

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

MAY 8, 2003

The Marlboro Township Council held a regularly scheduled Council Meeting on May 8, 2003 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Karcher opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of this regular meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on December 13, 2002; mailed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Councilman Denkensohn, Councilman Kovalski, Council Vice President Mione, Councilwoman Singer and Council President Karcher.

Also present were: Mayor Scannapieco (9:25pm), Ronald H. Gordon, Esq., Business Administrator Chris Marion, Municipal Clerk Alida DeGaeta, and Deputy Clerk Deborah Usalowicz.

The following Resolution # 2003-124 (Recreation ROID Grant) was introduced by reference, offered by Councilman Kovalski, seconded by Councilwoman Singer and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-124

WHEREAS, the Township of Marlboro desires to apply for and obtain a grant from the New Jersey Department of Community Affairs, for funding in the amount of \$7,000, State with \$1,750 local share for a total contract of \$8,750 for 2004 to carry out a program for special therapeutic recreation.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED that the Township Council of the Township of Marlboro does hereby authorize the application for and the execution of a contract for the receipt of such a grant from the New Jersey Department of Community Affairs, and does further, upon the execution of such a contract, authorize the expenditure of such funds pursuant to the terms of said contract between the Township of Marlboro and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk be and they are hereby authorized and directed to sign the application, the contract and any other documents necessary in connection therewith.

The following Resolution # 2003-125 (Award of Contract - Survey of Property Brandigon) was introduced by reference, offered by Councilman Kovalski, seconded by Councilwoman Singer and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-125

RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH
SCHOOR DEPALMA FOR SURVEY OF BRANDIGON PROPERTY -
BLOCK 148, LOTS 30 & 30Q

WHEREAS, the Township of Marlboro is in negotiations to acquire Block 148, Lots 30 & 30Q identified on the official tax map of the Township of Marlboro (the "property"); and

WHEREAS, there exists a need for the services of an engineer in order to provide engineering and consultation services to the Township to produce a boundary and physical survey relating to the Township's acquisition of the property; 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:11-5, and may be awarded without competitive bids therefor; and

WHEREAS, the Local Public Contracts Law requires that the Resolution authorizing the award of the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the award of contract be published in an official newspaper in the said municipality; and

WHEREAS, the Mayor and Township Council, having considered the same, desires to engage Schoor DePalma to provide the aforesaid services with regard to the Township's acquisition of the property for a fee of \$23,700.00.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That the Mayor is authorized to execute and the Township Clerk to attest to an agreement in a form acceptable to the Township Attorney between the Township of Marlboro and Schoor DePalma regarding the aforesaid services, as per the proposal attached hereto.
2. That, in accordance with said agreement, Schoor DePalma is hereby authorized to provide the aforesaid services with regard to the Township's acquisition of the property.
3. That the total fee for the services, including expenses, shall be in an amount not to exceed \$23,700.00.
4. That this contract is awarded without competitive bidding as a "Professional Service", in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5.
5. That the Chief Financial Officer is directed to file a Certificate of Availability of sufficient funds for this contract and to attach same to this Resolution.
6. That Notice of the adoption of this Resolution shall be published in the official newspaper of the Township of Marlboro in accordance with N.J.S.A. 40A:11-1 et. seq.
7. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Schoor DePalma (Attn: John Mullan)
 - b. Farmland, Historic and Open Space Committee
 - c. Township Business Administrator
 - d. Township Chief Financial Officer
 - e. Township Engineer
 - f. Decotiis, FitzPatrick, Cole & Wisler, LLP

The following Resolution # 2003-126 (Award of Contract - Remedial Action Cost Estimating - Di Meo Property) was introduced by reference, offered by Councilman Kovalski, seconded by Councilwoman Singer and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-126

RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH SCHOOR DEPALMA FOR ENGINEERING AND CONSULTATION SERVICES IN CONNECTION WITH THE TOWNSHIP'S ACQUISITION OF BLOCK 159, LOT 1 AND BLOCK 160, LOT 8

WHEREAS, the Township of Marlboro is in negotiations to acquire Block 159, Lot 1 and Block 160, Lot 8, identified on the official tax map of the Township of Marlboro (the "property"); and

WHEREAS, there exists a need for the services of an engineer in order to provide engineering and consultation services to the Township to develop cost estimates for remedial action activities relating to such acquisition of the property; 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:11-5, and may be awarded without competitive bidding thereof; and

WHEREAS, the Local Public Contracts Law requires that the Resolution authorizing the award of the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the award of contract be published in an official newspaper in the said municipality; and

WHEREAS, the Township Council, having considered the same, desires to engage Schoor DePalma to provide the aforesaid services with regard to the Township's acquisition of the property for a fee of \$4,750.00.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That the Mayor is authorized to execute and the Township Clerk to attest to an agreement in a form acceptable to the Township Attorney between the Township of Marlboro and Schoor DePalma regarding the aforesaid services, as per the proposal attached hereto.

2. That, in accordance with said agreement, Schoor DePalma is hereby authorized to provide the aforesaid services with regard to the Township's acquisition of the property.
3. That the total fee for the services, including expenses, shall be in an amount not to exceed \$4,750.00.
4. That this contract is awarded without competitive bidding as a "Professional Service", in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5.
5. That the Chief Financial Officer is directed to file a Certificate of Availability of sufficient funds for this contract and to attach same to this Resolution.
6. That Notice of the adoption of this Resolution shall be published in an official newspaper of the Township of Marlboro in accordance with N.J.S.A. 40A: 11-1 et seq.
7. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Schoor DePalma (Attn: John Mullan)
 - b. Farmland, Historic and Open Space Committee
 - c. Township Business Administrator
 - d. Township Chief Financial Officer
 - e. Township Engineer
 - f. DeCotiis, FitzPatrick, Cole & Wisler

The following Resolution # 2003-127 (Award of Contract - Fleet Insurance Services, LLC) was introduced by reference, offered by Councilman Denkensohn, seconded by Council Vice President Mione and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-127

RESOLUTION AUTHORIZING AWARDING A CONTRACT TO FLEET INSURANCE SERVICES, LLC TO PROVIDE INSURANCE CONSULTING SERVICES TO THE TOWNSHIP OF MARLBORO

WHEREAS, the Township of Marlboro is in need of professional insurance consulting services regarding ongoing employee benefit issues and to assist in upcoming employee benefit negotiations; and

WHEREAS, pursuant to N.J.S.A. 40A:11-5(1)(a)(m) "Insurance, including the purchase of insurance coverage and consultant services

... shall be in accordance with the requirements for extraordinary unspecifiable services" and as such may be awarded without competitive bidding therefor; and

WHEREAS, the Local Public Contracts Law N.J.S.A. 40A:11-1 et seq. requires that the Resolution authorizing the award of contracts for extraordinary unspecifiable services without competitive bids and the contract itself must be available for public inspection; and

WHEREAS, the Mayor and Township Council has indicated its desire to engage Fleet Insurance Services, LLC of Cranford, New Jersey, for a flat fee of Twelve Thousand Dollars (\$12,000.00)

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro as follows:

1. The Mayor and Municipal Clerk be and are hereby authorized to execute a contract with Fleet Insurance Services, LLC for the provision of professional insurance consulting services regarding ongoing employee benefit issues and to assist in upcoming employee benefit negotiations.
2. That the total fee for the services, including expenses, shall not exceed the sum of Twelve Thousand Dollars (\$12,000.00).
3. That this contract is awarded without competitive bidding in as a "Professional Service", in accordance with the requirements for extraordinary unspecifiable services pursuant to the Local Public Contracts Law N.J.S.A. 40A:11-5(1)(m).
4. That the Chief Financial Officer is directed to file a Certificate of Availability of sufficient funds for this contract and to attach same to this Resolution.
- 5 The Notice of the adoption of this Resolution shall be published in the official newspaper of the Township of Marlboro in accordance with N.J.S.A. 40A:11-1 et seq..
6. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Fleet Insurance Services, LLC
 - b. Business Administrator
 - c. Chief Financial Officer
 - d. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Resolution # 2003-128 (Award of Bid - Swim Club Snack Bar) was introduced by reference, offered by Councilman Kovalski, seconded by Councilman Denkensohn and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-128

WHEREAS, the Township of Marlboro has authorized the acceptance of bids to provide for swim club food concession services and on May 6, 2003, received sealed bids therefore; and

WHEREAS, the qualified high bid received was that of Harry Schwartz, Inc., 3 Stone Lane, Marlboro, NJ 07746; and

WHEREAS, the Swim Club Director has reviewed all bids received and recommended that the high bid be awarded; and

WHEREAS, Mayor and the Township Council finds that it would be in the best interest of the Township to award the high bid for swim club food concession services, for a period not to exceed three years to expire on December 31, 2005, subject to the annual renewal provisions of said specifications; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that the appropriate Township officials be and hereby are authorized to execute an agreement between the Township of Marlboro and Harry Schwartz, Inc., 3 Stone Lane, Marlboro, NJ 07746, in the amounts as specified for service calls in the bid proposal, and as set forth in the bid proposal on file with the Township as follows:

Year 2003 services -	\$ 7,500.00
Year 2004 services -	\$ 7,500.00
Year 2005 services -	\$ 7,500.00

plus four (\$.04) cents for each person counted through the gate.

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

- a. Harry Schwartz, Inc.
- b. Arthur Lawrence, Swim Club Director
- c. Chief Financial Officer
- d. DeCotiis, FitzPatrick, Cole & Wisler

The following Resolution # 2003-129 (Award of Contract - Diesel Fuel and Gasoline) was introduced by reference, offered by Council Vice President Mione, seconded by Councilman Kovalski and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-129

A RESOLUTION AWARDING A CONTRACT FOR THE DELIVERY OF DIESEL FUEL AND 89-OCTANE GASOLINE FOR A ONE (1) YEAR PERIOD

WHEREAS, the Western Monmouth Cooperative Purchasing Group (the "Purchasing Group") was established to provide cost savings through joint purchases and on economies of scale and is comprised of the Township of Marlboro, the Township of Freehold and the Borough of Freehold Borough (collectively, the "Municipalities"); and

WHEREAS, the Purchasing Group authorized the acceptance of bids for the delivery of Diesel Fuel and 89-Octane Gasoline to the Municipalities; and

WHEREAS, the Borough of Freehold, Lead Agent ("Lead Agent") for the Purchasing Group, advertised bids for the aforesaid fuel delivery services; and

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

1. John Duffy Fuel Co., Newark, New Jersey

Year 1 (2003)	Year 2 (2004)
Gasoline: \$1.1284/Gal.	Gasoline: \$1.1284/Gal.
Diesel: \$1.2959/Gal.	Diesel: \$1.2959/Gal.

2. Allied Oil, Hillsborough, New Jersey

Year 1 (2003)	Year 2 (2004)
Gasoline: \$1.1378/Gal.	Gasoline: \$1.1378/Gal.
Diesel: \$1.3053/Gal.	Diesel: \$1.3053/Gal.

3. Riggins, Millville, New Jersey

Year 1 (2003)	Year 2 (2004)
Gasoline: \$1.1435/Gal.	
Gasoline: 1.1475/Gal.	
Diesel: \$1.3110/Gal.	Diesel:
\$1.3150/Gal.	

WHEREAS, the Lead Agent has represented and warranted that all documents required by the public bidding process pursuant to the

Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. have been received and are on file with the Borough of Freehold with copies to the Township of Marlboro and that original records will be kept at the Borough of Freehold in accordance with the stipulated record retention period; and

WHEREAS, Marlboro Township's Superintendent of Public Works and the Lead Agent have reviewed the bids and found the lowest combined bid from John Duffy Fuel co. to be in order and in conformity with the Bid Specifications and have recommended the award of the Bid to that provider for a one (1) year period; and

WHEREAS, funds are available and have been certified to by the Finance Officer of the Township of Marlboro; and

WHEREAS, the Mayor and Township Council has indicated its desire to engage John Duffy Fuel Co. of Newark New Jersey to provide delivery of Diesel Fuel and 89-Octane Gasoline to the Township of Marlboro, for the Township's pro-rated share of the prices quoted herein for a period of one (1) year.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that a contract be and is hereby awarded to John Duffy Fuel Co. of Newark, New Jersey for the delivery of Diesel Fuel and 89-Octane Gasoline to the Township of Marlboro, through the Western Monmouth Cooperative Purchasing Group, for Marlboro Township's pro-rated share of the prices quoted herein for a period of one (1) year; and

BE IT FURTHER RESOLVED, that the Lead Agent's representations be and are hereby accepted as meeting the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

BE IT FURTHER RESOLVED, that the Mayor and Township Clerk be and are hereby authorized to execute a Contract with John Duffy Fuel Co. in a form approved by the Township Attorney; and

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

- a. John Duffy Fuel Co.
- b. Township Administrator
- c. Superintendent Public Works
- d. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Resolution # 2003-130 (Reject and Rebid - 2 Dump Trucks) was introduced by reference, offered by Councilman Kovalski,

seconded by Councilman Denkensohn and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-130

BE IT RESOLVED by the Township Council of the Township of Marlboro that all bids heretofore received for

2 Dump Trucks

are hereby rejected and the Business Administrator is authorized and directed to return the bid bond or other security to the appropriate bidder.

BE IT FURTHER RESOLVED that the Business Administrator be and he is hereby authorized and directed to advertise for open, competitive bids for

2 Dump Trucks

as required by law.

The following Resolution # 2003-131 (Special Mtgs. - May 12 - Budget Discussion, May 15 - FRHSD Budget, May 29 - Hospital Forum) was introduced by reference, offered by Councilman Denkensohn, seconded by Council President Karcher and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-131

BE IT RESOLVED by the Township Council of the Township of Marlboro that "Special" Council Meetings will be held as follows:

1. May 12, 2003 - 7:30 PM Budget Discussion -
Citizen's Voice will be limited to 15 minutes. Personnel discussions will be held in closed session.

2. May 15, 2003 - 7:30 PM Adoption of Budget Amendments and Action on Resolution certifying Freehold Regional High School District Budget - Formal action will be taken and Citizen's Voice will be limited to 15 minutes.

3. May 29, 2003 - 8:00 PM Public Information Forum -
Marlboro State Hospital

All meetings will be held at the Marlboro Municipal Complex,
1979 Township Drive, Marlboro, New Jersey 07746.

The following Resolution # 2003-133 (Award of Contract - Design -
Swim Club Improvements) was introduced by reference, offered by
Councilwoman Singer, seconded by Councilman Kovalski and passed on a
roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-133

RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES
CONTRACT WITH DLB ASSOCIATES, CONSULTING ENGINEERS, FOR IMPROVEMENTS
TO THE MARLBORO SWIM CLUB

WHEREAS, there exists a need for the services of an engineer in
order to provide engineering and consultation services to the
Township of Marlboro; and

WHEREAS, the services will include, among other things,
developing specifications and drawings for extensive swim club
improvements; and

WHEREAS, the firm of DLB Associates, has submitted a proposal
to the Township, dated March 11, 2003, revised April 11, 2003, a
copy of which is attached hereto, in order to provide said services;
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:11-5 and may be awarded without competitive bidding
therefore; and

WHEREAS, the Local Public Contracts Law requires that the
Resolution authorizing the award of contract and the contract itself
be available for public inspection in the office of the Municipal
Clerk and that notice of the award of contract be published in an
official newspaper in the said municipality; and

WHEREAS, the Mayor and Township Council, having considered the
same, desires to engage DLB Associates to provide the aforesaid
services concerning the Marlboro Swim Club improvements for a fee of
\$95,800.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That the Mayor is authorized to execute and the Township Clerk to attest to an agreement in a form acceptable to the Township Attorney between the Township of Marlboro and DLB Associates regarding the aforesaid engineering services, as per the proposal attached hereto.

2. That the total fee for the services, including expenses, shall not exceed the sum of \$95,800.00, as set forth in the attached proposal.

3. That this contract is awarded without competitive bidding as a "Professional Service", in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5.

4. That the Chief Financial Officer is directed to file a Certificate of Availability of sufficient funds for this contract and to attach same to this Resolution.

5. That Notice of the adoption of this Resolution shall be published in the official newspaper of the Township of Marlboro in accordance with N.J.S.A. 40A:11-1 et seq.

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

- a. DLB Associates
- b. Business Administrator
- c. Chief Financial Officer
- d. Township Engineer
- e. De Cotiis, FitzPatrick, Cole & Wisler

The following Resolution # 2003-134 (Asking Mayor to Request Resignation of Director of Department of Law) was introduced by reference, offered by Council President Karcher, seconded by Councilman Denkensohn and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-134

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MARLBORO CALLING FOR THE MAYOR TO REQUEST THE RESIGNATION OF THE TOWNSHIP ATTORNEY AS HEAD OF THE DEPARTMENT OF LAW

WHEREAS, the Code of the Township of Marlboro provides that the head of the Department of Law is appointed by the Mayor; and

WHEREAS, the head of the Department of Law is the Township Attorney; and

WHEREAS, the Township Attorney has taken a leave of absence from his position as the head of the Department of Law; and

WHEREAS, there are ongoing investigations concerning the activities of the Township Attorney as the head of the Department of Law; and

WHEREAS, the Township Council of the Township of Marlboro believes that it is in the best interests of the citizens of the Township of Marlboro to call for the Mayor to request the resignation of the Township Attorney as head of the Department of Law.

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 it calls for the Mayor of the Township of Marlboro to request the Township Attorney to submit his resignation as the head of the Department of Law.

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

- A. Mayor
- B. Township Administrator
- C. Township Chief Financial Officer
- D. DeCotiis, FitzPatrick, Cole & Wisler, LLP

At 9:30 PM, Councilman Kovalski moved that the meeting go into executive session for reason of discussing litigation. This was seconded by Council Vice President Mione, and as there was no objection, the Clerk was asked to cast one ballot. Recess was called and the closed session commenced at 9:45 PM.

RESOLUTION # 2003-132

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 8th day of May, 2003 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings

Act, namely contract negotiations, acquisition of property and litigation.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned items and that such executive session should take approximately 60 minutes. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required. Action may be taken following the executive session.

At 10:43 PM, Councilman Denkensohn moved that the meeting be opened. This was seconded by Councilwoman Singer, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Kovalski).

At 10:45 PM, Councilman Denkensohn moved that the meeting be adjourned. This was seconded by Councilwoman Singer, and as there was no objection, the Clerk was asked to cast one ballot. (Absent: Kovalski).

MINUTES APPROVED: June 26, 2003

OFFERED BY: Singer	AYES: 5
SECONDED BY: Kovalski	NAYS: 0

ALIDA DE GAETA
MUNICIPAL CLERK

ELLEN KARCHER
COUNCIL PRESIDENT