

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

May 19, 2016

The Marlboro Township Council held its regularly scheduled Meeting on May 19, 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, Council Vice President Marder  
Councilman Metzger, Councilman Scalea and Council  
President Mazzola.

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 Cantor moved that the minutes of May 5, 2016 be approved. This was seconded by Councilman Metzger, and passed on a roll call vote of 3 - 0 in favor with Council Vice President Marder and Councilman Scalea abstaining.

The following Resolution #2016-182 (Person to Person and Place to Place Transfer - AGPC to Marlboro BWW LLC - 167 Route 9 South) was introduced by reference, offered by Councilman Metzger seconded by Council Vice President Marder, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2016-182

A RESOLUTION OF THE TOWNSHIP OF MARLBORO AUTHORIZING A PERSON-TO-PERSON AND PLACE TO PLACE TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE NUMBER 1328-33-007-007 AGPC MANAGEMENT, LIMITED LIABILITY COMPANY TO MARLBORO BWW, LLC T/A BUFFALO WILD WINGS GRILL & BAR

WHEREAS, application was made to the Township of Marlboro ("Township") by Marlboro BWW, LLC t/a Buffalo Wild Wings Grill & Bar ("Applicant") for a person-to-person and place-to-place transfer of Plenary Retail Consumption License Number 1328-33-007-007 ("License") presently held by AGPC Management, Limited Liability Company which is to be sited at 167 Route 9 South, Marlboro, New Jersey 07746 (the "Premises"); and

WHEREAS, the Applicant has disclosed, and the appropriate Township officials have reviewed, the source of all funds used in connection with the purchase of said license, which information is contained in the report of the Police Department concerning this transfer application; and

1. The submitted application form is complete in all respects;
2. The applicant is qualified to be licensed according to all standards established by the New Jersey Alcoholic Beverage Control Act, the regulations promulgated thereunder, as well as any pertinent local ordinances or Division-approved conditions; and
3. The Applicant has disclosed and the Township has reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business; and

WHEREAS, the Township Council of the Township of Marlboro has reviewed the application and all supporting documentation and finds it appropriate to approve the transfer of the aforesaid plenary retail consumption license.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro that the application by Marlboro BWW, LLC t/a Buffalo Wild Wings Grill & Bar for a person to person

and place to place transfer of Plenary Retail Consumption License Number 1328-33-007-007 presently held by AGPC Management, Limited Liability Company be and is hereby approved.

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

- a. Marlboro BWW, LLC t/a Buffalo Wild Wings Grill & Bar, 239 US 22 East, Suite 308, Green Brook, New Jersey 08812
- b. AGPC Management, Limited Liability Company, c/o Attilio Guarino, 334 Green Valley Road, Staten Island, New York 10312
- c. Anthony J. Bianciella, Esq., 23 West 5<sup>th</sup> Street, Bayonne, New Jersey 07002
- d. Township Administrator
- e. Township Building Department
- f. Township Chief Financial Officer
- g. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2016-183 (Waiver of Distance Requirement - Marlboro BWW LL) was introduced by reference, offered by Councilman Metzger seconded by Council Vice President Marder, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2016-183

A RESOLUTION AUTHORIZING A PROXIMITY RESTRICTION  
WAIVER FOR MARLBORO BWW, LLC T/A BUFFALO  
WILD WINGS GRILL AND BAR

WHEREAS, a person to person and place to place transfer for plenary retail consumption license number 1328-33-007-008 was approved by the Township Council of the Township of Marlboro for Marlboro BWW, LLC t/a Buffalo Wild Wings Grill and Bar for the premises location at 167 Route 9 South; and

WHEREAS, section 82-2 of the Code of the Township of Marlboro provides that there shall not be any plenary retail license issued for any premises within 600 feet of any other plenary retail licensed premises, but the Township Council may in its reasonable discretion waive the above restrictions; and

WHEREAS, it has been determined that there is a plenary retail distribution license located within 600 feet of the Buffalo Wild Wings Plenary Retail Consumption License, and

WHEREAS, the Township Council of the Township of Marlboro has decided to waive the restriction on plenary retail licensed premises for the Buffalo Wild Wings application.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro that the restriction of plenary retail license as contained in section 82-2 of the code of the Township of Marlboro is hereby waived for Marlboro BWW, LLC t/a Buffalo Wild Wings Grill and Bar for the premises located at 167 Route 9 South and finds that such waiver will not adversely impact the surrounding area and the public health safety and welfare.

As the Consent Agenda, the following resolutions were introduced by reference, offered by Councilman Metzger, seconded by Councilman Scalea and passed on a roll call vote of 5 - 0 in favor: Res. #2016-184 (Award of Engineering Services Contract - Police Dispatch HVAC Design/Project Management), Res. #2016-185 (Authorizing Amendment to Engineering/Planning Services Contract in Conjunction with Declaratory Judgment in Preparation of Fair Share Housing Plan), Res. #2016-186 (Authorizing Amendment to Shared Services Agreement Marlboro BOE -Transportation - Inclusion of Police Youth Academy/Alliance Programs ), Res. #2016-187 (Authorizing Transfer and Acceptance of Surplus Military Equipment from US Dept. of Defense (DOD)1033 Program), Res. #2016-188 (Confirming Emergencies and Amending Disaster Recovery Services Contract - Restoration of Various Areas of Township Buildings through MRESC Bids), Res. #2016-189 (Rejection of Bids - Contractual Snow Plowing), Res. #2016-190 (Rejection of Bids - Dump Truck Rental), Res. #2016-191 (Authorizing Recycling Collection and Disposal Contract Providing for Monthly Basis Services), Res. #2016-192 (Authorizing Budget Amendment - Chapter 159 - Click It or Ticket Grant), Res. #2016-193 (Authorizing Budget Amendment - Chapter 159 - Clean Communities Grant) Res. #2016-194 (Authorizing Re-application for Sustainable NJ Certification), Res. #2016-195 (Confirming Details of General Obligation Bonds to NJDEP for 2016 Harbor Road Water Treatment Plant Project Funding) Res. #2016-196 (Authorizing Amendment to Shared Services Agreement - Manalapan - Swim Camp Programs) Res. #2016-197 (Award of State Contract - Ammunition for Qualifications and Range Training), Res. #2016-198 (Redemption of Tax Sale Certificates - Various).

RESOLUTION # 2016-184

RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES CONTRACT FOR  
ENGINEERING SERVICES IN CONNECTION WITH POLICE DEPARTMENT  
COMMUNICATIONS CALL CENTER RENOVATION, HVAC SYSTEM DESIGN  
AND PROJECT MANAGEMENT PURSUANT TO A FAIR AND OPEN PROCESS  
IN ACCORDANCE WITH N.J.S.A. 19:44A-20.5

WHEREAS, the Township of Marlboro's 2016 capital program included a project for the upgrade and reconfiguration of the Police Communication Center (212-2.1); and

WHEREAS, the Township of Marlboro is in need of professional engineering services in connection with Police Department Communications Call Center Renovation, HVAC System Design and Project Management ("Project"); and

WHEREAS, such services are to be performed and rendered by a person or persons licensed and authorized by law to practice such engineering services, and accordingly, such services constitute professional services exempt from public bidding pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-5(1)(a)(i); and

WHEREAS, the Township received a proposal dated November 19, 2015 from REMINGTON, VERNICK & VENA ENGINEERS (the "Business Entity") in response to a Request for Qualifications for the services of a Township Engineer issued by the Township which sets forth the terms and conditions under which such services are to be rendered by the Business Entity under a contract to be awarded pursuant to a fair and open process in accordance with the provisions of N.J.S.A 19:44A-20.5; and

WHEREAS, on May 5, 2016, REMINGTON, VERNICK & VENA ENGINEERS submitted a proposal (the "Proposal") in connection with Police Department Communications Call Center Renovation, HVAC System Design and Project Management consistent with the rates provided in the response to the Request for Qualifications; and

WHEREAS, it has been determined that the value of the contract will exceed \$17,500.00; and

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

WHEREAS, funds in the amount of \$26,575.00 have been certified by the Chief Financial Officer in account #23-228-55-057; and

WHEREAS, the Township has been provided with the Business Entity's Disclosure of Campaign Contributions at least ten (10) days prior hereto, as required by P.L. 2005, c.271.

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

1. The Township Council of the Township of Marlboro hereby authorizes and approves the award of a Professional Services Contract to REMINGTON, VERNICK & VENA ENGINEERS pursuant to a fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.5; and

2. The Professional Services Contract is awarded without competitive public bidding pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-5(1)(a)(i) in accordance with the proposals dated November 19, 2015 and May 5, 2016, a copy of which is attached hereto, in an amount not to exceed \$26,575.00; and

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

4. The Business Entity's Disclosure of Campaign Contributions and the Determination of Value shall be placed on file with this Resolution in accordance with P.L. 2005, c.271; and

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

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

a. Remington, Vernick & Vena Engineers

- b. Township Administrator
- c. Township Chief Financial Officer
- d. Township Engineer

RESOLUTION # 2016-185

RESOLUTION AMENDING A PROFESSIONAL SERVICES CONTRACT  
WITH CME ASSOCIATES AS TOWNSHIP PLANNER AND TOWNSHIP  
ENGINEER FOR AFFORDABLE HOUSING PLANNING AND  
ENGINEERING SERVICES PURSUANT TO A FAIR AND OPEN  
PROCESS IN ACCORDANCE WITH N.J.S.A. 19:44A-20.5

WHEREAS, on January 7, 2016, the Township authorized and approved the award of Professional Services Contracts appointing CME ASSOCIATES (the "Business Entity") as Township Planner and Township Engineer, pursuant to a fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.5 (R.2016-015 & R.2016-017); and

WHEREAS, in light of recent Court rulings, the Township of Marlboro is in need of the services of the Township Planner and Engineer for the review and assessment of sanitary sewer facilities as it relates to the Housing Element and Fair Share Plan; and

WHEREAS, the Township received a separate proposal dated May 11, 2016 from CME ASSOCIATES to provide the necessary planning and engineering services; and

WHEREAS, it has been determined that the value of the amended contract will exceed \$17,500.00; and

WHEREAS, the Chief Financial Officer has certified that funds in the amount of \$56,020.00 are available for this purpose from Affordable Housing Trust Fund Account # 15-228-55-054; and

WHEREAS, the Township has been provided with the Business Entity's Disclosure of Campaign Contributions at least ten (10) days prior hereto, as required by P.L. 2005, c.271.

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

1. The Township Council of the Township of Marlboro hereby authorizes and approves the amendment to the a Professional Services Contract with CME ASSOCIATES pursuant to a fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.5; and

2. The Professional Services Contract is awarded without competitive public bidding pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-5(1)(a)(i) and shall provide for compensation at the rates set forth in a proposal dated May 11, 2016, a copy of which is attached hereto, in an amount not to exceed \$56,020.00; and

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

4. The Business Entity's Disclosure of Campaign Contributions and the Determination of Value shall be placed on file with this Resolution in accordance with P.L. 2005, c.271; and

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

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

- a. CME Associates
- b. Township Administrator
- c. Township Engineer
- d. Township Chief Financial Officer

RESOLUTION # 2016-186

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

WHEREAS, on May 5, 2016 the Township of Marlboro ("Township") entered into a shared services agreement (R.2016-180) with the Marlboro Township Board of Education (the "Board") for transportation services; and

WHEREAS, the Township has requested and the Board has agreed to provide additional transports for the Township Youth Police Academy and Drug and Alcohol Alliance ("Alliance") programs; and

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

WHEREAS, the Township and the Board desire to amend the Shared Services Agreement to provide Transportation Services for Youth Police Academy and Alliance programs for the period commencing on January 1, 2016 and terminating on December 31, 2016; and

WHEREAS, the costs of the Transportation Services for the Youth Police Academy and Alliance programs shall be paid by the Township to the Board as per the attached proposals in an amount not to exceed \$1,363.50; and

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

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

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in Current Account Number 01-201-25-106-288619 and Grant Account Number 02-213-16-721-135100 in a total amount not to exceed \$1,363.50; and

WHEREAS, the Mayor and Marlboro Township Council desire to amend the proposed Shared Services Agreement with the Board pursuant to the above-described terms and conditions for a total contract amount not to exceed \$157.963.50.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Mayor and Township Clerk are hereby authorized and directed to execute and witness, respectively, the proposed

amendment to the Shared Services Agreement for the provision of transportation services for the Marlboro Youth Police Academy program in accordance with the term and conditions described hereinabove; and

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

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

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

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

RESOLUTION # 2016-187

AUTHORIZING THE TRANSFER AND ACCEPTANCE OF SURPLUS MILITARY EQUIPMENT FROM THE UNITED STATES DEPARTMENT OF DEFENSE (DOD) 1033 PROGRAM FOR THE MARLBORO DIVISION OF POLICE

WHEREAS, the 1033 Program (formerly the 1208 Program) permits the Secretary of Defense to transfer, without charge, excess U.S. Department of Defense (DOD) personal property (supplies and equipment) to state and local law enforcement agencies (LEAs); and

WHEREAS, the Municipal Council authorized the Township through the Division of Police (R 2014-217) to make application to the Department of Defense 1033 Program for military surplus equipment from the United States DOD; and

WHEREAS, the Division of Police made application and has received the transferred surplus equipment identified in Schedule A attached.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that the Township through the Division of Police is hereby authorized to accept the military surplus equipment identified in Schedule A from the Department of Defense 1033 Program.

RESOLUTION # 2016-188

RESOLUTION CONFIRMING EMERGENCIES AND AMENDING A CONTRACT FOR DISASTER RECOVERY SERVICES FOR THE RESTORATION OF VARIOUS AREAS OF TOWNSHIP BUILDINGS THROUGH BIDS OBTAINED BY THE MIDDLESEX REGIONAL EDUCATION SERVICES COMMISSION (MRESC)

WHEREAS, on February 25, 2016 the Municipal Council approved 2016-100 confirming emergencies and authorizing a contract to All Risk, Inc. under the Middlesex Regional Education Services Commission (MRESC) Contract 12/13-26 for the restoration of various areas of Township public buildings affected by water leaks, based upon the estimate of work established at that time; and

WHEREAS, on Wednesday, February 24, 2016, the Department of Public Works reported an additional leak in the area of the Assessor's Office which appeared to be coming from the outside building wall, ultimately requiring work over and above the approved scope of services (Emergency #1607); and

WHEREAS, on March 24, 2016, All Risk advised the Department of Public Works that additional restoration as well as environmental remediation services were required in the Recreation Center, over and above the approved scope of services (Emergency #1610); 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 conditions posed a serious threat to the public health, safety and welfare, constituting an emergency under the terms of N.J.S.A. 40A:11-6; and

WHEREAS, the Township was already under contract with All Risk, Inc., 501 Kennedy Boulevard, Somerdale, NJ 08083 to provide DISASTER RECOVERY SERVICES 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, pursuant to N.J.S.A. 40A:11-6, and under MRESC Contract 12/13-26, the Township authorized All Risk, Inc. to provide the additional DISASTER RECOVERY SERVICES on an emergency basis, at an amount not to exceed \$32,242.34; and WHEREAS, it has been recommended by the Departments of Administration and Public Works, and the Township Council has deemed it necessary and in the best interest of the Township of Marlboro to confirm the amendment to the contract awarded to All Risk, Inc. and authorize payment for the additional services; and

WHEREAS, funds have been certified by the Chief Financial Officer from the 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 the emergency contract award pursuant to N.J.S.A. 40A:11-6 be confirmed for emergency DISASTER RECOVERY SERVICES to All Risk, Inc., 501 Kennedy Boulevard, Somerdale, NJ 08083 and payment authorized for the additional services for an amount not to exceed \$32,242.34; and

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

- a. All Risk, Inc., Somerdale, NJ
- b. Township Administrator
- c. Township Public Works Department
- d. Township Chief Financial Officer

RESOLUTION # 2016-189

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

WHEREAS, on May 3, 2016, bids were opened for SNOW REMOVAL 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 sum of the bids submitted by the apparent lowest bidders 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 SNOW REMOVAL 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 # 2016-190

A RESOLUTION AUTHORIZING THE REJECTION OF BIDS  
FOR THE PROVISION OF DUMP TRUCK WITH SNOW  
REMOVAL EQUIPMENT RENTAL FOR THE TOWNSHIP OF  
MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, on May 3, 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 # 2016-191

A RESOLUTION AUTHORIZING CONTRACT ON A MONTHLY BASIS TO WASTE MANAGEMENT OF NEW JERSEY, INC. FOR THE PROVISION OF RECYCLING COLLECTION AND DISPOSAL SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (DPW)

WHEREAS, by Resolution #2011-095 the Township Council of the Township of Marlboro awarded a contract to WASTE MANAGEMENT OF NEW JERSEY, INC. for the PROVISION OF RECYCLING COLLECTION AND DISPOSAL SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (DPW) for the period March 1, 2011 through December 31, 2015; and

WHEREAS, pursuant to N.J.S.A. 40A:11-15, a contract may be extended by mutual agreement of the parties to the contract when a contracting unit has commenced rebidding prior to the time the contract expires; and

WHEREAS, the prices for most recycling commodities have steadily decreased over the past year; and

WHEREAS, due to the loss of revenue from recycling commodities and increased operating expenses the incumbent vendor was unwilling to extend the contract at the current pricing of \$21,488.74 per month; and

WHEREAS, the Township is obligated to provide recycling collection services; and

WHEREAS, on December 17, 2015 (R.2015-416) the Township awarded a contract to Waste Management of New Jersey, Inc. on a monthly basis for \$25,000.00 per month through March 31, 2016; and

WHEREAS, on February 9, 2016 the Township received sealed bids for RECYCLING COLLECTION AND DISPOSAL SERVICES; and

WHEREAS, pursuant to N.J.S.A. 40A:11-13.2(b) the Township Council rejected all bids on February 11, 2016 (R.2016-084) as the bid submitted by the apparent lowest bidder exceeded the Township's budgeted cost; and

WHEREAS, on February 25, 2016 (R.2016-097) the Township

awarded a contract to Waste Management of New Jersey, Inc. on a monthly basis for \$40,000.00 per month through June 30, 2016; and

WHEREAS, on April 19, 2016 the Township received sealed bids for RECYCLING COLLECTION AND DISPOSAL SERVICES; and

WHEREAS, pursuant to N.J.S.A. 40A:11-13.2(b) the Township Council rejected all bids on May 5, 2016 (R.2016-170) as the bid submitted by the apparent lowest bidder exceeded the Township's budgeted cost; and

WHEREAS, in anticipation of receiving bids for Recycling Collection and Disposal Services for a third time, the Township wishes to continue utilizing the incumbent vendor, Waste Management of New Jersey, Inc.; and

WHEREAS, Waste Management of New Jersey, Inc. will continue to provide the required recycling collection and disposal services at the rate of \$40,000.00 per month; and

WHEREAS, the Director of Public Works has recommended that the Township award a contract to WASTE MANAGEMENT OF NEW JERSEY, INC. on a monthly basis until such time as a new contract can be awarded; 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 on a monthly basis to WASTE MANAGEMENT OF NEW JERSEY, INC. whose address is 107 Silvia Street, Ewing, NJ 08628 commencing on July 1, 2016, in a total amount not to exceed \$80,000.00; and

BE IT FURTHER RESOLVED, that funds in an amount not to exceed \$80,000.00 have been certified by the Chief Financial Officer from Current Account #01-201-26-117-233112.

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

- a. Waste Management of New Jersey, Inc.
- b. Business Administrator

- c. Department of Public Works
- d. Chief Financial Officer

RESOLUTION # 2016-192

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

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro, in the County of Monmouth, New Jersey, hereby requests the Director of Local Government Services to approve the insertion of an revenue in the budget of the year 2016 in the sum of \$5,000.00, which has been awarded to the municipality for the "2016 Click It or Ticket" Grant.

BE IT FURTHER RESOLVED that the amount of \$5,000.00 be hereby appropriated under the caption "2016 Click It or Ticket" Grant.

RESOLUTION # 2016-193

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

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

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

Section 1

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro, in the County of Monmouth, New

Jersey, hereby requests the Director of Local Government Services to approve the insertion of an revenue in the budget of the year 2016 in the sum of \$106,238.66, which has been awarded to the municipality for the "2016 Clean Communities" Grant.

Section 2

BE IT FURTHER RESOLVED that the amount of \$106,238.66 be hereby appropriated under the caption "2016 Clean Communities" Grant.

RESOLUTION # 2016-194

SUPPORTING PARTICIPATION IN THE SUSTAINABLE  
JERSEY MUNICIPAL CERTIFICATION PROGRAM

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, the Township of Marlboro strives to save tax dollars, assure clean land, air and water, improve working and living environments as steps to building a sustainable community that will thrive well into the new century; and

WHEREAS, the Township of Marlboro hereby acknowledges that the residents of Township of Marlboro desire a stable, sustainable future for themselves and future generations; and

WHEREAS, Township of Marlboro wishes to support a model of government which benefits our residents now and far into the future by exploring and adopting sustainable, economically-sound, local government practices; and

WHEREAS, by endorsing a sustainable path Township of Marlboro is pledging to educate itself and community members further about sustainable activities and to develop initiatives supporting sustainable local government practices; and

WHEREAS, as elected representatives of Township of Marlboro, we have a significant responsibility to provide leadership which will seek community-based sustainable solutions to strengthen our community; and

WHEREAS, pursuant to R. 2009-119, the Township submitted

to the Sustainable New Jersey Municipal Certification process and received a Bronze level certification; and

WHEREAS, the Township has been notified that its certification will expire on December 31, 2016, and that the deadline for recertification is June 5, 2016; and

WHEREAS, since 2009, the Township has continued or expanded existing local initiatives and has pursued new sustainability programs which may be eligible for recognition by Sustainable New Jersey as part of the recertification process; and

WHEREAS, the Mayor and Township Council remain firmly in support of the Marlboro Green Team initially established in 2010 and the sustainability goals it works to achieve; and

WHEREAS, the Mayor and Township Council wishes make application to become recertified by Sustainable New Jersey.

NOW THEREFORE, BE IT RESOLVED, that to focus attention and effort within Township of Marlboro on matters of sustainability, the Township Council wishes to pursue local initiatives and actions that will lead to Sustainable Jersey Municipal recertification.

BE IT FURTHER RESOLVED, by the Township Council of Township of Marlboro that we do hereby authorize Mayor Jonathan L. Hornik to serve as Township of Marlboro's agent for the Sustainable Jersey Municipal recertification process and authorize the him to complete the Municipal Registration on behalf Township of Marlboro.

RESOLUTION # 2016-195

RESOLUTION CONFIRMING THE DETAILS OF THE SALE OF GENERAL OBLIGATION BONDS OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, TO THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST AND TO 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 project (the "Project"), as said Project shall be 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 to the Trust (the "Trust Loan Bond") and General Obligation Bonds to the State (the "Fund Loan Bond", and together with the Trust Loan Bond, the "Local Unit Bonds") 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, the Loan Agreements and the Escrow Agreement dated April 21, 2016 (the "Escrow Agreement") by and among the Trust, the State, the Local Unit and the escrow agent named therein;

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; and

WHEREAS, in accordance with the terms of the Escrow Agreement, the Trust has sold its bonds to fund the Trust Loan, thereby enabling the Local Unit to confirm the exact aggregate principal amount of and debt service schedule for the Local Unit Bonds.

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

Section 1. The sale of the Trust Loan Bond to the Trust and the Fund Loan Bond to the State is hereby confirmed. The Trust Loan Bond shall be released from escrow in accordance with the terms of the Escrow Agreement and thereby issued in accordance with the principal loan amount, interest rates and maturity schedule set forth in Schedule A attached hereto and made a part hereof. The Fund Loan Bond shall be released from escrow in accordance with the terms of the Escrow Agreement and thereby issued in accordance with the principal loan amount and maturity schedule set forth in Schedule B attached hereto and made a part hereof.

Section 3. This resolution shall take effect immediately.

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 T. Nolan, Esq., McCarter & English, LLP, bond counsel to the Trust.

RESOLUTION # 2016-196

A RESOLUTION AUTHORIZING AN AMENDMENT TO SHARED SERVICES AGREEMENT BETWEEN TOWNSHIP OF MARLBORO AND TOWNSHIP OF MANALAPAN FOR USE OF MARLBORO SWIM CLUB

WHEREAS, the Township of Marlboro ("Provider") and the Township of Manalapan ("Manalapan") initially entered into an agreement on June 17, 2008 for use of the Marlboro Swim Club; and

WHEREAS, on June 10, 2009 the Provider and Manalapan amended the agreement for Manalapan to use the Marlboro Swim Club during the summer recreation program; and

WHEREAS, the fees to be charged to Manalapan residents for use of the Marlboro Swim Club were set forth in "EXHIBIT A" of the agreement; and

WHEREAS, Marlboro and Manalapan have agreed to update the fees in the agreement for Manalapan to use the Marlboro Swim Club during the summer recreation program as specified in the proposed amendment.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the shared services agreement between Marlboro and Manalapan be amended as specified in the proposed amendment.

RESOLUTION # 2016-197

RESOLUTION AUTHORIZING AWARD OF STATE CONTRACT #81296  
TO EAGLE POINT GUN SHOP FOR THE PURCHASE OF AMMUNITION  
FOR THE TOWNSHIP OF MARLBORO POLICE DEPARTMENT

WHEREAS, the Township of Marlboro Police Department is in need of ammunition for qualifications and range training; and

WHEREAS, the Marlboro Police Department has recommended that the Township purchase the ammunition from Eagle Point Gun Shop, 1707 Third Street, Thorofare, New Jersey 08086 under State Contract #81296 in an amount not to exceed \$37,000.00; 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 ammunition from Eagle Point Gun Shop; and

WHEREAS, funds are available in Account 01-201-25-106-262644 for an amount not to exceed \$37,000.00 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 ammunition;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase the ammunition from Eagle Point Gun Shop, 1707 Third Street, Thorofare, New Jersey 08086 under State Contract #81296 in an amount not to exceed \$37,000.00; and

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

- a. Eagle Point Gun Shop
- b. Township Administration
- c. Township Police Department
- d. Township Chief Financial Officer

RESOLUTION # 2016-198

REDEMPTION OF TAX SALE CERTIFICATES  
VARIOUS PROPERTIES

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$ 247,223.31 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 \$ 247,223.31 be refunded to the certificate holders as per Schedule "A",

At 7:25 PM, Council Vice President Marder moved that the meeting be adjourned. This was seconded by Councilman Scalea, and passed on a roll call vote of 5 - 0 in favor.

MINUTES APPROVED: JUNE 22, 2016

OFFERED BY: MARDER

AYES: 3

SECONDED BY: MAZZOLA

NAYS: 0

ABSENT: METZGER, SCALEA

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ALIDA MANCO,  
MUNICIPAL CLERK

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CAROL MAZZOLA,  
COUNCIL PRESIDENT