

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

March 16, 2017

The Marlboro Township Council held its regularly scheduled Meeting on March 16, 2017 at 7:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Cantor opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of this meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on January 9, 2017; 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: Council Vice President Marder, Councilwoman Mazzola, Councilman Scalea and Council President Cantor (Absent: Metzger).

Also present were: Mayor Jonathan Hornik, Louis N. Rainone, Esq., Business Administrator Jonathan Capp, Municipal Clerk Alida Manco.

Councilman Scalea moved that the minutes of March 2, 2017 be approved. This was seconded by Councilwoman Mazzola, and passed on a roll call vote of 4 - 0 (Absent: Metzger).

The following Resolution #2017-93/Ordinance #2017-7 (Exceed Municipal Budget Appropriation Limits and Establish Cap Bank 2017) was introduced by reference, offered by Councilman Scalea and seconded by Councilwoman Mazzola. Council President Cantor opened the Public Hearing on Ordinance #2017-7. 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 4 - 0 in favor. (Absent: Metzger).

RESOLUTION # 2017-126

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

ORDINANCE # 2017-7

CALENDAR YEAR 2017
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH
A CAP BANK (N.J.S.A. 40A: 4-45.14)

which was introduced on March 2, 2017, public hearing held on March 16, 2017, be adopted on second and final reading this 16th day of March, 2017.

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

ORDINANCE # 2017-7

CALENDAR YEAR 2017
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH
A CAP BANK (N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 0.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Council of the Township of Marlboro in the County of Monmouth finds it advisable and necessary to increase its CY 2017 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$996,675.42 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Township Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE BE IT ORDAINED, by the Township Council of the Township of Marlboro in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2017 budget year, the final appropriations of the Township of Marlboro shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$996,675.42, and that the CY 2017 municipal budget for the Township of Marlboro be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

As the Consent Agenda, the following resolutions were introduced by reference, offered by Council Vice President Marder, seconded by Councilwoman Mazzola and passed on a roll call vote of 4 - 0 in favor: Res. #2017-127 (Authorizing One Year Renewal - Disposal of Asphalt Millings), Res. #2017-128 (Authorizing One Year Renewal - Emergency Water Main Repairs), Res. #2017-129 (Authorizing One Year Renewal - Water Meters), Res. #2017-130 (Authorizing One Year Renewal - Chemicals), Res. #2017-131 (Award of Bid - Refueling/Pump System - Phase II), Res. #2017-132 (Authorizing Shared Services Agreement Freehold Township - Court Administration Services), Res. #2017-133 (Authorizing Final Close Out Change Order and Acceptance of Generator Replacement Rec Complex), Res. #2017-134 (Authorizing Transfer and Acceptance of Surplus Military Equipment from US Department of Defense (DOD) 1033 Program), Res. #2017-135 (Redemption Tax Sale Certs - Various). (Absent: Metzger).

RESOLUTION # 2017-127

A RESOLUTION AUTHORIZING YEAR 2 OF CONTRACTS TO STAVOLA ASPHALT COMPANY AND MAZZA & SONS FOR DISPOSAL OF ASPHALT MILLINGS, CONCRETE, BRICK AND BLOCK FOR THE DEPARTMENT OF PUBLIC WORKS(DPW)

WHEREAS, the Marlboro Township Department of Public Works performs routine asphalt repair work and repairs to inlets and catch basins; and

WHEREAS, the repair work results in asphalt millings, concrete, brick and block that must be disposed of properly at licensed facilities; and

WHEREAS, on March 24, 2016 (R. 2016-125) the Township Council of the Township of Marlboro awarded contracts to STAVOLA ASPHALT COMPANY, INC. and MAZZA & SONS, INC. for the disposal of Township transported asphalt milling, concrete, brick and block for the Department of Public Works (DPW); and

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

WHEREAS, in a memo dated February 27, 2017, the Director of Public Works has recommended the that the Township approve a one (1) year renewal of the contract with STAVOLA ASPHALT COMPANY, INC. for the disposal of asphalt millings or pieces at the bid price of \$30.00 per ton; and

WHEREAS, in a memo dated February 27, 2017, the Director of Public Works has recommended the renewal of the contract with MAZZA & SONS, INC. for the disposal of clean concrete at the bid price of \$9.00 per ton and concrete encased in metal at the bid price of \$19.00 per ton; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation of the Director of Public Works as set forth herein.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro, that the contract be renewed with STAVOLA ASPHALT COMPANY, INC. whose address is 175 Drift Road, Tinton Falls, NJ 07724 for the disposal of asphalt millings or pieces at the bid price of \$30.00 per ton for the period of April 1, 2017 through March 31, 2018; and

BE IT FURTHER RESOLVED by the Township Council of the Township of Marlboro, that a contract be renewed with MAZZA & SONS, INC. whose address is 3230 Shafto Road, Tinton Falls, NJ 07753 for the disposal of clean concrete at the bid price of \$9.00 per ton and concrete encased in metal at the bid price of \$19.00 per ton for the period of April 1, 2017 through March 31, 2018; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, contracts with STAVOLA ASPHALT COMPANY, INC. and MAZZA & SONS, INC. in accordance with this resolution, the bid specifications, and in a form to be approved by the Township Attorney; and

BE IT FURTHER RESOLVED that the Chief Financial Officer will certify funds from Capital Accounts #04-215-14-03B-060288 and #04-215-15-02D-060288 at the time material disposal is needed; and

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

- a. Stavola Asphalt Co., Inc.
- b. Mazza & Sons, Inc.
- c. Township Administrator
- d. Township Chief Financial Officer
- e. Director of Public Works

RESOLUTION # 2017-128

A RESOLUTION AUTHORIZING YEAR 3 OF CONTRACT TO LUCAS CONSTRUCTION GROUP, INC. FOR THE PROVISION OF EMERGENCY WATER MAIN REPAIRS FOR THE TOWNSHIP OF MARLBORO WATER UTILITY DIVISION

WHEREAS, on March 19, 2015 (R.2015-138) the Township Council of the Township of Marlboro awarded a contract to LUCAS CONSTRUCTION GROUP, INC. FOR THE PROVISION OF EMERGENCY WATER MAIN REPAIRS FOR THE TOWNSHIP OF MARLBORO WATER UTILITY DIVISION; and

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

WHEREAS, on March 24, 2016 (R.2016-127) the Township Council of the Township of Marlboro awarded the first one-year extension of the contract to LUCAS CONSTRUCTION GROUP, INC. for THE PROVISION OF EMERGENCY WATER MAIN REPAIRS FOR THE TOWNSHIP OF MARLBORO WATER UTILITY DIVISION; and

WHEREAS, in a memo dated February 27, 2017, the Director of Public Works has recommended that the Township extend the contract for a second and final year, for the period of April 1, 2017 through March 31, 2018; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation as set forth herein;

and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract be renewed with LUCAS CONSTRUCTION GROUP, INC. whose address is 173 Amboy Road, Morganville, NJ 07751, for a period of one year commencing on April 1, 2017 and expiring on March 31, 2018, in a total amount not to exceed \$108,016.00; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, contracts with LUCAS CONSTRUCTION GROUP, INC. in accordance with this resolution, the bid specifications, and in a form to be approved by the Township Attorney; and

BE IT FURTHER RESOLVED that the Chief Financial Officer will certify funds from the Water Capital Account at the time services are needed; and

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

- a. Lucas Construction Group, Inc.
- b. Township Business Administrator
- c. Director of Public Works
- d. Chief Financial Officer

RESOLUTION # 2017-129

A RESOLUTION AUTHORIZING YEAR 3 OF CONTRACT TO HD SUPPLY
WATERWORKS LTD FOR THE PROVISION OF WATER METERS FOR
THE MARLBORO TOWNSHIP DEPARTMENT OF PUBLIC WORKS
WATER UTILITY DIVISION

WHEREAS, on March 19, 2015 (R.2015-136) the Township Council of the Township of Marlboro awarded a contract to HD SUPPLY WATERWORKS LTD for the PROVISION OF WATER METERS FOR THE MARLBORO TOWNSHIP DEPARTMENT OF PUBLIC WORKS WATER UTILITY DIVISION; and

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

WHEREAS, on March 24, 2016 (R.2016-128) the Township Council of the Township of Marlboro awarded the first one-year extension of the contract to SUPPLY WATERWORKS LTD FOR THE PROVISION OF WATER METERS FOR THE MARLBORO TOWNSHIP DEPARTMENT OF PUBLIC WORKS WATER UTILITY DIVISION; and

WHEREAS, in a memo dated February 27, 2017, the Director of Public Works has recommended that the Township extend the contract for a second and final year, for the period of April 1, 2017 through March 31, 2018; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation as set forth herein.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract be renewed with HD SUPPLY WATERWORKS LTD whose address is 61 Gross Avenue, Edison, NJ 08817, for the PROVISION OF WATER METERS FOR THE MARLBORO TOWNSHIP DEPARTMENT OF PUBLIC WORKS WATER UTILITY DIVISION, for a period of one year commencing on April 1, 2017 and expiring on March 31, 2018, and for the total contract amount not to exceed \$359,650.00; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, contracts with HD SUPPLY WATERWORKS LTD in accordance with this resolution, the bid specifications, and in a form to be approved by the Township Attorney; and

BE IT FURTHER RESOLVED funds in the amount of \$269,737.50 are available and have been certified by the Chief Financial Officer in account #05-201-55-500-297020; and

BE IT FURTHER RESOLVED funds for the remaining 2018 amount will be certified by the Chief Financial Officer at the time the 2018 budget is adopted; and

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

- a. HD Supply Waterworks
- b. Township Business Administrator
- c. Director of Public Works
- d. Chief Financial Officer

RESOLUTION # 2017-130

A RESOLUTION AUTHORIZING YEAR 3 OF CONTRACT TO BUCKMAN'S INC., GEORGE S. COYNE CHEMICAL CO., INC., MIRACLE CHEMICAL CO., REED & PERRINE SALES INC., AND SHANNON CHEMICAL CORP. FOR THE SUPPLY OF CHEMICALS FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS WATER UTILITY DIVISION AND RECREATION AND SWIM UTILITY (BID #2015-02)

WHEREAS, on March 19, 2015 (R.2015-135) the Township Council of the Township of Marlboro awarded contracts to BUCKMAN'S INC., GEORGE S. COYNE CHEMICAL CO., INC., MIRACLE CHEMICAL CO., REED & PERRINE SALES INC., AND SHANNON CHEMICAL CORP. FOR THE SUPPLY OF CHEMICALS FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS WATER UTILITY DIVISION AND RECREATION AND SWIM UTILITY; and

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

WHEREAS, on March 24, 2016 (R.2016-129) the Township Council of the Township of Marlboro awarded the first one-year extension of the contract to BUCKMAN'S INC., GEORGE S. COYNE CHEMICAL CO., INC., MIRACLE CHEMICAL CO., REED & PERRINE SALES INC., AND SHANNON CHEMICAL CORP. for THE SUPPLY OF CHEMICALS FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS WATER UTILITY DIVISION AND RECREATION AND SWIM UTILITY; and

WHEREAS, in a memo dated February 27, 2017, the Director of Public Works has recommended that the Township extend each of the chemical supply contracts for a second and final year, for the period of April 1, 2017 through March 31, 2018; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation as set forth herein.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro, that Contract 1A be renewed with George S. Coyne Chemical Co., Inc. whose address is 3015 State Road, Croydon, PA 19021 for the Supply of Liquid Chlorine for the Township of Marlboro Water Utility Division, for a contract amount not to exceed \$22,355.25 and for a term of one (1) year beginning on April 1, 2017; and

BE IT FURTHER RESOLVED by the Township Council of the Township of Marlboro, that Contract 1B be renewed with Reed & Perrine Sales Inc. whose address is 396 Main Street, Tennent, NJ 07763 for the Supply of Hydrated Lime for the Township of Marlboro Water Utility Division, for a contract amount not to exceed \$23,835.00 and for a term of one (1) year beginning on April 1, 2017; and

BE IT FURTHER RESOLVED by the Township Council of the Township of Marlboro, that a Contract 1C and Contract 1E be renewed with Shannon Chemical Corp. whose address is P.O. Box 376, Malvern, PA 19355 for the Supply of Zinc Orthophosphate and Sodium Hydroxide for the Township of Marlboro Water Utility

Division, for a contract amount not to exceed \$45,012.00 and for a term of one (1) year beginning on April 1, 2017; and

BE IT FURTHER RESOLVED by the Township Council of the Township of Marlboro, that Contract 1D be renewed with Buckman's Inc. whose address is 105 Airport Road, Pottstown, PA 19464 for the Supply of Sodium Hypochlorite for the Township of Marlboro Water Utility Division, for a contract amount not to exceed \$14,990.00 and for a term of one (1) year beginning on April 1, 2017; and

BE IT FURTHER RESOLVED by the Township Council of the Township of Marlboro, that Contract 1F be renewed with Miracle Chemical Co. whose address is 1151B Highway 33, Farmingdale, NJ 07727 for the Supply of Sodium Hypochlorite, Sodium Bicarbonate, Calcium Chloride, and Sodium Thiosulfate for the Township of Marlboro Recreation and Swim Utility, for a contract amount not to exceed \$25,968.48 and for a term of one (1) year beginning on April 1, 2017; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, Contracts with BUCKMAN'S INC., GEORGE S. COYNE CHEMICAL CO., INC., MIRACLE CHEMICAL CO., REED & PERRINE SALES INC., AND SHANNON CHEMICAL CORP. in accordance with this resolution, the bid specifications, and in a form to be approved by the Township Attorney; and

BE IT FURTHER RESOLVED the Chief Financial Officer has certified that funds for the 2017 portion of the contracts in the amount of \$105,612.67 are available in Water Utility Account #05-201-55-500-293020 and Recreation Utility Account #09-201-55-400-293; and

BE IT FURTHER RESOLVED funds for the 2018 portion of each contract in the total amount of \$26,548.06 will be certified by the Chief Financial Officer for this purpose upon adoption of the 2018 Municipal Budget.

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

- a. Buckman's Inc.
- b. George S. Coyne Chemical Co., Inc.
- c. Miracle Chemical Co.
- d. Reed & Perrine Sales Inc.
- e. Shannon Chemical Corp.
- f. Township Business Administrator
- g. Township Chief Financial Officer
- h. Township Director of Public Works

i. Township Recreation Director

RESOLUTION # 2017-131

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT TO A & J
CONSTRUCTION FOR PROPOSED REFUELING/PUMP SYSTEM AT THE
DEPARTMENT OF PUBLIC WORKS FACILITY - PHASE II
FOR THE TOWNSHIP OF MARLBORO

WHEREAS, the Township of Marlboro as part of its 2016 and 2017 capital programs (121-34 & 060-34) authorized the installation of a new aboveground fuel storage tank (AST) and site improvements at the DPW yard; and

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for PROPOSED REFUELING/PUMP SYSTEM AT THE DEPARTMENT OF PUBLIC WORKS FACILITY - PHASE II, and on February 22, 2017, received eight (8) bids, as follows:

Bidder	Base Bid	Alt "A"	Alt "B"	Grand Total
A & J Construction Co.	\$421,365.00*	(\$13,900.00)	(\$5,900.00)	\$401,565.00
Aurora Environmental Inc.	\$431,212.00	(\$11,456.00)	(\$5,060.00)	\$414,696.00
Independence Constructors	\$457,235.00	(\$12,000.00)	(\$11,000.00)	\$434,235.00
TTI Environmental Inc.	\$457,878.00	\$6,785.00	(\$1,996.00)	\$462,667.00
T.R. Weniger, Inc.	\$459,810.00	\$0.00	\$0.00	\$459,810.00
Oxford Engineering Company	\$489,787.00	\$4,000.00	(\$2,700.00)	\$491,087.00
Fai-Gon Electrical Contractors	\$496,560.00	\$0.00	\$0.00	\$496,560.00
T. Slack Environmental Services Inc.	\$514,970.00	(\$16,020.00)	(\$3,700.00)	\$495,250.00

* Amount adjusted for error in calculation.

; and

WHEREAS, the bid was comprised of a base bid, Alternate A (deduction) and Alternate B (deduction); and

WHEREAS, it has been determined that the submission of the lowest bidder, A & J Construction, Co. is responsive as detailed in a March 9, 2017 memo submitted by the Township Engineer; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation of the Township Engineer to award the bid as set forth herein.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract be awarded to A & J Construction Co., whose address is 5026 Industrial Road, Farmingdale, NJ 07727 for the base bid, Alternate A and Alternate B, in an amount not to exceed \$401,565.00, for the project titled PROPOSED REFUELING/PUMP

SYSTEM AT THE DEPARTMENT OF PUBLIC WORKS FACILITY - PHASE II;
and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, a contract with A & J Construction Co. in an amount not to exceed \$401,565.00; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that sufficient funds in the amount of \$401,565.00 are available for the aforesaid contract in Capital Accounts 04-215-16-02I-121288 and 04-215-17-02D-121288; and

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

- a. A & J Construction Co.
- b. Township Administrator
- c. Director of Public Works
- d. Township Engineer
- e. Chief Financial Officer

RESOLUTION # 2017-132

A RESOLUTION OF THE TOWNSHIP OF MARLBORO IN MONMOUTH COUNTY,
NEW JERSEY AUTHORIZING A SHARED SERVICES AGREEMENT BETWEEN
THE TOWNSHIP OF MARLBORO AND FREEHOLD TOWNSHIP TO PROVIDE
MUNICIPAL COURT ADMINISTRATION SERVICES

WHEREAS, the Township of Marlboro ("Marlboro") and the Township of Freehold are interested in entering into an Agreement whereby Freehold Township ("Freehold") provides Municipal Court Administration Services; 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, this cooperative Agreement between municipalities would be beneficial to the taxpayers in both municipalities; and

WHEREAS, the Township of Freehold and the Township of Marlboro 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, Freehold has agreed to provide the Court Administration Services on an as-needed basis to Marlboro; and

WHEREAS, Freehold and Marlboro desire to enter into a Shared Services Agreement to set forth the operational and financial terms concerning the work to be performed; 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 Mayor and Township Clerk are hereby authorized to execute a Shared Services Agreement for Municipal Court Services.
3. 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.

RESOLUTION # 2017-133

A RESOLUTION APPROVING CLOSE OUT CHANGE ORDER TO THE EXISTING CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO AND BREAKER ELECTRIC, INC. AND AUTHORIZING FINAL PAYMENT AND ACCEPTANCE OF THE GENERATOR REPLACEMENT AT THE RECREATIONAL COMPLEX

WHEREAS, by Resolution #2014-258 the Township of Marlboro authorized the award of a contract to Breaker Electric, Inc. for the Generator Replacement at the Recreational Complex project (the "Project"); and

WHEREAS, Closeout Change Order has been requested resulting in a decrease in the original contract amount of \$266,500.00 to \$251,493.70, a net decrease of \$15,006.30; and

WHEREAS, in a Letter dated February 21, 2017, the Township Engineer has confirmed that the project has been completed in accordance with the approved plans and specifications and has recommended approval of the Closeout Change Order, acceptance of the Project improvements, and issuance of final payment in the amount of \$15,809.87; and

WHEREAS, pursuant to the terms of the contract, Breaker Electric, Inc. has provided a two-year maintenance bond in an amount equal to 15% of the final contract amount or \$37,724.05; 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 Breaker Electric, Inc. in the amount of \$15,809.87 in order that the Project be completed, 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 Breaker Electric, Inc. be and is hereby approved, decreasing the original contract total of \$266,500.00 to \$251,493.70, a net decrease of \$15,006.30.

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 \$15,809.87 for work completed by Breaker Electric, Inc. is hereby approved.

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

- a. Breaker Electric, Inc.
- b. Township Administrator
- c. Township Engineer
- d. Township Chief Financial Officer

RESOLUTION # 2017-134

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

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

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

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

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

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

- a. Human Resources
- b. Business Administrator
- c. Chief Financial Officer

RESOLUTION # 2017-135

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$ 39,878.04 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 Township Council of the Township of Marlboro that the amount of \$ 39,878.04 be refunded to the certificate holders as per Schedule "A",

SCHEDULE "A"

<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>LIENHOLDER</u>	<u>AMOUNT</u>
2015-069	251/38	Tower as Cust for Ebury Fund 1 NJ, LLC P.O. Box 37695 Baltimore, MD 21297 Assessed Owner: Elrais, Ahmend & Amany Elmetwally	2,820.98
2015-072	262/14	Tower as Cust for Ebury Fund 1 NJ, LLC P.O. Box 37695 Baltimore, MD 21297 Assessed Owner: Goldfarb, Guy & Jill	3,043.12
2015-115	398/17	TTLBL, LLC 4747 Executive Drive Suite 510 San Diego, CA 92121 Assessed Owner: Sheridan, Kevin & Barbara	3,253.91

2013-055	180/12	Actlien Holding Inc. 50 South 16 th Street Suite 2050 Philadelphia, PA 19102 Assessed Owner: Tennent Road Holdings, LLC	17,239.37
2016-103	328/1	US Bank Cust BV002 Trst & Creditors 50 South 16 th Street Suite 2050 Philadelphia, PA 19102 Assessed Owner: Addeo, Vincent & Irene	13,520.66

At 7:35 PM, Councilwoman Mazzola moved that the meeting enter into executive session for discussion of contract negotiations, namely, CWA Local 1075 (SUPERVISORY/PROFESSIONAL UNIT). This was seconded by Council Vice President Marder and the resolution was passed on a roll call vote of 4 - 0 in favor. (Absent: Metzger).

RESOLUTION # 2017-136

EXECUTIVE SESSION

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 16th day of March, 2017 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 - CWA Local 1075 - Supervisory/Professional Unit.

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 5 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 7:40 PM, Council Vice President Marder offered a motion to return to regular business, which was seconded by Councilman Scalea and passed on a roll call vote of 4 - 0 in favor. (Absent: Metzger).

The following Resolution #2017-137 (Authorizing Memorandum of Agreement - CWA Local 1075 - Supervisory/Professional Unit) was introduced by reference, offered by Council Vice President

Marder, seconded by Councilman Scalea, and passed on a roll call vote of 4-0 in favor. (Absent: Metzger).

RESOLUTION #2017-137

A RESOLUTION AUTHORIZING A MEMORANDUM OF AGREEMENT BETWEEN THE TOWNSHIP OF MARLBORO AND CWA LOCAL 1075 (SUPERVISORY/PROFESSIONAL UNIT)

WHEREAS, the Township and the CWA Local 1075 (Supervisory/Professional Unit) ("CWA") are parties to a collective bargaining agreement that expired on December 31, 2015; and

WHEREAS, the Township and CWA engaged in negotiations for a successor collective bargaining agreement to cover employees in the CWA; 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, 2015, for an extended term of January 1, 2016 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 CWA, 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 expired on December 31, 2015; 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. CWA Local 1075(Supervisory/Professional Unit)
- b. Business Administrator
- c. Chief Financial Officer

At 7:41 PM, Council Vice President Marder moved that the meeting be adjourned. This was seconded by Councilwoman Mazzola, and passed on a roll call vote of 4 - 0 in favor (Absent: Metzger).

MINUTES APPROVED: APRIL 20, 2017

OFFERED BY: MARDER AYES: 4

SECONDED BY: SCALEA NAYS: 0

ABSTAIN: METZGER

ALIDA MANCO,
MUNICIPAL CLERK

JEFF CANTOR,
COUNCIL PRESIDENT