

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

December 15, 2016

The Marlboro Township Council held its regularly scheduled Meeting on December 15, 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.

Councilman Cantor moved that the minutes of December 1, 2016 be approved. This was seconded by Councilman Metzger, and passed on a roll call vote of 4 - 0 in favor, with Councilman Scalea abstaining.

The following Resolution #2016-373/Ord #2016-17 (Authorizing and Approving Deed of Open Space Dedication - Crine West, LLC to Marlboro Township) was introduced by reference, offered by Council Vice President Marder and seconded by Councilman Metzger. Council President Mazzola opened the Public Hearing on Ord. #2016-17. 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 # 2016-373

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

ORDINANCE # 2016-17

AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF THE
OPEN SPACE DEDICATION OF BLOCK 180 LOT 83.03 & 83.15
ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF MARLBORO.

which was introduced on December 1, 2016, public hearing held on
December 15, 2016, be adopted on second and final reading this
15th day of December, 2016.

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

The following Resolution #2016-374 (Authorizing Developer
Agreement Monarch Pointe, LLC (Preliminary, Tentative & Final
Water Service Approval - 328 Texas Road: BL. 119, Lots: 23, 25,
26)) was introduced by reference, offered by Councilman Metzger,
seconded by Council President Mazzola, and passed on a roll call
vote of 5 - 0 in favor.

RESOLUTION # 2016-374

A RESOLUTION AUTHORIZING THE EXECUTION OF A DEVELOPER
AGREEMENT BETWEEN THE TOWNSHIP OF MARLBORO, AND MONARCH POINTE,
LLC IN CONNECTION WITH PRELIMINARY, TENTATIVE AND FINAL
WATER SERVICE APPROVAL FOR THE SITE LOCATED ON BLOCK 119
LOTS 23, 25 AND 26, 328 TEXAS ROAD, TOWNSHIP OF MARLBORO,
MONMOUTH COUNTY, NEW JERSEY

WHEREAS, Oak Hill at Marlboro, LLC (the "Developer") has
applied to the Township of Marlboro Water Utility Division for
Preliminary, Tentative and Final Water Service Approval for the
property located along Texas Road, which is known as Block 119,
Lots 23, 25 and 26, on the Official Tax Map of the Township of
Marlboro, Monmouth County New Jersey, (the "Site") to construct
17 residential units on a proposed cul-de-sac (the "Project");
and

WHEREAS, the Township of Marlboro Water Utility Division
has granted approval with respect to the water service to the
Project and the site and conditioned the approval upon the
Developer entering into a Developer Agreement with the Township
of Marlboro Water Utility Division and posting all the necessary
performance guarantees; and

WHEREAS, the Developer Agreement has been negotiated by the
parties, and the negotiation and preparation of same shall be
paid for from Developer's escrow account held by the Township of
Marlboro; and

WHEREAS, the necessary performance guarantees, cash deposits and insurance certificates shall be subject to the review and approval of the Township Attorney.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, that the execution by the Director of Public Works on behalf of the Township of Marlboro Water Utility Division be and is hereby ratified and the Mayor is authorized to execute and the Municipal Clerk is authorized to witness, the Developer Agreement with Monarch Pointe, LLC (the "Developer") for the Preliminary, Tentative and Final Water Service Approval issued for the site located on Block 119, Lots 23, 25 and 26, on the Official Tax Map of the Township of Marlboro, Monmouth County New Jersey, which is located on Texas Road, the negotiation and preparation of which shall be paid for from the Developer's escrow account held by the Township of Marlboro; and

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

- a. Monarch Pointe, LLC
- b. Township Business Administrator
- c. Township Engineer
- d. Township Chief Financial Officer
- e. Marlboro Township Water Utility Division
- f. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2016-397 (Authorizing Developer Agreement Monarch Pointe, LLC, (328 Texas Road: BL. 119, Lots: 23, 25, 26)) was introduced by reference, offered by Councilman Metzger, seconded by Councilman Scalea, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2016-397

A RESOLUTION AUTHORIZING THE EXECUTION OF A DEVELOPER'S AGREEMENT BETWEEN THE TOWNSHIP OF MARLBORO AND MONARCH POINTE, LLC IN CONNECTION WITH SITE PLAN APPROVAL FOR THE SITE LOCATED ON BLOCK 119, LOT 23, 25, 26 ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF MARLBORO, MONMOUTH COUNTY, NEW JERSEY

WHEREAS, On August 19, 2015, the Planning Board of the Township of Marlboro ("Planning Board") adopted Resolution P.B. 1117-15 granting Preliminary and Final Major Subdivision Approval to owner and developer Monarch Pointe, LLC ("Developer") for the development of property known as Block 119, Lot 23, 25 and 26, on the Official Tax Map of the Township of Marlboro, Monmouth County New Jersey (the "Site"); and

WHEREAS, the Planning Board resolution conditioned the approval upon the Developer entering into a Developer's Agreement with the Township of Marlboro, attached hereto and made apart hereof as "Exhibit A"; and

WHEREAS, the necessary performance guarantees, cash deposits and/or insurance certificates are subject to the review and approval of the Township Attorney;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, that the Mayor and Township Clerk are hereby authorized to execute and enter the Developer's Agreement between the Township of Marlboro and Monarch Pointe, LLC, attached hereto in form and substance as "Exhibit A".

The following Resolution #2016-375 (Authorizing Reduction of Performance Guarantees - Chelsea Square (Rt. 79: BL. 132, LT. 12.01)) was introduced by reference, offered by Councilman Metzger, seconded by Councilman Scalea, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2016-375

RESOLUTION AUTHORIZING REDUCTION OF PERFORMANCE GUARANTEES FOR THE SITE KNOWN AS CHELSEA SQUARE, BLOCK 132, LOT 12.01, NJ State Highway Route 79, 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 Dan Werbler for a reduction in the Township held Performance Guarantees in the form of a Bond and cash deposit for site improvements ("Public Improvements") on the Site known as "Chelsea Square" (the "Site"), property known as Block 132, Lot 12.01, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by Chelsea Commons, 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 December 6, 2016, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the aforesaid report recommends that a partial reduction be made in the current Bond and cash deposit amounts being held by the Township; and

WHEREAS, the Township Council desires to reduce the performance guarantee Bond and cash deposit amounts in

accordance with the recommendation of the Township Engineer's report dated December 5, 2016.

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 performance guarantees in the form of a Bond and cash deposit posted by the Developer, Chelsea Commons, LLC, for the site known as Chelsea Square located on property known as Block 132, Lot 12.01, Township of Marlboro, New Jersey, shall be reduced as follows:

1. The Bond (Bond Safeguard Insurance Company, Bond No. 5016275), in the original amount of \$2,970,831.59, and present value of \$1,552,497.89, shall be reduced by \$661,248.41, so that the remaining amount shall be \$891,249.48.
2. The Cash Deposit, in the original amount of \$330,092.40, and present amount of \$172,499.77 (excludes accrued interest) shall be reduced by \$73,472.05, so that the amount to remain shall be \$99,027.72;
3. The Bond (Bond Safeguard Insurance Company, Bond No. 5016276, in the original amount of \$2,681,691.62, and present value of \$1,013,067.81, shall be reduced by \$227,460.33, so that the remaining amount shall be \$785,607.48.
4. The Cash Deposit, in the original amount of \$290,965.73, and present amount of \$112,563.09 (excludes accrued interest) shall be reduced by \$25,273.37, so that the amount to remain shall be \$87,289.72; and

BE IT FURTHER RESOLVED, that the above reductions shall be subject to the posting of any and all outstanding review and/or inspections fees required by the Planning Board and/or Township and the resolution of any valid homeowners' complaints; and

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

- a. Chelsea Commons
- b. Bond Safeguard Insurance Company
- c. Mayor Jonathan L. Hornik
- d. Township Business Administrator
- e. Township Chief Financial Officer

- f. Township Engineer
- g. DeCotiis, FitzPatrick & Cole, LLP

As the Consent Agenda, the following resolutions were introduced by reference, offered by Councilman Scalea, seconded by Council Vice President Marder and passed on a roll call vote of 5 - 0 in favor: Res. #2016-376 (Authorizing 2016 Budget Transfers), Res. #2016-377 (Authorizing 2017 Temporary Budget Current, Water Utility and Rec and Swim Utility), Res. #2016-378 (Authorizing Cancellation of Unexpended Capital Account Balances), Res. #2016-379 (Authorizing Adjustments and Cancellation to Grant Receivable and Appropriation Reserve Balances), Res. #2016-381 (Authorizing Final Close Out Change Order and Acceptance of Masonry Repairs, etc.), Res. #2016-382 (Authorizing Renewal of Agreement with Matawan Borough for Animal Control Services), Res. #2016-383 (Authorizing Amendment to Agreement Marlboro Soccer Association Boosters, Inc. - Refereeing Services), Res. #2016-386 (Authorizing Application to Monmouth County for Open Space Trust Funds and Amending Prior Amount Authorized Under Res.# 2016-302), Res. #2016-387 (Authorizing Gas and Diesel Fuel Under State Contract), Res. #2016-388 (Refund of Lien Redemptions), Res. #2016-389 (Refund of State Judgment - Hill), Res. #2016-390 (Refund of State Judgment - Hafeez), Res. #2016-391 (Refund of State Judgment - Dauria), Res. #2016-392 (Refund of State Judgment - Rizk), Res. #2016-393 (Cancellation of Certain Uncollectable Taxes), Res. #2016-394 (Refund of 2016 Water Charges Overpayment), Res. #2016-395 (Granting Disabled Veteran Tax Exempt - Welgos), Res. #2016-396 (Closed Session - Contract Negotiations FOP Lodge 15 (Sergeants, Lieutenants, Captains), the following resolution was introduced by reference, offered by Councilman Cantor, seconded by Council Vice President Marder and passed on a roll call vote of 5 - 0 in favor: Res. #2016-398 (Authorizing Memorandum of Agreement FOP Lodge 15 - Sergeants & Lieutenants), Res. #2016-399 (Authorizing Memorandum of Agreement FOP Lodge 15 - Captains).

RESOLUTION # 2016-376

RESOLUTION AUTHORIZING 2016 BUDGET TRANSFERS

WHEREAS, N.J.S.A. 40A: 4-58 provides for appropriation transfers during the last two (2) months of the fiscal year, when it has been determined that it is necessary to expend for any of the purposes specified in the budget an amount in excess of the sum appropriated therefore and where it has been further determined that there is an excess in any appropriation over and above the amount deemed to be necessary to fulfill the purpose of such appropriation.

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Marlboro does hereby authorize the transfers among the Calendar Year 2016 Municipal Budget as follows:

CURRENT:		
Account	From	To
Employee Insurance Other Expenses	\$ 25,000.00	
Grounds Maintenance Salaries & Wages		\$ 20,000.00
Public Works Salaries & Wages		5,000.00
	\$ 25,000.00	\$ 25,000.00
WATER:		
Account	From	To
Water Operating Other Expenses	\$ 40,000.00	
Water Operating Salaries & Wages		\$ 40,000.00
	\$ 40,000.00	\$ 40,000.00
RECREATION:		
Account	From	To
Recreation Other Expenses	\$ 5,000.00	
Recreation Salaries & Wages		\$ 5,000.00
	\$ 5,000.00	\$ 5,000.00

RESOLUTION # 2016-377

RESOLUTION ADOPTING A TEMPORARY BUDGET
CALENDAR YEAR 2017

WHEREAS, N.J.S.A. 40A:4-19 provides for temporary appropriations to be made by the governing body within the first 30 days of the beginning of the fiscal year, and

WHEREAS, appropriations are to provide for the period for the first three months of the new fiscal year, and

WHEREAS, the total of the appropriations so made shall not exceed 26.25% of the total of the appropriations made for all purposes in the budget for the preceding fiscal year excluding appropriations made for interest and debt redemption charges and capital improvement fund, and

WHEREAS, twenty-six point twenty-five percent (26.25%) of the Township of Marlboro budget for Calendar Year 2016, excluding debt service and capital improvement fund is \$8,610,661.90, and

WHEREAS, twenty-six point twenty-five percent (26.25%) of the Township of Marlboro Recreation and Swim Utility budget for Calendar Year 2016, excluding debt service and capital improvement fund is \$624,971.96, and

WHEREAS, twenty-six point twenty-five percent (26.25%) of the Township of Marlboro Water Utility budget for Calendar Year 2016, excluding debt service and capital improvement fund is \$1,911,747.61, and

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the following temporary appropriations are made for the first three months of Calendar Year 2017 according to the schedule attached hereto and a made a part hereof, and

BE IT FURTHER RESOLVED, that this Resolution take effect immediately, and that a copy of this Resolution be transmitted to the Business Administrator, Chief Financial Officer and Auditor.

RESOLUTION # 2016-378

CANCELLING UNEXPENDED CAPITAL FUND BALANCES

WHEREAS, certain capital ordinances within the Township of Marlboro General, Water, and Recreation and Swim Capital Accounts have balances remaining for capital improvement authorizations previously authorized by the Township Council of the Township of Marlboro, Monmouth County, State of New Jersey, and

WHEREAS, certain projects for which remaining funding exists have been deemed as unnecessary or no longer needed, and

WHEREAS, the cancellation of these balances must be completed through resolution of this Governing Body,

NOW, THEREFORE, BE IT RESOLVED that the following capital ordinances be cancelled in the amounts depicted with the funded balances being cancelled into capital surplus and the unfunded balances being recorded to reduce debt authorization.

<u>GENERAL CAPITAL:</u>		
Ordinance Number	Funded	Unfunded
2004-06	\$ 441.07	
2004-21	10.00	
2005-36	4,836.25	
2006-19	10,848.37	
2007-12		\$ 62,033.38
2009-28	31.90	
2010-16	216.12	
2011-02	102,563.40	
2011-13	862.00	
2012-08	594.07	
2013-08	1,004.59	
2014-03	1,748.55	
2015-02	1,379.42	
2015-13	13,191.90	
2016-02	701.34	
Total	\$ 138,428.98	\$ 62,033.38
Bonds or Notes Authorized:		
Ordinance Number		Amount
2007-12		\$ 62,033.38

<u>WATER CAPITAL:</u>		
Ordinance Number	Funded	Unfunded
2014-05	93.84	
2015-03	629.50	
Total	\$ 723.34	\$ -

RECREATION AND SWIM CAPITAL:		
Ordinance Number	Funded	Unfunded
2005-37		\$48,511.92
Total	\$ -	\$ 48,511.92
Bonds or Notes Authorized:		
Ordinance Number		Amount
2005-37		\$ 48,511.92

RESOLUTION # 2016-379

AUTHORIZING ADJUSTMENTS AND CANCELLATION TO GRANT
RECEIVABLE AND APPROPRIATION RESERVE BALANCES

WHEREAS, the Township of Marlboro Financial Statements contain certain grant balances, and

WHEREAS, the following grants have balances but are no longer active; and

WHEREAS, the cancellation of the grants listed is necessary to accurately represent the grant records maintained by the Township of Marlboro.

NOW, THEREFORE, BE IT RESOLVED that the following adjustments and cancellations are hereby approved, and the Chief Financial Officer is authorized to make the appropriate entries to reflect this action.

	Cancellation Amount
<u>Receivables</u>	
HDSRF - Hospital Property	\$ 11,537.00
Total	\$ 11,537.00
<u>Appropriated Reserves</u>	
HDSRF - Hospital Property	\$ 9,147.18
Energy Efficiency Grant	18,857.16
Alcohol Education Grant	187.91
Clean Communities Grant	50.00
Alcohol Rehab Grant	647.22
Total	\$ 28,889.47

RESOLUTION # 2016-381

A RESOLUTION APPROVING CLOSE OUT CHANGE ORDER TO THE EXISTING CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO AND SPARTAN CONSTRUCTION, INC. AND AUTHORIZING FINAL PAYMENT AND ACCEPTANCE OF MASONRY REPAIRS, REPOINTING AND WATERPROOFING AT THE MUNICIPAL BUILDING FOR THE MARLBORO TOWNSHIP DEPARTMENT OF PUBLIC WORKS

WHEREAS, by Resolution #2016-249 the Township of Marlboro authorized the award of a contract to Spartan Construction, Inc. for masonry repairs, repointing and waterproofing at the municipal building (the "Project"); and

WHEREAS, Closeout Change Order has been requested resulting in a decrease in the original contract amount of \$36,777.00 to \$35,777.00, a net decrease of \$1,000.00; and

WHEREAS, in a Letter dated November 30, 2016, the Project Architect has confirmed that the Project has been completed in accordance with the approved contract documents and has recommended approval of the Closeout Change Order, acceptance of the Project improvements, and issuance of final payment in the amount of \$35,777.00; and

WHEREAS, the Township Council of the Township of Marlboro is amenable to approving Closeout Change Order, accepting the Project improvements and issuing a final payment to Spartan Construction, Inc. in the amount of \$35,777.00, such Project being in the interests of the public health, safety and welfare.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that Closeout

Change Order to the existing contract with Spartan Construction, Inc. be and is hereby approved, decreasing the original contract total of \$36,777.00 to \$35,777.00, a net decrease of \$1,000.00.

BE IT FURTHER RESOLVED, by the Township Council of the Township of Marlboro, that the Project improvements be and are hereby accepted, and that final payment in the amount of \$35,777.00 for work completed by Spartan Construction, Inc. is hereby approved.

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

- a. Spartan Construction, Inc.
- b. Fraytak, Veisz, Hopkins, Duthie, P.C.
- c. Township Administrator
- d. Township Director of Public Works
- e. Township Chief Financial Officer

RESOLUTION 2016 -382

A RESOLUTION OF THE TOWNSHIP OF MARLBORO IN MONMOUTH COUNTY,
NEW JERSEY AMENDING A SHARED SERVICES AGREEMENT BETWEEN
THE TOWNSHIP OF MARLBORO AND THE BOROUGH OF MATAWAN
TO PROVIDE ANIMAL CONTROL SERVICES

WHEREAS, on January 29, 2015 the Township of Marlboro (the "Township") authorized a shared services agreement (R.2015-063) with the Borough of Matawan ("Borough") for animal control services including emergency response for domestic animal incidents, emergency response for sick or dangerous wildlife and enforcement of the Borough's ordinances pertaining to domestic animals; and

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et seq., (the "Act") permits units of local government to share services for particular purposes and to effectuate agreements for any service or circumstance that will aid and encourage a reduction of local expenses; and

WHEREAS, the Township of Marlboro ("Marlboro") and the Borough of Matawan ("Matawan") are public bodies corporate and politic of the State of New Jersey and are authorized under New Jersey Law to enter into a Shared Services Agreement pursuant to the Act; and

WHEREAS, the Township has the personnel as well as the necessary contracts in place to provide the specified services; and

WHEREAS, the Township and the Borough of Matawan wish to extend the agreement to include calendar year 2017; and

WHEREAS, the Township and Borough have negotiated a Shared Services Agreement, a copy of which is annexed hereto as EXHIBIT A, and the terms of which are incorporated into this resolution as if set forth at length herein; and

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

1. The above recitals are hereby incorporated into the body of this Resolution as if set forth at length herein.
2. The Shared Services Agreement shall be open to public inspection in the Clerk's office and shall take effect upon the adoption of a resolution and execution of the agreement by both parties.
3. The Mayor and Township Clerk are hereby authorized to execute the Shared Services Agreement annexed hereto as EXHIBIT A.
4. A copy of the finalized Shared Services agreement shall be filed, for informational purposes, with the Division of Local Government Services in the Department of Community Affairs.

RESOLUTION # 2016-383

RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT
WITH MARLBORO SOCCER ASSOCIATION BOOSTERS, INC.
(BOOSTER CLUB) FOR THE PROVISION OF REFEREEING
SERVICES FOR THE MARLBORO TOWNSHIP DEPARTMENT OF
RECREATION SOCCER LEAGUES

WHEREAS, on April 14, 2016 (R.2016-146), the Township of Marlboro authorized an agreement with Marlboro Soccer Association Boosters, Inc. (Booster Club) to provide refereeing services for the 2016 Spring and Fall soccer seasons in the amount of \$64,980.00; and

WHEREAS, in a memo dated November 29, 2016, the Director of Recreation has advised that additional refereeing services will be needed from the Booster Club to finish out the season in an amount which will exceed the original authorization by \$6,595.50; and

WHEREAS, funds in the amount of \$6,595.50 have been certified to by the Chief Financial Officer as an approved

change order to the existing purchase order #21958 in Utility Account #09-201-55-400-296409; and

WHEREAS, the Township Council desires to approve the amendment to the agreement for refereeing services.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to amend the agreement for refereeing services with Marlboro Soccer Association Boosters, Inc. (Booster Club), in an amount not to exceed \$6,595.50; and

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

- a. Township Administrator
- b. Township Director of Recreation
- c. Township Chief Financial Officer

RESOLUTION # 2016-386

A RESOLUTION AUTHORIZING APPLICATION
TO THE COUNTY OF MONMOUTH
FOR OPEN SPACE TRUST FUNDS

WHEREAS, the Monmouth County Board of Chosen Freeholders has approved an Open Space Trust Fund and established a Municipal Open Space Program to provide Program Grant funds in connection with municipal acquisition of lands for County park, recreation, conservation and farmland preservation purposes, as well as for County recreation and conservation development and maintenance purposes; and

WHEREAS, the Governing Body of the Township of Marlboro desires to obtain County Open Space Trust Funds in the amount of \$250,000.00 to acquire the 8.5 acre parcel known as the "Stattel Farm", located at Route 520 (East) within the Township of Marlboro (Block 225, Lot 191); and

WHEREAS, the appraised value of the project based upon extraordinary assumptions is \$765,000.00, subject to negotiable discounts and terms of a final contract of sale; and

WHEREAS, the Township of Marlboro will be holder of any interest acquired with County Open Space Trust Funds.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF MARLBORO THAT:

1. Mayor Jonathan Hornik is hereby authorized to (a) make an application to the County of Monmouth for Open Space Trust Funds, (b) provide additional application information and furnish such documents as may be required for the Municipal Open Space Grants Program and (c) act as the municipal contact person and correspondent of the above named municipality; and
2. The Township of Marlboro is committed to this project and will provide the balance of funding necessary to complete the project in the form of non-county matching funds as required in the Policy and Procedures Manual for the Program; and
3. If the County of Monmouth determines that the application is complete and in conformance with the Monmouth County Municipal Open Space Program and the Policy and Procedures Manual for the Municipal Grants Program adopted thereto, the municipality is willing to use the approved Open Space Trust Funds in accordance with such policies and procedures, and applicable federal, state, and local government rules, regulations and statutes thereto; and
4. Mayor Jonathan Hornik is hereby authorized to sign and execute any required documents, agreements, and amendments thereto with the County of Monmouth for the approved Open Space Trust Funds; and
5. This resolution shall take effect immediately.

RESOLUTION # 2016-387

A RESOLUTION AUTHORIZING CONTRACT WITH ALLIED OIL LLC FOR THE PURCHASE OF ULTRA LOW SULFUR DIESEL AND 87 OCTANE UNLEADED GAS FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS UNDER NJ STATE CONTRACT #82770 & #80914

WHEREAS, the Marlboro Township fuel dispensing and management system ("fuel system") is used to fuel Township, Board of Education, First Aid and Fire District vehicles throughout the Township; and

WHEREAS, the Township of Marlboro Department of Public Works is in need of Ultra Low Sulfur Diesel and 87 Octane Unleaded Gas to maintain the fuel dispensing and management system; and

WHEREAS, pursuant to N.J.S.A. 40A:11-12, a municipality may, without advertising for bids, purchase goods under any

contract for such goods entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey for the Department of Public Works to obtain said fuel from ALLIED OIL LLC; and

WHEREAS, the Public Works Department has recommended that the Township purchase said fuel from ALLIED OIL LLC under State Contract #82770 and #80914 in an amount not to exceed \$700,000.00; and

WHEREAS, the estimated total represents the annual cost of gasoline and fuel purchased for the municipality, school district, fire district, first aid departments and other entities; and

WHEREAS, funds will be certified by the Chief Financial Officer at the time of order.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to contract with ALLIED OIL LLC whose address is 25 OLD CAMPLAIN ROAD, HILLSBOROUGH, NJ 08844 for the purchase of ULTRA LOW SULFUR DIESEL AND 87 OCTANE UNLEADED GAS FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS UNDER NJ STATE CONTRACT #82770 & #80914 in an amount not to exceed \$700,000.00; and

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

- a. Allied Oil LLC
- b. Township Administrator
- c. Township Public Works Director
- d. Township Chief Financial Officer

RESOLUTION # 2016-388

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$ 20,654.13 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 \$ 20,654.13 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>
2016-004	111/6	YCR LLC 466 Ocean Parkway Brooklyn, NY 11218 Assessed Owner: Empire TF5 Jersey Holdings LLC	5,384.40
2015-003	111/6	Comian Investment Group 700 Route 130 Suite 101 Cinnaminson, NJ 08077 Assessed Owner: Empire TF5 Jersey Holdings LLC	1,622.01
2015-074	265/17	TTLBL, LLC 4747 Executive Drive Suite 510 San Diego, CA 92121 Assessed Owner: Eide, Mary Ellen	3,282.67
2015-040	176.05/4	TTLBL, LLC 4747 Executive Drive Suite 510 San Diego, CA 92121 Assessed Owner: Shinan Bank	5,833.35
2016-137	412.01/37	MTAG Cust. Fig Capital Inv 8323 Ramona Blvd West Suite 2 Jacksonville, FL 32221 Assessed Owner: Weinberg, Allan David & Robin	2,265.55
2016-123	374/2	Actlien Holding Inc. 50 South 16 th Street Suite 2050 Philadelphia, PA 19102 Assessed Owner: Bell, Lawrence D. & Sonya C.	2,266.15
TOTALS:			20,654.13

RESOLUTION # 2016-389

WHEREAS, the Tax Court of New Jersey has granted a judgment in the amount of \$1,700.79 for the year 2016 for Block 132 Lot 22, located at 18 Beth Lane assessed to Hill, Jon R.,

WHEREAS, the 2016 taxes have been paid in full, the Tax Collector is directed to refund the amount of \$1,700.79,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$1,700.79, to Jacobus & Associates, LLC C/O Hill Jon R.

RESOLUTION # 2016-390

WHEREAS, the Tax Court of New Jersey has granted a judgment in the amount of \$2,662.98 for the year 2016 for Block 155 Lot 1.01, located at 216 Pleasant Valley Road assessed to Hafeez, Abdul & Attiya

WHEREAS, the 2016 taxes have been paid in full, the Tax Collector is directed to refund the amount of \$2,662.98,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$2,662.98, to Jacobus & Associates, LLC C/O Hafeez, Abdul & Attiya.

RESOLUTION # 2016-391

WHEREAS, the Tax Court of New Jersey has granted a judgment in the amount of \$804.00 for the year 2016 for Block 155 Lot 16.46, located at 511 Apache Trail assessed to Dauria, Robbin & Pete,

WHEREAS, the 2016 taxes have been paid in full, the Tax Collector is directed to refund the amount of \$804.00,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$804.00, to Jacobus & Associates, LLC, Attorney Trust C/O Dauria, Robbin & Pete.

RESOLUTION # 2016-392

WHEREAS, the Tax Court of New Jersey has granted a judgment in the amount of \$1,407.97 for the year 2016 for Block 420.02 Lot 13, located at 8 Diamond Hill Road assessed to Rizk, Mandy & Jacqueline,

WHEREAS, the 2016 taxes have been paid in full, the Tax Collector is directed to refund the amount of \$1,407.97

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$1,407.97, to Rizk, Mandy & Jacqueline.

RESOLUTION # 2016-393

A RESOLUTION AUTHORIZING THE CANCELLATION OF CERTAIN TAXES DETERMINED TO BE UNCOLLECTIBLE

WHEREAS, the attached list in the amount of \$966.13 known as Schedule "A", is comprised of taxes that remain outstanding and unpaid; and

WHEREAS, these outstanding taxes were for tax years 2016; and

WHEREAS, these parcels are known as a "gore" a lot created in error or a lot where ownership cannot be determined therefore,

WHEREAS, it has been determined that the said outstanding taxes, are uncollectible; and

WHEREAS, the Township Tax Collector has recommended that they be canceled.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro, in the County of Monmouth and State of New Jersey that the taxes relating to these properties, which have been determined to be uncollectible are hereby canceled in the amount of \$966.13.

Schedule "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNER</u>	<u>CANCELLED AMOUNT</u>
153	56.01	Unknown Owner 1979 Township Dr. Marlboro, NJ 07746	\$ 870.63
193.13	128	Unknown Owner 1979 Township Dr. Marlboro, NJ 07746	\$ 95.50

Total: \$ 966.13

RESOLUTION # 2016-394

WHEREAS, the attached list in the amount of \$ 178.67 known as Schedule "A", is comprised of amounts representing overpayments for 2016 water charges,

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>Account #</u>	<u>REFUND DUE TO:</u>	<u>2016 REFUND</u>
85741	Costco Wholesale PO Box 34788 Seattle, WA 98027 Property Location: 12 Route 9	178.67

RESOLUTION # 2016-395

WHEREAS, the Tax Assessor has granted a disabled veteran exemption for Welgos, John Block 360 Lot 27.04, located at 4 Caitlin Drive,

WHEREAS, taxes were billed for 2016 in the amount of \$21,826.08, and

WHEREAS, this exemption became effective October 1, 2016 and

WHEREAS, fourth quarter taxes for 2016 need to be cancelled in the amount of \$5,626.70 and

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to cancel the 2016 fourth quarter taxes of \$5,626.70.

At 7:50 PM, Councilman Cantor moved that the meeting enter into executive session for discussion of contract negotiations FOP Lodge 15 - Sergeants, Lieutenants, Captains. This was seconded by Council Vice President Marder and the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2016-396

EXECUTIVE SESSION

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 15th day

of December, 2016 to enter into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, namely contract negotiations - FOP Lodge 15.

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 15 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 7:57 PM, Council Vice President Marder offered a motion to return to regular business, which was seconded by Councilman Metzger and passed on a roll call vote of 5 - 0 in favor.

The following Resolution #2016-398 (Authorizing Memorandum of Agreement FOP Lodge 15 - Sergeants & Lieutenants) was introduced by reference, offered by Council Vice President Marder, seconded by Councilman Scalea, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2016-398

A RESOLUTION AUTHORIZING A MEMORANDUM OF AGREEMENT
BETWEEN THE TOWNSHIP OF MARLBORO AND FOP LODGE 15
(SERGEANTS AND LIEUTENANTS)

WHEREAS, the Township and Fraternal Order of Police Lodge 15 Sergeants and Lieutenants ("FOP") are parties to a collective bargaining agreement that expires on December 31, 2016; and

WHEREAS, the Township and FOP engaged in negotiations for a successor collective bargaining agreement to cover employees in the FOP; and

WHEREAS, the terms of the settlement are set forth in a Memorandum of Agreement ("MOA"), attached hereto and made a part hereof; and

WHEREAS, such MOA will be incorporated in the successor collective bargaining agreement to the previous collective bargaining agreement that expired on December 31, 2016, for an extended term of January 1, 2017 through December 31, 2019.

NOW, THEREFORE, BE IT RESOLVED, by Township Council of the Township of Marlboro that it hereby approves the

terms and conditions contained in the Memorandum of Agreement between the Township of Marlboro and FOP, attached hereto and made a part hereof and that such Memorandum shall be deemed the successor collective bargaining agreement to the collective bargaining agreement that expires on December 31, 2016; and

BE IT FURTHER RESOLVED, the Township Council of the Township of Marlboro that it hereby approves and ratifies the execution of the attached Memorandum of Agreement; and

BE IT FURTHER RESOLVED, that the Township Council of the Township of Marlboro authorizes the execution of any documents necessary to implement the successor collective bargaining agreement; and

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

- a. FOP (SERGEANTS AND LIEUTENANTS) LODGE 15
- b. Mayor Jonathan L. Hornik
- c. Chief Financial Officer

The following Resolution #2016-399 (Authorizing Memorandum of Agreement FOP Lodge 15 - Captains) was introduced by reference, offered by Councilman Scalea, seconded by Councilman Cantor, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2016-399

A RESOLUTION AUTHORIZING A MEMORANDUM OF AGREEMENT BETWEEN
THE TOWNSHIP OF MARLBORO AND FOP LODGE 15 (CAPTAINS)

WHEREAS, the Township and Fraternal Order of Police Lodge 15 Captains ("FOP") are parties to a collective bargaining agreement that expires on December 31, 2016; and

WHEREAS, the Township and FOP engaged in negotiations for a successor collective bargaining agreement to cover employees in the FOP; and

WHEREAS, the terms of the settlement are set forth in a Memorandum of Agreement ("MOA"), attached hereto and made a part hereof; and

WHEREAS, such MOA will be incorporated in the successor collective bargaining agreement to the previous collective bargaining agreement that expires on December 31, 2016, for an extended term of January 1, 2017 through December 31, 2020.

NOW, THEREFORE, BE IT RESOLVED, by Township Council of the Township of Marlboro that it hereby approves the terms and conditions contained in the Memorandum of Agreement between the Township of Marlboro and FOP, attached hereto and made a part hereof and that such Memorandum shall be deemed the successor collective bargaining agreement to the collective bargaining agreement that expires on December 31, 2016; and

BE IT FURTHER RESOLVED, the Township Council of the Township of Marlboro that it hereby approves and ratifies the execution of the attached Memorandum of Agreement; and

BE IT FURTHER RESOLVED, that the Township Council of the Township of Marlboro authorizes the execution of any documents necessary to implement the successor collective bargaining agreement; and

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

- a. FOP (CAPTAINS) LODGE 15
- b. Mayor Jonathan L. Hornik
- c. Chief Financial Officer

At 8:00 PM, Council Vice President Marder moved that the meeting be adjourned. This was seconded by Councilman Scalea, and was passed on a roll call vote of 5 - 0 in favor.

MINUTES APPROVED: JANUARY 19, 2017

OFFERED BY: MARDER AYES: 5

SECONDED BY: METZGER NAYS: 0

ALIDA MANCO
MUNICIPAL CLERK

CAROL MAZZOLA
COUNCIL PRESIDENT