

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

October 20, 2016

The Marlboro Township Council held its regularly scheduled Meeting on October 20, 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: 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 and Deputy Municipal Clerk Suzanne Branagan.

Council Vice President Marder moved that the minutes of October 6, 2016 be approved. This was seconded by Councilman Scalea, and passed on a roll call vote of 3 - 0 in favor, with Councilman Cantor and Metzger abstaining.

The following Resolution #2016-309/Ord #2016-11 (Authorizing Acquisition of Property - B 206, L 25 and B 225, L 191) was introduced by reference, offered by Council Vice President Marder and seconded by Councilman Scalea. Council President Mazzola opened the Public Hearing on Ord. #2016-11. After the Public Hearing was held and closed, the resolution/ordinance was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2016-309

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

ORDINANCE # 2016-11

AN ORDINANCE AUTHORIZING THE PURCHASE OF REAL PROPERTY KNOWN AND DESIGNATED AS BLOCK 206, LOT 25 (State Highway 79, frontage on westerly side of State Highway 520) AND BLOCK 225, LOT 191 (easterly side of State Highway 520) ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF MARLBORO, MONMOUTH COUNTY, NEW JERSEY, FOR THE PURPOSES OF FARMLAND AND OPEN SPACE PRESERVATION AND RECREATION

which was introduced on October 6, 2016, public hearing held on October 20, 2016, be adopted on second and final reading this 20th day of October, 2016.

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

The following Resolution #2016-310/Ord #2016-12 (Bond Ordinance Providing for Preservation of Open Space Appropriating \$8,500,000 and Authorizing Issuance of \$8,075,000 Bonds or Notes to Finance Part of Cost) was introduced by reference, offered by Council Vice President Marder and seconded by Councilman Scalea. Council President Mazzola opened the Public Hearing on Ordinance #2016-12. After the Public Hearing was held and closed, the resolution/ordinance was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2016-310

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

ORDINANCE # 2016-12

A BOND ORDINANCE PROVIDING FOR THE PRESERVATION OF OPEN SPACE IN AND BY THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$8,500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$8,075,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

which was introduced on October 6, 2016, public hearing held on October 20, 2016, be adopted on second and final reading this 20th day of October, 2016.

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

ORDINANCE # 2016-12

A BOND ORDINANCE PROVIDING FOR THE PRESERVATION OF OPEN SPACE IN AND BY THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$8,500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$8,075,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

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

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Township of Marlboro, in the County of Monmouth, New Jersey (the "Township") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$8,500,000, including the sum of \$425,000 as the down payment required by the Local Bond Law. The down payment is now available from the Open Space, Recreation, Farmland and Historic Preservation Trust Fund.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$8,075,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the acquisition of open space parcels included in the Township's Open Space and Recreation Plan, which plan is currently in existence or as it may hereafter be amended and is on file in the Township Clerk's office, including all related costs and expenditures incidental thereto. The improvement authorized and the purpose for which the obligations are to be issued is intended to comply with the limitations contained in Ordinance No. 2000-22, adopted by the Township Council on October 12, 2000, as amended, and approved by the voters of the Township.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Township may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the

reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 40 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$8,075,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$850,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Township hereby declares the intent of the Township to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable

for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

The following Resolution #2016-311/Ord #2016-13 (Appropriating \$1,650,000 Consisting of \$825,000 NJDEP Green Acres Grant and \$825,000 from Open Space, Recreation, Farmland and Historic Preservation Trust Fund) was introduced by reference, offered by Councilman Scalea and seconded by Council Vice President Marder. Council President Mazzola opened the Public Hearing on Ord. #2016-13. As there was no one who wished to speak, the Public Hearing was closed and the resolution/ordinance was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2016-311

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

ORDINANCE # 2016-13

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$1,650,000, CONSISTING OF AN \$825,000 NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION GREEN ACRES GRANT AND \$825,000 FROM THE OPEN SPACE, RECREATION, FARMLAND AND HISTORIC PRESERVATION TRUST FUND, FOR THE PRESERVATION OF OPEN SPACE IN AND BY THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY.

which was introduced on October 6, 2016, public hearing held on October 20, 2016, be adopted on second and final reading this 20th day of October, 2016.

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

ORDINANCE # 2016-13

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$1,650,000, CONSISTING OF AN \$825,000 NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION GREEN ACRES GRANT AND \$825,000 FROM THE OPEN SPACE, RECREATION, FARMLAND AND HISTORIC PRESERVATION TRUST FUND, FOR THE PRESERVATION OF OPEN SPACE IN AND BY 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 AS FOLLOWS:

Section 1. \$1,650,000 is hereby appropriated for the acquisition of open space parcels included in the Township's Open Space and Recreation Plan in and by the Township of Marlboro, in the County of Monmouth, New Jersey (the "Township"), consisting of an \$825,000 New Jersey Department of Environmental Protection Green Acres Grant and \$825,000 from the Open Space, Recreation, Farmland and Historic Preservation Trust Fund.

Section 2. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 3. This ordinance shall take effect after final adoption and publication and otherwise as provided by law.

The following Resolution #2016-312/Ord #2016-14 (Appropriating \$1,514,485 from Municipal Planning Incentive Grants from State Agricultural Development Committee) was introduced by reference, offered by Council Vice President Marder and seconded by Councilman Scalea. Council President Mazzola opened the Public Hearing on Ord. #2016-14. After the Public Hearing was held and closed, the resolution/ordinance was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2016-312

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

ORDINANCE # 2016-14

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$1,514,485 FROM MUNICIPAL PLANNING INCENTIVE GRANTS FROM THE STATE AGRICULTURAL DEVELOPMENT COMMITTEE FOR THE PRESERVATION OF OPEN SPACE IN AND BY THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY.

which was introduced on October 6, 2016, public hearing held on October 20, 2016, be adopted on second and final reading this 20th day of October, 2016.

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

ORDINANCE # 2016-14

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$1,514,485 FROM MUNICIPAL PLANNING INCENTIVE GRANTS FROM THE STATE AGRICULTURAL DEVELOPMENT COMMITTEE FOR THE PRESERVATION OF OPEN SPACE IN AND BY 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 AS FOLLOWS:

Section 1. \$1,514,485 is hereby appropriated for the acquisition of open space parcels included in the Township's Open Space and Recreation Plan in and by the Township of Marlboro, in the County of Monmouth, New Jersey (the "Township"), consisting of a \$514,485 Fiscal Year 2009 Municipal Planning Incentive Grant from the State of New Jersey Agricultural Development Committee, a \$500,000 Fiscal Year 2011 Municipal Planning Incentive Grant from the State of New Jersey Agricultural Development Committee and a \$500,000 Fiscal Year 2013 Municipal Planning Incentive Grant from the State of New Jersey Agricultural Development Committee.

Section 2. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent

with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 3. This ordinance shall take effect after final adoption and publication and otherwise as provided by applicable law.

The following Resolution #2016-313/Ord #2016-15 (Amending Chapter 212 - Junkyards and Junk Dealers) was introduced by reference, offered by Councilman Scalea and seconded by Council Vice President Marder. Council President Mazzola opened the Public Hearing on Ord. #2016-15. After the Public Hearing was held and closed, the resolution/ordinance was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2016-313

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

ORDINANCE # 2016-15

AN ORDINANCE AMENDING CHAPTER 212 OF THE CODE OF THE TOWNSHIP OF ENTITLED JUNKYARDS AND JUNK DEALERS

which was introduced on October 6, 2016, public hearing held on October 20, 2016, be adopted on second and final reading this 20th day of October, 2016.

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

The following Resolution #2016-314/Ord #2016-16 (Prohibiting Sale of Dogs and Cats from Pet Shops) was introduced by reference, offered by Councilman Scalea and seconded by Council Vice President Marder. Council President Mazzola opened the Public Hearing on Ord. #2016-16. After the Public Hearing was held and closed, the resolution/ordinance was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2016-314

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

ORDINANCE # 2016-16

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO BANNING  
THE SALE OF DOGS AND CATS FROM PET SHOPS

which was introduced on October 6, 2016, public hearing held on October 20, 2016, be adopted on second and final reading this 20th day of October, 2016.

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

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. #2016-315 (Confirming Submission of 2016 Best Practices Inventory), Res. #2016-316 (Authorizing Participation - 2017 State Health Benefits Pilot Incentive Program), Res. #2016-317 (Authorizing the Rejection of Bids for the Provision of Dump Truck Rental/Snow Removal Equipment), Res. #2016-318 (Authorizing Amendment to Engineering Services Contract - Environmental Engineering Services (Stattel Farm Stand B 206, L 25)), Res. #2016-319 (Authorizing Amendment to Engineering Services Contract - Environmental Engineering Services (Stattel Farm B 225, L 191)), Res. #2016-320 (Redemption Tax Sale Certificates - Various), Res. #2016-321 (Refund of 2016 Tax Overpayment), Res. #2016-322 (Authorizing 2016 Budget Amendment Chapter 159 State Body Armor Replacement Fund Program).

RESOLUTION # 2016-315

CONFIRMING SUBMISSION OF 2016  
BEST PRACTICES INVENTORY TO NJ DLGS

WHEREAS, the Township of Marlboro has received and completed the "2016 Best Practices Inventory" sent out on September 20, 2016 by the Division of Local Government Services, and

WHEREAS, the Chief Financial Officer has certified a score of 27 out of a possible 30; and

WHEREAS, the high percentage of positive responses on the 2016 Best Practices Worksheet qualifies the Township of Marlboro to receive 100% of its State Aid; and

WHEREAS, the Best Practices exercise, now in effect for the last seven years, has reflected completely positively on the municipal operations of the Township of Marlboro.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Marlboro hereby acknowledges review of the 2016 Best Practices Inventory and hereby authorizes the Township Municipal Clerk to complete the required certification and send such to the State of New Jersey.

RESOLUTION # 2016-316

A RESOLUTION AUTHORIZING PARTICIPATION IN 2017  
STATE HEALTH BENEFITS PILOT INCENTIVE PROGRAM

BE IT RESOLVED, the Township of Marlboro (corporate name of employer), 0104-00 (SHBP employer location number will offer an incentive under the State Health Benefits Program.

We (Township of Marlboro) agree to voluntarily participate in the Financial Incentive Pilot Program granting financial incentives to subscribers who select enrollment into tiered-network medical plans otherwise known as Horizon Blue Cross Blue Shield of New Jersey's OMNIA Plan or Aetna's Liberty plan. We agree that the management and administration of this incentive program shall be solely our responsibility.

The terms of the pilot incentive program described above shall include:

- The Pilot Program shall be available to subscribers who are first time enrollees in a tiered network medical plan beginning Plan Year 2017 and continuing for two plan years through December 31, 2018;
- The Pilot Program does not extend to participants enrolled under Chapter 375, P.L. 2005, (certain over-age adult children) and COBRA;
- Participation is voluntary at the option of the employer;
- The financial incentive for eligible employees shall be:
  - \$1,000 for Single member coverage when changing to a tiered-network plan.
  - \$1,250 for Member/Spouse coverage when changing to a tiered-network plan.
  - \$1,250 for Parent/Child coverage when changing to a tiered-network plan.
  - \$2,000 for Family coverage when changing to a tiered-network plan.
- The incentive amount shall be paid within the first quarter of Plan Year 2017 and is reportable income.

- The incentive shall be forfeited and returned to the employer if the subscriber fails to remain enrolled for at least two plan years, except that if a subscriber is made ineligible for healthcare through layoff, involuntary separation, reduction to part-time status, or classification into an ineligible position. If a subscriber voluntarily retires or changes health plans due to a catastrophic or emergency health need as determined by the employer after a full year, then the incentive shall be forfeited on a pro-rata basis.

RESOLUTION # 2016-317

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 October 4, 2016, bids were opened for DUMP TRUCK WITH SNOW REMOVAL EQUIPMENT RENTAL 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 DUMP TRUCK WITH SNOW REMOVAL EQUIPMENT RENTAL 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 # 2016-318

A RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES CONTRACT BETWEEN CME ASSOCIATES AND THE TOWNSHIP OF MARLBORO FOR ENVIRONMENTAL ENGINEERING SERVICES IN CONNECTION WITH THE ACQUISITION OF THE PROPERTY "STATTEL FARM(STAND)", LOCATED ON ROUTE 79, MARLBORO, NEW JERSEY, ALSO KNOWN AS BLOCK 206, LOT 25

WHEREAS, the Township requires ENVIRONMENTAL ENGINEERING SERVICES including the preparation of a preliminary assessment report in connection with the acquisition of the property known as "Stattel Farm(stand)", Block 206, Lot 25 ("the Project"); and

WHEREAS, CME Associates has provided a proposal dated October 14, 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 \$4,250.00 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 in the amount of \$4,250.00 are available for this purpose from Account #04-215-11-04A-140291; 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 Certificate certifying that CME Associates has not made any reportable contributions that would bar the award of a contract N.J.S.A. 19:44A-20.5, and that no reportable contributions that would violate the law will be made during the term of the contract.

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 ENVIRONMENTAL ENGINEERING SERVICES IN CONNECTION WITH THE ACQUISITION OF THE PROPERTY "STATTEL FARM(STAND)", LOCATED ON ROUTE 79, MARLBORO, NEW JERSEY, ALSO KNOWN AS BLOCK 206, LOT 25 ("Professional Services"), at a fee not to exceed \$4,250.00 for such Professional Services, as further described and set forth in CME's Proposal dated October 14, 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 \$4,250.00 for such additional Professional Services for the Project as described in the Proposal; and

BE IT FURTHER RESOLVED, that the Business Entity Disclosure Certification shall be placed on file with this Resolution; 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 Chief Financial Officer

RESOLUTION # 2016-319

A RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES CONTRACT BETWEEN CME ASSOCIATES AND THE TOWNSHIP OF MARLBORO FOR ENVIRONMENTAL ENGINEERING SERVICES IN CONNECTION WITH THE ACQUISITION OF THE PROPERTY "STATTEL FARM", LOCATED ON ROUTE 520, MARLBORO, NEW JERSEY, ALSO KNOWN AS BLOCK 225, LOT 191

WHEREAS, the Township requires ENVIRONMENTAL ENGINEERING SERVICES including the preparation of a preliminary assessment report in connection with the acquisition of the property known as "Stattel Farm", Block 225, Lot 191 ("the Project"); and

WHEREAS, CME Associates has provided a proposal dated October 14, 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 \$4,250.00 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 in the amount of \$4,250.00 are available for this purpose from Account #04-215-11-04A-140291; 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 Certificate certifying that CME Associates has not made any reportable contributions that would bar the award of a contract N.J.S.A. 19:44A-20.5, and that no reportable contributions that would violate the law will be made during the term of the contract.

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 ENVIRONMENTAL ENGINEERING SERVICES IN CONNECTION WITH THE ACQUISITION OF THE PROPERTY "STATTEL FARM", LOCATED ON ROUTE 520, MARLBORO, NEW JERSEY, ALSO KNOWN AS BLOCK 225, LOT 191 ("Professional Services"), at a fee not to exceed \$4,250.00 for such Professional Services, as further described and set forth in CME's Proposal dated October 14, 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 \$4,250.00 for such additional Professional Services for the Project as described in the Proposal; and

BE IT FURTHER RESOLVED, that the Business Entity Disclosure Certification shall be placed on file with this Resolution; 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 Chief Financial Officer

RESOLUTION # 2016-320

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$ 187,317.73 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 \$ 187,317.73 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>
2016-006	115/3	TWR as CST for Ebury Fund 2 NJ, LLC P.O. Box 54908 New Orleans, LA 70154 Assessed Owner: Kagan, Gail	1,824.00
2016-033	176/7/C0458	TWR as CST for Ebury Fund 2 NJ, LLC P.O. Box 54908 New Orleans, LA 70154 Assessed Owner: Fallon, Arlene	2,180.82
2016-039	176/7/C0827	FWDSL & Associates 17 W. Cliff Street Somerville, NJ 08876 Assessed Owner: Frey, Rebecca & Stuart	1,258.37
2016-054	192/4	TWR as CST for Ebury Fund 2 NJ, LLC P.O. Box 54908 New Orleans, LA 70154 Assessed Owner: Greenstein, Dafna	2,954.75
2016-087	285/8	TWR as CST for Ebury Fund 2 NJ, LLC P.O. Box 54908 New Orleans, LA 70154 Assessed Owner: Josephson, Marc & Shari	2,265.56
2016-089	286/20	TWR as CST for Ebury Fund 2 NJ, LLC P.O. Box 54908 New Orleans, LA 70154 Assessed Owner: Cigna, Vincent & Victoria	2,265.45

SCHEDULE "A" continued

<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>LIENHOLDER</u>	<u>AMOUNT</u>
2016-108	342/35	TWR as CST for Ebury Fund 2 NJ, LLC P.O. Box 54908 New Orleans, LA 70154 Assessed Owner: Zaremba, Jay & Phyllis	2,070.57
2016-125	392/28.09	TWR as CST for Ebury Fund 2 NJ, LLC P.O. Box 54908 New Orleans, LA 70154 Assessed Owner: US Bank NA, Trustee	2,265.66
2016-016	147/37	DARLENE SANDERS 41 Highland Avenue Middletown, NY 10940 Assessed Owner: Glowacka, Gregory	485.22
2016-056	193.02/54.19	TOM TIEHUA CAO 19 Edendale Street Ladera Ranch, CA 92694 Assessed Owner: Nimirovsky, Mark & Inga	2,446.54
2016-131	408/11	MTAG Cust. Fig Capital Inv 8323 Ramona Blvd West Suite 2 Jacksonville, FL 32221 Assessed Owner: Dibenedetto, Danielle	2,346.46
2016-72	225/112	TWR as CST for Ebury Fund 2 NJ, LLC P.O. Box 54908 New Orleans, LA 70154 Assessed Owner: Helmes, Christopher & Linda	2,799.32
2016-032	176/7/C0454	ACTLIEN HOLDING INC 50 SOUTH 16 <sup>TH</sup> ST, SUITE 2050 PHILADELPHIA, PA 19102 Assessed Owner: BAKMAN, IRINA	2,538.78

SCHEDULE "A" continued

<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>LIENHOLDER</u>	<u>AMOUNT</u>
2016-082	265/12	TWR as CST for Ebury Fund 2 NJ, LLC P.O. Box 54908 New Orleans, LA 70154 Assessed Owner: Passero, Dawn	1,872.59
2016-115	355/17	DAXUAN WANG 11 Walnut Street Livingston, NJ 07039 Assessed Owner: Century Vision Assoc., LLC	38,060.60
2016-116	358/1.14	MTAG Cust. Fig Capital Inv 8323 Ramona Blvd West Suite 2 Jacksonville, FL 32221 Assessed Owner: Bolton, Diane	2,265.63
2015-057	201/6	US BANK CUST FOR BV001 TRUST 50 South 16 <sup>th</sup> St., Suite 2050 Philadelphia, PA 19102 Assessed Owner: Derector, Russell & Ana	110,328.46
2015-090	310/5	TTLBL, LLC 4747 Executive Drive Suite 510 San Diego, CA 92121 Assessed Owner: Cheung, Linda P.	3,374.60
2016-050	184/1	TWR as CST for Ebury Fund 2 NJ, LLC P.O. Box 54908 New Orleans, LA 70154 Assessed Owner: US Bank NA	1,358.23
2016-028	173/7/C0340	MTAG Cust. Fig Capital Inv 8323 Ramona Blvd West Suite 2 Jacksonville, FL 32221 Assessed Owner: Valenti, Jason	2,356.12

RESOLUTION # 2016-321

WHEREAS, the attached list in the amount of \$0.14

known as Schedule "A", is comprised of amounts representing overpayments for 2016 taxes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund the above-mentioned overpaid amounts as per the attached Schedule "A",

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNER</u>	<u>2016 REFUND</u>
392/27.13		Pagnanelli, Brian & Sherri	0.14
4	RODEO DRIVE	4 Rodeo Drive Marlboro, NJ 07746	
			Total: \$ 0.14

RESOLUTION # 2016-322

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 \$5,873.31, which items are now available as a revenue from the New Jersey Department of Law and Public Safety as the "State Body Armor Replacement Fund Program".

Section 2

BE IT FURTHER RESOLVED that the amount of \$5,873.31 be hereby appropriated under the caption "State Body Armor Replacement Fund Program".

At 8:05 PM, Councilman Scalea moved that the meeting be adjourned. This was seconded by Councilman Metzger, and was passed on a roll call vote of 5 - 0 in favor.

MINUTES APPROVED: NOVEMBER 3, 2016

OFFERED BY: METZGER

AYES: 4

SECONDED BY: SCALEA

NAYS: 0

ABSENT: MARDER

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ALIDA MANCO  
MUNICIPAL CLERK

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CAROL MAZZOLA  
COUNCIL PRESIDENT