

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

July 7, 2016

The Marlboro Township Council held its regularly scheduled Meeting on July 7, 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 regularly scheduled 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: Councilmembers Cantor, Metzger, Scalea and Council President Mazzola. Council Vice President Marder was absent.

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

Councilman Scalea moved that the minutes of June 22, 2016 be approved. This was seconded by Council President Mazzola, and passed on a roll call vote of 1 - 0 in favor, with Councilman Metzger and Councilman Scalea abstaining. (Absent: Cantor and Marder).

The following Resolution #2016-233/Ord #2016-9 (Amend Section 94-7 - Certified Animal Control Officer within Department of Public Safety) was introduced by reference, offered by Councilman Scalea and seconded by Councilman Metzger. Council President Mazzola opened the Public Hearing on Ord. #2016-9. 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 4 - 0 in favor (Absent: Marder).

RESOLUTION # 2016-233

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

ORDINANCE # 2016-9

AN ORDINANCE AMENDING SECTION 94-7 (A) OF THE CODE OF THE TOWNSHIP OF MARLBORO, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, CONCERNING A CERTIFIED ANIMAL CONTROL OFFICER WITHIN THE DEPARTMENT OF PUBLIC SAFETY WHO HAS COMPLETED THE TRAINING REQUIRED PURSUANT TO PARAGRAPH 4 OF SUBSECTION A OF SECTION 3 OF P.L.1983, c.525 (C.4:19-15.16a)

which was introduced on June 22, 2016, public hearing held on July 7th, be adopted on second and final reading this 7th day of July, 2016.

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

The following Resolution #2016-234/Ord. #2016-10 (Appropriating a \$125,485 Grant for Road Improvements at Greenbriar) was introduced by reference, offered by Councilman Scalea, seconded by Councilman Metzger. Council President Mazzola opened the Public Hearing on Ord. #2016-10. 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 4 - 0 in favor (Absent: Marder).

RESOLUTION # 2016-234

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

ORDINANCE # 2016-10

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO,
IN THE COUNTY OF MONMOUTH, NEW JERSEY,
APPROPRIATING A \$125,485 GRANT TO BE
RECEIVED BY THE TOWNSHIP FOR ROAD
IMPROVEMENTS AT GREENBRIAR IN AND FOR
THE TOWNSHIP OF MARLBORO, IN THE
COUNTY OF MONMOUTH, NEW JERSEY

which was introduced on June 22, 2016, public hearing held on July 7th, be adopted on second and final reading this 7th day of July, 2016.

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

ORDINANCE #2016-10

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING A \$125,485 GRANT TO BE RECEIVED BY THE TOWNSHIP FOR ROAD IMPROVEMENTS AT GREENBRIAR IN AND FOR THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than a majority of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The \$125,485 grant expected to be received by the Township from the Monmouth County Community Development Program is hereby appropriated for the purpose of providing funds for road improvements at Greenbriar, including all work and materials necessary therefor and incidental thereto.

Section 2. The capital budget or temporary capital budget, as applicable, of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or temporary capital budget, as applicable, and capital program as approved by the Director of the Division of Local Government Services is on file with the Township Clerk and is available there for public inspection.

Section 3. This ordinance shall take effect in accordance with law.

The following Resolution #2016-235 (Bond Release - Marlboro Corporate Center, B 179, L 1) was introduced by reference, offered by Councilman Metzger, seconded by Councilman Scalea, and passed on a roll call vote of 4 - 0 in favor (Absent: Marder).

RESOLUTION # 2016-235

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES FOR THE SITE KNOWN AS MARLBORO CORPORATE CENTER, BLOCK 179, LOT 1, 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 Seamus Gilson for release of the Township held Performance Guarantees in the form of a Letter of Credit for Clearing and Grading ("Public Improvements") on the Site known as "Marlboro Corporate Center" (the "Site"), property known as Block 179, Lot 1, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by Marlboro 18, 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 June 10, 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 Letter of Credit, Letter of Credit No. 7354 issued by Investors Bank in the original amount of \$94,003.50 (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 \$11,750.44; 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 Performance Guarantee in the form of a Letter of Credit, Letter of Credit No. 7354 issued by Investors Bank in the original amount of \$94,003.50 (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 \$11,750.44; and

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

- a. Marlboro 18, LLC
- b. Investors Bank
- 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 #2016-236 (Authorizing Acceptance of 2015 Municipal Audit) was introduced by reference, offered by Councilman Metzger, seconded by Councilman Scalea, and passed on a roll call vote of 4 - 0 in favor (Absent: Marder).

RESOLUTION # 2016-236

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the annual report of audit for the year 2015 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body, and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34, and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed as a minimum, the sections of the annual audit entitled "Comments and Recommendations", and

WHEREAS, the members of the governing body have personally reviewed at a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations", as evidenced by the group affidavit form of the governing body, and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five (45) days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the promulgations of the

Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

The following Resolution #2016-237 (Renewal of Liquor License - Marlboro BWW LLC - July 1, 2016 - June 30, 2017) was introduced by reference, offered by Councilman Metzger, seconded by Councilman Scalea, and passed on a roll call vote of 4 - 0 in favor (Absent: Marder).

RESOLUTION # 2016-237

BE IT RESOLVED by the Township Council of the Township of Marlboro that the following Liquor Licenses be and they are hereby renewed for the period beginning July 1, 2016 through June 30, 2017:

Marlboro BWW LLC

1328 33 007 006

BE IT FURTHER RESOLVED that pursuant to NJAC 13: 2-19.1, renewal of the aforementioned licenses shall not bar or abate any pending or anticipated disciplinary proceeding against any licensed establishment.

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 4 - 0 in favor (Absent: Marder): Res. #2016-238 (Authorizing Amendment to Shared Services Agreement for Professional Services to Prepare Fair Share Analysis), Res. #2016-239 (Rejection of Bids - Contract Snow Removal Services), Res. #2016-240 (Authorizing One Year Renewal - Equipment Rental and Operator Services), Res. #2016-241 (Award of Bid - 2016 Road, Drainage and Sidewalk Improvement Program), Res. #2016-242 (Award of Bid - Taylor Road Headwall), Res. #2016-243 (2016 Shop Marlboro Credit Refund),

Res. #2016-244 (Redemption Tax Sale Certs - Various), Res. #2016-245 (Authorizing Application to the Union County Co-Operative Pricing System), Res. #2016-246 (Authorizing Professional Land Surveying and Environmental Services - Marlboro Motor Lodge), Res. #2016-247 (Authorizing One Year Renewal - On Site Brush Grinding), Res. #2016-248 (Authorizing Award of Contract - Water Main Repair Lloyd Road), Res. #2016-249 (Award of Bid - Masonry Repairs, Repointing and Waterproofing), Res. #2016-250 (Award of Bid - Recycling Collection and Disposal Services).

RESOLUTION # 2016-238

RESOLUTION AUTHORIZING EXPENDITURE IN THE AMOUNT
OF \$2,000 FOR CONTINUED PARTICIATION IN MUNICIPAL
CONSORTIUM AND FUNDING OF ADDITIONAL EXPERT SERVICES
BY ECONSULT SOLUTIONS IN ACCORDANCE WITH THE
MUNICIPAL SHARED SERVICES DEFENSE AGREEMENT
TOWNSHIP OF MARLBORO, NEW JERSEY

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

WHEREAS, the MSSDA provides for a joint effort among municipalities ("the Municipal Consortium" or "MC") to prosecute common components of the Litigation including among other things to establish a fund to pay for joint litigation expenses and retain an expert to address municipal fair share obligations, prepare associated reports, provide deposition and trial testimony and otherwise provide litigation support services; and

WHEREAS, members of the MC made an initial contribution of \$2,000.00 to fund MC activities including the retention of Econsult Solutions as an expert; and

WHEREAS, it is necessary to replenish the fund to continue the work of the MC and Econsult Solutions and the MC request that its members contribute an additional \$2,000.00; and

WHEREAS, funds are available and have been certified as such by the Chief Financial Officer of the Township.

NOW, THEREFORE, BE IT RESOLVED, by the Township of Marlboro, County of Monmouth, State of New Jersey, that the amount of \$2,000.00 is hereby authorized to be expended by the Township to

continue its membership in the Municipal Consortium and fund additional expert services by Econsult Solutions in accordance with the terms of the MSSDA.

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

- a. Jeffrey R. Surenian, Esq.
- b. Township Administrator
- c. Chief Financial Officer
- d. DeCotiis, FitzPatrick & Cole, LLP

RESOLUTION # 2016-239

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

WHEREAS, the Township of Marlboro advertised for the receipt of bids for the provision of SNOW REMOVAL SERVICES in the Township of Marlboro; and

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

WHEREAS, five bids received on May 3, 2016 (R.2016-189) were rejected as the sum of the bids submitted by the apparent lowest bidders exceeded the Township's estimated cost; and

WHEREAS, bids were advertised for again and on June 15, 2016 the Township received four (4) bids; and

WHEREAS, the sum of the bids submitted by the apparent lowest bidders exceeds the Township's estimated cost; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that all bids 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 authorized to engage in negotiations for contracts for the provision of snow removal services for the Township of Marlboro.

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 # 2016-240

A RESOLUTION AUTHORIZING YEAR 2 OF CONTRACT TO LUCAS CONSTRUCTION GROUP, INC. FOR THE PROVISION OF EQUIPMENT RENTAL AND OPERATOR SERVICE FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (DPW)

WHEREAS, on July 16, 2015 (R.2015-248) the Township Council of the Township of Marlboro awarded a contract to LUCAS CONSTRUCTION GROUP, INC. for THE PROVISION OF EQUIPMENT RENTAL AND OPERATOR SERVICE FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (DPW); and

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

WHEREAS, 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.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract be awarded to LUCAS CONSTRUCTION GROUP, INC. whose address is 173 Amboy Road, Morganville, NJ 07751 for a period of one year commencing on August 1, 2016 and expiring on July 31, 2017, in a total amount not to exceed \$167,050.00; 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, funds for the 2016 portion in the amount of \$102,610.00 have been certified by the Chief Financial Officer in Current Accounts #01-201-26-117-215103 and #01-201-26-117-215104, Grant Accounts #02-213-14-701-117000 and #02-213-15-701-117000, and Trust Accounts #14-228-55-053 and #21-228-55-059 for this purpose; and

BE IT FURTHER RESOLVED, funds for the 2017 portion of the contract will be certified by the Chief Financial Officer upon the adoption of the 2017 Municipal Budget; 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. Department of Public Works
- d. Chief Financial Officer

RESOLUTION # 2016-241

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT
TO JADS CONSTRUCTION CO. FOR THE 2016 DRAINAGE
AND ROAD IMPROVEMENT PROGRAM

WHEREAS, the Township of Marlboro as part of its 2016 capital program (060-1) authorized various road and drainage improvements; and

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the 2016 DRAINAGE AND ROAD IMPROVEMENT PROGRAM, and on June 22, 2016, received eight (8) bids, as follows:

	Base Bid	Addition Item 'A' (+)	Addition Item 'B' (+)	Addition Item 'C' (+)	Addition Item 'D' (+)
Jads Construction South River, NJ	1,273,500.00	188,196.70	58,149.50	58,067.50	84,703.50
S Brothers Inc. South River, NJ	1,350,799.00	178,920.75	57,184.01	70,360.00	100,960.00
Lucas Brothers Morganville, NJ	1,358,685.00	206,854.20	46,130.25	80,862.50	111,580.00*
Black Rock Enterprises, LLC Old Bridge, NJ	1,365,235.00	243,257.00	72,012.50	84,245.00	100,981.00
Meco Inc. Clarksburg, NJ	1,400,405.00	197,288.00	52,064.75	47,848.00	75,661.14

Lucas Construction Group, Inc. Red Bank, NJ	1,437,437.00	183,795.75	51,703.75	49,270.00	72,587.50
Earle Asphalt Company Farmingdale, NJ	1,499,913.13	223,800.00	58,000.00	51,600.00	83,100.00
Z Brothers Contractors Sayreville, NJ	1,703,711.00	261,532.75	91,683.50	79,050.00	138,218.00

*Figure adjusted for error in calculation.

; and

WHEREAS, the bid was comprised of a base bid, Addition Item A, Addition Item B, Addition Item C, and Addition Item D; and

WHEREAS, based upon the available budget and the amount of funding available, the Township is in the position to award the base bid only; and

WHEREAS, it has been determined that the submission of the lowest bidder for the base bid, JADS CONSTRUCTION CO. is responsive as detailed in a June 30, 2016 letter submitted by the Township Engineer; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation of the Township Engineer 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 JADS CONSTRUCTION CO., whose address is PO Box 513, South River, NJ 08882 in an amount not to exceed \$1,273,500.00 for the 2016 DRAINAGE AND ROAD IMPROVEMENT PROGRAM; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, a contract with JADS CONSTRUCTION CO. in an amount not to exceed \$1,273,500.00; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that sufficient funds in the amount of \$1,273,500.00 are available for the aforesaid contract in Capital Accounts #04-215-13-08B-120288, #04-215-14-03B-060288, #04-215-15-02D-060288, #04-215-16-02B-060288 and #04-228-55-004; and

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

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

RESOLUTION # 2016-242

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT TO P.M.
CONSTRUCTION CORP. FOR TAYLOR ROAD HEADWALL REPLACEMENT

WHEREAS, the Township of Marlboro suffered damage to the storm drainage infrastructure located in the vicinity of 4 Taylor Road in the wake of Superstorm Sandy; and

WHEREAS, the Township applied to FEMA to fund the necessary improvements and received a notice of award on April 3, 2014; and

WHEREAS, FEMA has committed to funding 90% of the estimated construction cost ("in-kind" replacement option) of \$342,061.10, or \$307,854.99; and

WHEREAS, on May 15, 2014, the Township appropriated a sum of \$470,000.00 for the aforementioned work from the Township Capital Surplus account; and

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for TAYLOR ROAD HEADWALL REPLACEMENT, and on June 22, 2016, received nine (9) bids, as follows:

		Bid Price
P.M. Construction Corp.	Hillside, NJ 07205	\$314,030.00
Vision Construction Group Inc.	Edison, NJ 08837	\$350,374.00
JTG Construction Inc.	Newark, NJ 07105	\$368,374.00
Lucas Construction Group, Inc.	Red Bank, NJ 07701	\$393,393.00
Montana Construction Corp. Inc.	Lodi, NJ 07644	\$471,111.00
Lucas Brothers, Inc.	Morganville, NJ 07751	\$482,982.20
Black Rock Enterprises	Old Bridge, NJ 08857	\$489,070.00
Underground Utilities Corp.	Linden, NJ 07036	\$498,950.00
Earle Asphalt Co.	Farmingdale, NJ 07727	\$657,113.13

; and

WHEREAS, it has been determined that the submission of the lowest bidder, P.M. CONSTRUCTION CORP. is responsive as detailed

in a June 30, 2016 memo submitted by the Township Engineer; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation of the Township Engineer 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 P.M. CONSTRUCTION CORP., whose address is 1310 Central Avenue, Hillside, NJ 07205 in an amount not to exceed \$314,030.00 for TAYLOR ROAD HEADWALL REPLACEMENT; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, a contract with P.M. CONSTRUCTION CORP. in an amount not to exceed \$314,030.00; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that sufficient funds in the amount of \$314,030.00 are available for the aforesaid contract in Capital Account #04-215-14-13A-060288; and

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

- a. P.M. Construction Corp.
- b. Township Administrator
- c. Director of Public Works
- d. Township Engineer
- e. Chief Financial Officer

RESOLUTION # 2016-243

WHEREAS, the Township of Marlboro received wire payments totaling \$45,306.73 from FinCredit Inc. to be applied to eligible property tax accounts in accordance with the Shop Marlboro Program,

WHEREAS, the sum of property tax credits applied was \$45,036.69 leaving an overage of \$270.04 which cannot be applied,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund the above-mentioned overpaid amount to FinCredit Inc.

RESOLUTION # 2016-244

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$ 132,311.49 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 \$ 132,311.49 be refunded to the certificate holders as per Schedule "A",

SCHEDULE "A"

<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>LIENHOLDER</u>	<u>AMOUNT</u>
2015-062	214.05/11	TTLBL, LLC 4747 Executive Drive Suite 510 San Diego, CA 92121 Assessed Owner: Zamarin, Michael	7,717.44
2014-068	245/1	Christiana Trust as Cust. Gsrn-z, LLC 2020 Howell Mill Road C-513 Atlanta, GA 30318 Assessed Owner: Pola First Irr Living Trust	124,594.05
Total:			132,311.49

RESOLUTION # 2016-245

A RESOLUTION AUTHORIZING MARLBORO TOWNSHIP
TO ENTER INTO A COOPERATIVE PRICING AGREEMENT

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the County of Union, hereinafter referred to as the "Lead Agency", has offered voluntary participation in a renewal of its Cooperative Pricing System for the purchase of good and services; and

WHEREAS, the Township of Marlboro, County of Monmouth, desires to participate in the Union County Cooperative Pricing Agreement.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED that the Township Council authorizes the Township of Marlboro, County of Monmouth, to participate in the Union County Cooperative Pricing Agreement and hereby authorizes the Mayor and Municipal Clerk to sign, seal, and execute a Cooperative Pricing Agreement with the County of Union upon its approval by the Division of Local Government Services.

BE IT FURTHER RESOLVED that the County of Union as lead agency is expected to comply with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and all other provisions of the revised statutes of the State of New Jersey; and

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon passage; and

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

- a. Union County Cooperative Pricing System
- b. Township Business Administrator

RESOLUTION # 2016-246

A RESOLUTION AUTHORIZING AN AMENDMENT TO A PROFESSIONAL SERVICES CONTRACT BETWEEN CME ASSOCIATES AND THE TOWNSHIP OF MARLBORO FOR PROFESSIONAL LAND SURVEYING AND ENVIRONMENTAL SERVICES IN CONNECTION WITH BLOCK 270, LOT 14 (MARLBORO MOTOR LODGE)

WHEREAS, the Marlboro Motor Lodge Property, located at 137 Route 9 and identified as Block 270, Lot 14 on the official tax map of the Township of Marlboro (the "Marlboro Motor Lodge Property") was included as part of the Township's Housing Element and Fair Share Plan dated July 1, 2010; and

WHEREAS, the Housing Element and Fair Share Plan, proposes that the Marlboro Motor Lodge Property be developed with 100% affordable housing; and

WHEREAS, on August 24, 2010, the Township Council of the Township of Marlboro (O.2010-18) authorized the Mayor to enter into contract negotiations for the acquisition of the property known as Block 270, Lot 14 on the Official Tax Map of the

Township of Marlboro, Monmouth County, New Jersey, commonly known as 137 Route 9 South, Marlboro, New Jersey from Marlboro Motor Lodge, Inc.; and

WHEREAS, by Motion dated November 1, 2010, the Township of Marlboro sought approval to permit the expenditure of funds from its Affordable Housing Trust fund to acquire the Marlboro Motor Lodge Property; and

WHEREAS, by notice dated September 14, 2011 the Commissioner of the Department of Community Affairs notified the Township of Marlboro that the Township's request to expend Affordable Housing Trust Funds for the acquisition of the Marlboro Motor Lodge Property had been approved; and

WHEREAS, the Township has been engaged in negotiations with the property owner for acquisition of this parcel ("Project"); and

WHEREAS, on June 22, 2016 (R.2016-207) as part of the Township's due diligence in anticipation of acquiring the property, the Township amended the professional services contract with CME to provide environmental engineering services in order to complete a Preliminary Assessment and Site Inspection (PASI); and

WHEREAS, the Township must perform additional due diligence requiring professional land surveying and environmental services; and

WHEREAS, CME Associates has provided a proposal dated June 30, 2016 (the "Proposal") for such Professional Services in connection with the Project; and

WHEREAS, the Township of Marlboro and CME Associates have entered into a Professional Services Contract, awarded under a fair and open process, and seeks to amend such Contract to expand the scope of services to include the Professional Services (as defined hereinabove) for the Project at a fee not to exceed \$31,000.00 for such Professional Services, as further described and set forth in CME's Proposal, attached hereto and made a part hereof; and

WHEREAS, the Township desires to conduct the necessary due diligence in anticipation of acquiring the Marlboro Motor Lodge property; and

WHEREAS, the value of the Professional Services Contract will exceed \$17,500.00 in the aggregate; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose from Capital Account # 04-215-12-11A-309291; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the Township of Marlboro to amend its contract with CME Associates to provide the required additional Professional Services for the Project in accordance with the Proposal; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality; and

WHEREAS, CME has previously completed and submitted a Business Entity Disclosure of Campaign Contributions and the Determination of Value in accordance with P.L. 2005, c.271.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a Professional Services Contract between CME Associates and the Township of Marlboro, to expand the scope of services to include PROFESSIONAL LAND SURVEYING AND ENVIRONMENTAL SERVICES IN CONNECTION WITH BLOCK 270, LOT 14 (MARLBORO MOTOR LODGE) ("Professional Services"), at a fee not to exceed \$31,000.00 for such Professional Services, as further described and set forth in CME's Proposal dated June 30, 2016, be and is hereby authorized; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Clerk to witness, in a form legally acceptable to the Township Attorney, the Professional Services Contract described herein; and

BE IT FURTHER RESOLVED, that this Professional Services Contract is awarded without competitive bidding pursuant to N.J.S.A. 40A:11-5(1)(a)(i) and shall provide for compensation in an amount not to exceed \$31,000.00 for such additional Professional Services for the Project as described in the Proposal; and

BE IT FURTHER RESOLVED, that the Business Entity Disclosure Certification has previously been filed; and

BE IT FURTHER RESOLVED, that a copy of the Professional Services Contract and this Resolution shall be available for public inspection in the office of the Municipal Clerk; and

BE IT FURTHER RESOLVED, notice of award of the Professional Services Contract shall be published pursuant to law, and a certified copy of this Resolution shall be provided to each of the following:

- a. CME Associates, 1460 Route 9 South, Howell, NJ 07731
- b. Township Administrator
- c. Township Attorney
- d. Township Chief Financial Officer

RESOLUTION # 2016-247

A RESOLUTION AUTHORIZING YEAR 2 OF CONTRACT TO D & J MAZZA DEMOLITION, INC. FOR THE PROVISION OF ON-SITE BRUSH GRINDING SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, on May 21, 2015 (R.2015-213) the Township Council of the Township of Marlboro awarded a contract to D & J MAZZA DEMOLITION, INC. for the PROVISION OF ON-SITE BRUSH GRINDING SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS; and

WHEREAS, the bid specifications included the option to renew said contract for an additional one (1) two-year period or two (2) one-year periods based on the same terms and conditions as specified in the bid proposal; and

WHEREAS, the Department 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.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract be awarded to D & J MAZZA DEMOLITION, INC. whose address is 1001 Darlene Avenue, Ocean, New Jersey 07712 for a period of one year, in an amount not to exceed \$179,400.00; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, a contract with D & J MAZZA DEMOLITION, 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 funds in the amount of \$54,418.00 representing the Department's estimated 2016 requirement have been certified by the Chief Financial Officer from account number #01-201-26-117-288103; and

WHEREAS, funds for the remaining portion will be certified by the Chief Financial Officer at the time services are ordered; and

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

- a. D & J Mazza Demolition, Inc.
- b. Township Business Administrator
- c. Department of Public Works

RESOLUTION # 2016-248

A RESOLUTION AUTHORIZING AN AMENDMENT TO A PROFESSIONAL SERVICES CONTRACT BETWEEN CME ASSOCIATES AND THE TOWNSHIP OF MARLBORO FOR ENGINEERING SERVICES IN CONNECTION WITH WATER MAIN REPLACEMENT ON LLOYD ROAD

WHEREAS, on Tuesday, June 14, 2016, the Department of Public Works reported a water main break at the Lloyd Road Bridge disrupting water service and the passage of traffic; and

WHEREAS, the damaged main is located within a stream corridor and crosses below a Monmouth County culvert; and

WHEREAS, in order to restore water service and traffic flow, a contract was awarded on an emergency basis (EM #1618) utilizing the existing vendors already contracted for to perform interim repairs in order to address matters of public health, safety and welfare; and

WHEREAS, in order to make the necessary permanent repairs, the Department of Public Works is in need of engineering services, specifically the preparation of plans and specifications for reconstruction of the main ("Project"); and

WHEREAS, CME Associates has provided a proposal dated July 1, 2016 (the "Proposal") for such Professional Services in connection with the Project; and

WHEREAS, the Township of Marlboro and CME Associates have entered into a Professional Services Contract, awarded under a fair and open process, and seeks to amend such Contract to expand the scope of services to include the Professional Services (as defined hereinabove) for the Project at a fee not to exceed \$23,878.00 for such Professional Services, as further described and set forth in CME's Proposal, attached hereto and made a part hereof; and

WHEREAS, the value of the Professional Services Contract will exceed \$17,500.00 in the aggregate; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose from Capital Account # 06-215-16-03B-500288; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the Township of Marlboro to amend its contract with CME Associates to provide the required additional Professional Services for the Project in accordance with the Proposal; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality; and

WHEREAS, CME has previously completed and submitted a Business Entity Disclosure of Campaign Contributions and the Determination of Value in accordance with P.L. 2005, c.271.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a Professional Services Contract between CME Associates and the Township of Marlboro, to expand the scope of services to include ENGINEERING SERVICES IN CONNECTION WITH WATER MAIN REPLACEMENT ON LLOYD ROAD ("Professional Services"), at a fee not to exceed \$23,878.00 for such Professional Services, as further described and set forth in CME's Proposal dated July 1, 2016, be and is hereby authorized; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Clerk to witness, in a form legally acceptable to the Township Attorney, the Professional Services Contract described herein; and

BE IT FURTHER RESOLVED, that this Professional Services Contract is awarded without competitive bidding pursuant to N.J.S.A. 40A:11-5(1)(a)(i) and shall provide for compensation in an amount not to exceed \$23,878.00 for such additional Professional Services for the Project as described in the Proposal; and

BE IT FURTHER RESOLVED, that the Business Entity Disclosure Certification has previously been filed; and

BE IT FURTHER RESOLVED, that a copy of the Professional Services Contract and this Resolution shall be available for public inspection in the office of the Municipal Clerk; and

BE IT FURTHER RESOLVED, notice of award of the Professional Services Contract shall be published pursuant to law, and a certified copy of this Resolution shall be provided to each of the following:

- a. CME Associates, 1460 Route 9 South, Howell, NJ 07731
- b. Township Administrator
- c. Township Attorney
- d. Township Chief Financial Officer

RESOLUTION # 2016-250

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT TO CENTRAL JERSEY WASTE & RECYCLING, INC. FOR THE PROVISION OF RECYCLING COLLECTION AND DISPOSAL SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (DPW)

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

WHEREAS, on May 5, 2016 (R.2016-170) the Township Council rejected all bids as the bid submitted by the apparent lowest bidder exceeded the Township's budgeted cost; and

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for a third time for RECYCLING COLLECTION AND DISPOSAL SERVICES, and on July 6, 2016, received three (3) bids, as follows:

Bidder		Year 1 Single Stream Bid Price	Year 1 Dual Stream Bid Price
Central Jersey Waste & Recycling, Inc.	Ewing, NJ	\$440,988.00	\$570,450.00
Waste Management of NJ, Inc.	Ewing, NJ	\$474,000.00	\$680,400.00
Suburban Disposal	Fairfield, NJ	No Bid	No Bid

; and

WHEREAS, it has been determined that the submission of the lowest bidder, CENTRAL JERSEY WASTE & RECYCLING, INC. is responsive as detailed in a July 6, 2016 memo submitted by the Director of Public Works; and

WHEREAS, the Director of Public Works has recommended that the Township award a contract to CENTRAL JERSEY WASTE & RECYCLING, INC., for a term of one year beginning on August 1, 2016 in an amount not to exceed \$440,988.00; 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 CENTRAL JERSEY WASTE & RECYCLING, INC., whose address is 432 Stokes Avenue, Ewing, New Jersey 08638 in an amount not to exceed \$440,988.00 for RECYCLING COLLECTION AND DISPOSAL

SERVICES; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, a contract with CENTRAL JERSEY WASTE & RECYCLING, INC. in an amount not to exceed \$440,988.00; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that sufficient funds in the amount of \$183,745.00 are available for the aforesaid contract in Current Account #01-201-26-117-233112; and

BE IT FURTHER RESOLVED that funds for the 2017 portion of the contract will be certified by the Chief Financial Officer upon adoption of the 2017 Municipal Budget; and

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

- a. Central Jersey Waste & Recycling, Inc.
- b. Township Administrator
- c. Director of Public Works
- d. Chief Financial Officer

At 7:35 PM, Councilman Metzger moved that the meeting be adjourned. This was seconded by Councilman Cantor, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Marder).

MINUTES APPROVED: AUGUST 11, 2016

OFFERED BY: METZGER AYES: 3

SECONDED BY: MAZZOLA NAYS: 0

ABSENT: SCALEA

ABSTAIN: MARDER

SUZANNE BRANAGAN
DEPUTY MUNICIPAL CLERK

CAROL MAZZOLA
COUNCIL PRESIDENT