required for an additional four months at a cost of \$2,800.00 per month totaling \$11,200.00; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the Township of Marlboro to confirm the amendment to the emergency contract awarded to Aurora Environmental Inc.; and

WHEREAS, funds have been certified by the Chief Financial Officer in the amount of \$11,200.00 in Reserve for Insurance account # 01-286-55-004 for this purpose.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that an amendment to the contract with Aurora Environmental Inc. whose address is 1102 Union Avenue, Union Beach, NJ 07735 in an amount not to exceed \$11,200.00 for TEMPORARY ABOVEGROUND FUEL TANK RENTAL PURSUANT TO N.J.S.A. 40A:11-6 FOR THE DEPARTMENT OF PUBLIC WORKS, be and is hereby confirmed; and

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

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

RESOLUTION # 2016-180

A RESOLUTION AUTHORIZING A SHARED SERVICES AGREEMENT WITH  
THE MARLBORO TOWNSHIP BOARD OF EDUCATION FOR BUS  
TRANSPORTATION SERVICES OF CHILDREN TO AND FROM THE TOWNSHIP  
OF MARLBORO'S 2016 SUMMER RECREATION CAMP PROGRAM

WHEREAS, the Marlboro Township Board of Education (the "Board") owns/leases a fleet of school buses used to transport children to and from schools that comprise the Marlboro Township School District (the "District"); and

WHEREAS, the Township of Marlboro (the "Township") intends to operate a Summer Camp Recreation Camp Program ("Summer Camp") for the Township's resident children, some of whom shall require transportation to and from home to the various camp sites (schools), as well as some of whom shall require transportation to and from the Township Recreation Center for the pre and after camp program to the various camp sites, as well as all campers who will require transportation to and from the various camp sites to the Aquatics Center, as well as all campers who will require transportation to and from the camp sites to other trip destinations inside and outside of the Township for Summer Camp activities (the "Transportation Services"); 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 enter into a Shared Services Agreement to provide Transportation Services for the Summer Camp for the period commencing on or about June 27, 2016 and terminating on August 12, 2016; and

WHEREAS, the costs of the Transportation Services for Summer Camp shall be paid by the Township to the Board as follows:

- (1) Transportation to and from the camper's home to the various camp sites at the rates specified below for an amount not to exceed \$39,000.00:
  - (a) \$325.00 for each six week Summer Camp participant
  - (b) \$275.00 for each five week Summer Camp participant

(c) \$200.00 for each three week Summer Camp participant

(2) For shuttle services comprising transportation of Summer Camp participants not to exceed \$45,000.00:

(a) to and from the Township Recreation Center for the pre and after camp program to the various camp sites

(b) to and from the various camp sites to the Aquatics Center

(3) Transportation to and from trip destinations as determined by the Township Recreation Department, \$275.00 per day, per bus plus the cost of tolls and parking fees: for an amount not to exceed \$72,600.00.

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, funds for the transportation services have been certified by the Chief Financial Officer from the Recreation Utility Account #09-201-55-400-288480; and

WHEREAS, the Mayor and Marlboro Township Council desire to enter into the proposed Shared Services Agreement with the Board pursuant to the above-described terms and conditions for a total contract amount not to exceed \$156,600.00.

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 Shared Services Agreement in a form substantially similar as that attached hereto for the provision of transportation services for the Marlboro Township Summer Camp Program for 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 Recreation Director
- c. Township Administrator
- d. Township Chief Financial Officer

RESOLUTION # 2016-181

RESOLUTION AUTHORIZING AWARD OF STATE CONTRACTS #83904 & #83927 TO GOLD TYPE BUSINESS MACHINES INC. FOR THE PURCHASE OF RADIO COMMUNICATION EQUIPMENT AND SERVICES FOR THE TOWNSHIP OF MARLBORO POLICE COMMUNICATIONS SYSTEM

WHEREAS, the Township of Marlboro as part of its 2014 capital program (212-2) and 2016 capital program (212-2.2) authorized the design, fabrication and installation of radio system equipment on the existing Township monopole at 1979 Township Drive ("project"); and

WHEREAS, the Marlboro Township Police Department has received two (2) quotations dated March 31, 2016 from Gold Type Business Machines Inc. ("GTBM Inc."), 350 Paterson Avenue, East Rutherford, New Jersey 07073 to provide the radio system equipment and services necessary to complete the project under State Contract #83904 and as an authorized dealer under State Contract #83927, for a combined total amount not to exceed \$61,569.00; and

WHEREAS, the Marlboro Township Police Department has recommended that the Township purchase the radio system equipment and services from Gold Type Business Machines Inc., 350 Paterson Avenue, East Rutherford, New Jersey 07073 under State Contract #83904 and as an authorized dealer under State Contract #83927 in an amount not to exceed \$61,569.00; and

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

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey for the Police Department to obtain the equipment and services for the project from GTBM Inc.; and

WHEREAS, the Chief of Police has received approval to utilize Law Enforcement Trust Funds to fund the project; and

WHEREAS, funds are available in Law Enforcement Trust Account #23-228-55-057 for an amount not to exceed \$61,569.00 and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Township Council desires to approve the purchase of said radio system equipment and services.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to provide the radio system equipment and services from Gold Type Business Machines Inc., 350 Paterson Avenue, East Rutherford, New Jersey 07073 under State Contract #83904 and as an authorized dealer under State Contract #83927 in an amount not to exceed \$61,569.00; and

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

- a. GTBM Inc.
- b. Business Administrator
- c. Township Chief of Police
- d. Township Chief Financial Officer

At 7:50 PM, Councilman Metzger moved that the meeting be adjourned. This was seconded by Council President Mazzola, and passed on a roll call vote of 3 - 0 in favor (Absent: Marder, Scalea).

MINUTES APPROVED: MAY 19, 2016

OFFERED BY: CANTOR

AYES: 3

SECONDED BY: METZGER

NAYS: 0

ABSTAIN: MARDER, SCALEA

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ALIDA MANCO,  
MUNICIPAL CLERK

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CAROL MAZZOLA,  
COUNCIL PRESIDENT