

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

April 20, 2017

The Marlboro Township Council held its regularly scheduled Meeting on April 20, 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, Councilman Metzger, Councilwoman Mazzola, Councilman Scalea, and Council President Cantor.

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

Council Vice President Marder moved that the regular minutes and executive session minutes of March 16, 2017 be adopted. This was seconded by Councilman Scalea, and passed on a roll call vote of 4 - 0 in favor (Abstain: Metzger).

Council President Cantor opened the Public Hearing on the 2017 Municipal Budget. As there was no one who wished to speak, the Public Hearing was closed. The following Resolution #2017-138 (Adoption of 2017 Municipal Budget) was introduced by reference, offered by Councilman Metzger, seconded by Council Vice President Marder, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2017-138

RESOLUTION AUTHORIZING THE ADOPTION  
OF THE 2017 MUNICIPAL BUDGET

WHEREAS, the 2017 Township of Marlboro Municipal Budget was introduced on March 2, 2017; and

WHEREAS, the required public hearing was scheduled and held on April 20, 2017.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Marlboro hereby adopts the 2017 Township of Marlboro Municipal Budget.

The following Resolution #2017-139 (Authorizing Renewal of Cooperative Pricing System and Cooperative Pricing Agreements for Procurement of Electric Generation Service) was introduced by reference, offered by Councilman Metzger, seconded by Council Vice President Marder, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2017-139

A RESOLUTION AUTHORIZING THE TOWNSHIP OF MARLBORO  
TO RENEW A COOPERATIVE PRICING SYSTEM AND TO RENEW  
COOPERATIVE PRICING AGREEMENTS WITH OTHER CONTRACTING UNITS

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes two (2) or more contracting units to establish a Cooperative Pricing System and to enter into a Cooperative Pricing Agreement for its administration; and

WHEREAS, the Township of Marlboro, County of Monmouth, and State of New Jersey is desirous of establishing a Cooperative Pricing System and entering into a Cooperative Pricing Agreement with other contracting units;

WHEREAS, the Township of Marlboro has agreed to serve as the Lead Agency for a Cooperative Pricing System; and

WHEREAS, on March 4, 2011, the State of New Jersey approved a Cooperative Pricing System for Electric Generation Service with the Township of Marlboro as Lead Agency, and on April 7, 2011 approved the Marlboro Board of Education as a participating member in the Cooperative Pricing System,

WHEREAS, the Township of Marlboro wishes to renew the Cooperative Pricing System with the Marlboro Board of Education as a participating member, with the ultimate goal of obtaining the most advantageous electricity supply rates for municipal and school facilities to the benefit of local taxpayers.

NOW, THEREFORE BE IT RESOLVED as follows:

COOPERATIVE PRICING SYSTEM RENEWED

The Township Council of the Township of Marlboro hereby authorizes the renewal of a Cooperative Pricing System to be known as *Marlboro Township Cooperative Pricing System for Electric Generation Service* with the Township of Marlboro serving as the Lead Agency.

COOPERATIVE PRICING AGREEMENT

The Mayor of Marlboro Township is hereby authorized to enter into separate Cooperative Pricing Agreements with the participating contracting units and said Agreement(s) shall be deemed a single Agreement.

COPY OF RESOLUTION TO DIVISION OF LOCAL GOVERNMENT SERVICES

A single certified copy of this resolution shall be forwarded to the Division of Local Government Services as part of the Application for the registration of the *Marlboro Township Cooperative Pricing System for Electric Generation Service*.

EFFECTIVE DATE

This resolution shall take effect immediately upon passage.

The foregoing Resolution, concerning the Township's creation of the *Marlboro Township Cooperative Pricing System for Electric Generation Service*, was adopted by the Township Council of the Township of Marlboro on April 20, 2017 by the following roll call vote of 5 - 0 in favor.

The following Resolution #2017-140 (Appointment to Youth Exchange Advisory Committee - Connie Mo - three year term and one year as Chairperson) was introduced by reference, offered by Councilman Scalea, seconded by Councilman Metzger, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2017-140

A RESOLUTION APPOINTING CONNIE MO AS A MEMBER OF THE  
YOUTH EXCHANGE ADVISORY COMMITTEE AND  
DESIGNATING HER CHAIRPERSON OF SAID COMMITTEE

WHEREAS, pursuant to Section 4-100 of the Code of the Township of Marlboro, the Township Council established the Youth Exchange Advisory Committee as a special committee of the Township Council to undertake the administration, management and planning of the Youth Exchange Program between the Township of Marlboro and the Nanto City, Toyama Prefecture, Japan, Wujiang, China and other cities or regions designated by the Mayor and Township Council; and

WHEREAS, pursuant to Section 4-100(C)(1) of the Code, the Youth Exchange Advisory Committee shall consist of up to but not more than 14 members appointed by the Township Council; and

WHEREAS, pursuant to Section 4-100(C)(4) of the Code, the Township Council shall designate one of the members to serve as Chair and presiding officer of the Youth Exchange Advisory Committee for a term of one (1) year; and

WHEREAS, the Township Council wishes to appoint CONNIE MO for a term of three (3) years expiring December 31, 2019; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that CONNIE MO shall be appointed to the Youth Exchange Advisory Committee for a (3) three year term expiring December 31, 2019.

BE IT FURTHER RESOLVED, that the Township Council designates CONNIE MO as Chairperson of the Youth Exchange Advisory Committee for a term of one (1) year expiring December 31, 2017.

As the Consent Agenda, the following resolutions were introduced by reference, offered by Councilman Metzger, seconded by Council Vice President Marder and passed on a roll call vote of 5 - 0 in favor: Res. #2016-141 (Authorizing Contract Engineering Services - Remediation Investigation Services for Nolan Rd Park), Res. #2016-142 (Authorizing Contract Engineering Services - Preparation of Open Space and Recreation Plan), Res. #2016-143 (Authorizing Contract Engineering Services - Road and Drainage Improvements), Res. #2016-144 (Authorizing Participation in NJ E-Procurement Pilot Program, Authorizing Engagement of On-line Purchasing Agent to Conduct Internet-Based Reverse Auction Execution of Agreements for Purchase of Electric Power Supplies), Res. #2016-145 (Authorizing ESCNJ (formerly MRESC) Contract - Acquisition/Trade-In Track Skid Steer Machine), Res. #2016-146 (Authorizing ESCNJ (formerly MRESC) Contract - Acquisition/Trade-In Track Skid Steer Machine), Res. #2016-147 (Authorizing One Year Renewal - T-Shirts), Res. #2016-148 (Authorizing Shared Services Agreement Marlboro Board of Education - School Bus Transportation), Res. #2016-149 (Award of

Contract - Food Concession Services) Res. #2016-150 (Award of Bid - 2017 Road Improvement Program), Res. #2016-151 (Authorizing Refund to Monmouth County Council Boy Scouts of America -Construction Codes - Partial Exemptions from Fees), Res. #2016-152 (Authorizing State Contract - Replacement of Police Vehicles) and Award of Bid), and Res. #2016-153 (Authorizing State Contract Purchase of Police Vehicle Equipment), Res. #2016-154 (Authorizing State Contract Purchase of Replacement Ford Interceptor Police Utility Vehicle), Res. #2016-155 (Authorizing Click It or Ticket Grant Application 2017) Res. #2016-156 (Redemption Tax Sale Certs - Various), Res. #2016-157 (Refund for State Judgment - 180 Pleasant Valley Rd), Res. #2016-158 (Refunds for Overpayments 2017 Taxes - Various).

RESOLUTION # 2017-141

A RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES CONTRACT BETWEEN REMINGTON, VERNICK & VENA ENGINEERS AND THE TOWNSHIP OF MARLBORO FOR LICENSED SITE REMEDIATION PROFESSIONAL (LSRP) AND REMEDIAL INVESTIGATION SERVICES IN CONNECTION WITH BLOCK 127, LOT 11 (NOLAN ROAD PARK) PURSUANT TO A FAIR AND OPEN PROCESS IN ACCORDANCE WITH N.J.S.A. 19:44A-20.5

WHEREAS, the Township has been awarded a \$145,000.00 grant by the Monmouth County Park System for improvements to Nolan Road Park ("grant"); and

WHEREAS, the grant agreement requires a preliminary environmental assessment be performed, and the identification of any potential areas of concern; and

WHEREAS, on February 26, 2015 (R.2015-113) the Township authorized a Preliminary Assessment and Site Inspection (PASI) to be performed; and

WHEREAS, the PASI Report identified two (2) areas of concern (AOCs) which required a second-level Site Investigation (SI); and

WHEREAS, on April 16, 2015 (R. 2015-163) the Township authorized a Site Investigation (SI) to be performed; and

WHEREAS, the SI Report identified soil contamination in connection with the two (2) AOCs requiring that Licensed Site Remediation Professional (LSRP) and remediation investigation

services be secured by the Township ("Professional Services"); and

WHEREAS, on June 22, 2016 (R. 2016-208) the Township authorized REMINGTON, VERNICK & VENA ENGINEERS to establish a Program Interest (PI) number for the site, register a Licensed Site Remediation Professional (LSRP) with New Jersey Department of Environmental Protection (NJDEP), delineate and assess impacts identified during a former Site Investigation (SI) and complete and submit a Remedial Investigation Report (RIR); and

WHEREAS, at this time, the Township of Marlboro is in need of additional LSRP services in order to further delineate previous detections above applicable remediation standards, as well as prepare updates to the existing RIR including recommendations for site closure ("Project"); and

WHEREAS, such services are to be performed and rendered by a person or persons licensed and authorized by law to practice such engineering services, and accordingly, such services constitute professional services exempt from public bidding pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-5(1)(a)(i); and

WHEREAS, the Township received a proposal dated December 9, 2016 from REMINGTON, VERNICK & VENA ENGINEERS (the "Business Entity") in response to a Request for Qualifications for the services of a Township Engineer issued by the Township which sets forth the terms and conditions under which such services are to be rendered by the Business Entity under a contract to be awarded pursuant to a fair and open process in accordance with the provisions of N.J.S.A 19:44A-20.5; and

WHEREAS, on April 6, 2017, REMINGTON, VERNICK & VENA ENGINEERS submitted a proposal (the "Proposal") in connection with the project; and

WHEREAS, it has been determined that the value of the contract will exceed \$17,500.00; and

WHEREAS, funds in the amount of \$14,000.00 have been certified by the Chief Financial Officer in account # 04-215-15-02G-145288; and

WHEREAS, the Township has been provided with the Business Entity's Disclosure of Campaign Contributions at least ten (10) days prior hereto, as required by P.L. 2005, c.271.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that:

1. The Township Council of the Township of Marlboro hereby authorizes and approves the award of a Professional Services Contract to REMINGTON, VERNICK & VENA ENGINEERS pursuant to a fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.5; and

2. The Professional Services Contract is awarded without competitive public bidding pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-5(1)(a)(i) in accordance with the proposals dated December 9, 2016 and April 6, 2017, a copy of which is attached hereto, in an amount not to exceed \$14,000.00; and

3. The Mayor and Town Clerk are hereby authorized and directed to execute, seal and deliver said Contract for Professional Services on behalf of and in the name of the Township of Marlboro; and

4. The Business Entity's Disclosure of Campaign Contributions and the Determination of Value shall be placed on file with this Resolution in accordance with P.L. 2005, c.271; and

5. That notice of the award of this contract shall be published in accordance with law.

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

- a. Remington, Vernick & Vena Engineers
- b. Township Administrator
- c. Township Chief Financial Officer

RESOLUTION # 2017-142

A RESOLUTION AUTHORIZING AN AMENDMENT TO A  
PROFESSIONAL SERVICES CONTRACT BETWEEN CME ASSOCIATES  
AND THE TOWNSHIP OF MARLBORO FOR PROFESSIONAL  
PLANNING AND ENGINEERING SERVICES FOR PREPARATION OF  
AN OPEN SPACE AND RECREATION PLAN

WHEREAS, the Township of Marlboro ("Township") qualifies for participation in the New Jersey Department of Environmental

Protection (NJDEP) Green Acres Planning Incentive Grant Program ("program"); and

WHEREAS, under the program, the Township is eligible for reimbursement of up to 50% of the certified market value as well as other eligible costs associated with the acquisition of open space parcels included in the Township's Open Space and Recreation Plan ("OSRP"); and

WHEREAS, the Green Acres program is responsible for more than \$3.5 million in funding for open space preservation to the Township; and

WHEREAS, the Township's last official OSRP was prepared in 2001, with periodic updates made between 2010 and 2016; and

WHEREAS, in a letter dated March 7, 2017, the Green Acres Program advised that the Township must complete and submit a new or updated OSRP by December 31, 2017 in order to remain eligible for funding under the program; and

WHEREAS, it is in the best interest of Marlboro taxpayers for the Township to remain eligible for funding from this valuable program; and

WHEREAS, the Township is in need of professional planning and engineering services for the preparation and submittal of the OSRP; and

WHEREAS, CME Associates has provided a proposal dated April 6, 2017 (the "Proposal") for the professional planning and engineering services required in connection with the preparation of the OSRP; and

WHEREAS, the Township of Marlboro and CME Associates have entered into a Professional Services Contract, awarded under a fair and open process, and seeks to amend such Contract to expand the scope of services to include the Professional Services (as defined hereinabove) for the Projects at a fee not to exceed \$9,800.00 for such Professional Services, as further described and set forth in CME's Proposal, attached hereto and made a part hereof; and

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



WHEREAS, the Chief Financial Officer has certified that funds in the amount of \$9,800.00 are available for this purpose from Capital Account # 04-215-11-04A-140291; and

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

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

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

WHEREAS, CME has previously completed and submitted a Political Contribution Disclosure Form in accordance with P.L. 2005, c.271.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a Professional Services Contract between CME Associates and the Township of Marlboro, to expand the scope of services for PROFESSIONAL PLANNING AND ENGINEERING SERVICES FOR PREPARATION OF AN OPEN SPACE AND RECREATION PLAN by way of its Township Engineers ("Professional Services"), at a fee not to exceed \$9,800.00 for such Professional Services, as further described and set forth in CME's Proposal dated April 6, 2017 ("Proposal"), be and is hereby authorized; and

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

BE IT FURTHER RESOLVED, that this Professional Services Contract is awarded without competitive bidding pursuant to N.J.S.A. 40A:11-5(1)(a)(i) and shall provide for compensation in

an amount not to exceed \$9,800.00 for such additional Professional Services as described in the Proposal; and

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

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

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

RESOLUTION # 2017-143

A RESOLUTION AUTHORIZING AN AMENDMENT TO A  
PROFESSIONAL SERVICES CONTRACT BETWEEN CME ASSOCIATES  
AND THE TOWNSHIP OF MARLBORO FOR PROFESSIONAL  
ENGINEERING SERVICES FOR ROAD AND DRAINAGE  
IMPROVEMENTS

WHEREAS, the Township of Marlboro as part of its 2017 capital program (060-1,3,17,18) authorized certain road and drainage improvements ("Projects"); and

WHEREAS, on February 2, 2017 (R.2017-088) the Township authorized survey, design, permitting and bid services associated with 2017 road improvements; and

WHEREAS, the Township is in need of professional engineering services for survey, design, permitting and bid activities associated with 2017 drainage improvements, and construction management activities associated with all of the Projects; and

WHEREAS, CME Associates has provided a proposal dated January 30, 2017 (the "Proposal") for the survey, design, permitting, and bid phase professional services required in connection with the Projects; and

WHEREAS, CME Associates has provided an additional proposal dated April 13, 2017 (the "Proposal") for the construction management phase professional services required in connection with the Projects; and

WHEREAS, the Township of Marlboro and CME Associates have entered into a Professional Services Contract, awarded under a fair and open process, and seeks to amend such Contract to expand the scope of services to include the Professional Services (as defined hereinabove) for the Projects at a fee not to exceed \$102,000.00 for such Professional Services, as further described and set forth in CME's Proposals, attached hereto and made a part hereof; and

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

WHEREAS, the Chief Financial Officer has certified that funds in the amount of \$102,000.00 are available for this purpose from Capital Account #04-215-17-02D-060288; and

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

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

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

WHEREAS, CME has previously completed and submitted a Political Contribution Disclosure Form in accordance with P.L. 2005, c.271.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a Professional Services Contract between CME Associates and the Township of Marlboro, to expand the scope of services for PROFESSIONAL ENGINEERING SERVICES FOR ROAD AND DRAINAGE IMPROVEMENTS by way of its Township Engineers ("Professional Services"), at a fee not to exceed \$102,000.00 for such Professional Services, as

further described and set forth in CME's Proposals dated January 30, 2017 and April 13, 2017, be and is hereby authorized; and

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

BE IT FURTHER RESOLVED, that this Professional Services Contract is awarded without competitive bidding pursuant to N.J.S.A. 40A:11-5(1)(a)(i) and shall provide for compensation in an amount not to exceed \$102,000.00 for such additional Professional Services for the Projects as described in the Proposal; and

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

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

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

RESOLUTION # 2017-144

A RESOLUTION AUTHORIZING PARTICIPATION IN THE NEW JERSEY E-PROCUREMENT PILOT PROGRAM, AUTHORIZING THE HIRING AND ENGAGEMENT OF AN ON-LINE PURCHASING AGENT TO CONDUCT INTERNET-BASED REVERSE AUCTIONS, AND THE EXECUTION OF AGREEMENTS FOR THE PURCHASE OF ELECTRIC POWER SUPPLIES

WHEREAS, the Mayor and Township Council of the Township of Marlboro are committed to the pursuit of initiatives that will stabilize and even reduce the costs of local government operations and thereby relieve the ever increasing financial burdens that confront Marlboro Township and its municipal residents and property owners; and

WHEREAS, over the past six (6) years in cooperation with the Marlboro Township Board of Education, the Township of Marlboro has achieved meaningful cost reductions through the competitive procurement of electric generation service from

third party suppliers utilizing an internet-based reverse auction platform; and

WHEREAS, the Marlboro Township Board of Education and the Township of Marlboro are engaged in a registered cooperative pricing system with the State of New Jersey for the joint purchase of electrical generation supplies, with the Township of Marlboro being designated as the Lead Agency to act on its own behalf, as well as on behalf of the Board of Education; and

WHEREAS, the State of New Jersey allows local government units, through participation in an *E-Procurement Pilot Program* in accordance with the provisions of the *Local Unit Electronic Technology Pilot Program and Study Act* (P. L. 2001, c. 30), to utilize on-line bidding services to purchase electric power supplies and to do so either alone, on a single agency basis, or in concert with other government contracting units through a cooperative purchasing arrangement; and

WHEREAS, pursuant to provisions of the *Local Unit Electronic Technology Pilot Program and Study Act* (P. L. 2001, c. 30), local contracting units are specifically authorized to engage, without competitive bidding, on-line purchasing agents for the purpose of conducting internet-based auctions to procure certain bulk commodities, including electric energy supplies; and

WHEREAS, EnerNOC, Inc. (formerly World Energy Solutions, Inc.) is approved by the New Jersey Department of Community Affairs (NJDCA) to provide online reverse auctions for the purchase of energy generation services; and

WHEREAS, EnerNOC, Inc. conducted auctions for electric energy supplies on behalf of the Township of Marlboro and Marlboro Board of Education in each of 2011, 2013 and 2015, through which rates for electricity supplies were secured which have resulted in substantial savings for taxpayers.

WHEREAS, EnerNOC, Inc., has offered to serve as Marlboro Township's on-line purchasing agent for the reasonable sum of \$0.001 per kilowatt-hour of procured electric generation service, payable by the successful vendor;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth, and State of New Jersey, that:

Section 1. Subject to the provisions of Section 2, below, the participation of Marlboro Township in the New Jersey *E-Procurement Pilot Program* pursuant to the provisions of the *Local Unit Electronic Technology Pilot Program and Study Act* (P. L. 2001, c. 30) is hereby authorized and approved for the purpose of purchasing electric generation service from third party suppliers utilizing on-line competitive bidding services and, in particular, an internet-based reverse auction platform.

Section 2. It is the intention of the Mayor and Township Council that the Township's procurement of electric power supplies be effected as part of a cooperative purchasing arrangement with the Marlboro Township Board of Education and with the Township serving as the Lead Agency in connection therewith. Accordingly, the within authorization and approval for the Township of Marlboro to participate in the New Jersey *E-Procurement Pilot Program* is expressly subject to and conditioned upon the Marlboro Township Board of Education entering into a shared services agreement with the Township of Marlboro, which, to the extent necessary, provides for the participation of the Marlboro Township Board of Education in the New Jersey *E-Procurement Pilot Program*, approves a shared services or cooperative purchasing arrangement with Marlboro Township relative to the procurement of electric generation service, and designates the Township of Marlboro as the Lead Agency with respect thereto and with full power and authorization to bind the Board of Education in matters such as the hiring or engagement of an on-line purchasing agent, bid specifications, contract documents and related materials, and, ultimately, the acceptance of a bid from a third party supplier of electric energy; it being understood that the delegation of authority from the Board of Education to the Township shall be subject to certain limitations and parameters to be established by one or more pre-bid resolution(s) or agreement(s), and it being further understood that, following the acceptance of any such bid, the Township of Marlboro and the Marlboro Township Board of Education shall enter into separate contracts with the successful vendor so that each party shall have sole and singular responsibility for the payment of their respective electric generation service.

Section 3. Subject to the provisions of Section 2, above, the Township is hereby authorized to hire EnerNOC, Inc., One Marina Park Drive, Suite 400, Boston, Massachusetts 02210, as an on-line purchasing agent, to conduct competitive reverse auctions utilizing an internet-based platform, as well as to perform related procurement services, in conjunction with the

Township's planned purchase of electric energy supplies. The engagement of EnerNOC, Inc., shall be effected through the execution of an agreement substantially in the form attached hereto and made a part hereof as Exhibit A, which said contract is hereby awarded, without competitive bidding, pursuant to the provisions of Section 7 of the *Local Unit Electronic Technology Pilot Program and Study Act* (P. L. 2001, c. 30).

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

- a. Marlboro Township Business Administrator
- b. Marlboro Township Chief Financial Officer
- c. Marlboro Township Board of Education
- d. EnerNOC, Inc.

RESOLUTION # 2017-145

RESOLUTION AUTHORIZING A CONTRACT FOR THE PURCHASE OF REPLACEMENT GROUNDS EQUIPMENT THROUGH BIDS OBTAINED BY THE MIDDLESEX REGIONAL EDUCATION SERVICES COMMISSION (MRESC)

WHEREAS, the Township of Marlboro as part of its 2017 capital program (120-17) authorized the acquisition of grounds equipment including a replacement skid steer for the Public Works Department; and

WHEREAS, the Township is authorized to purchase GROUNDS EQUIPMENT from bids obtained from a cooperative pricing system such as the MIDDLESEX REGIONAL EDUCATION SERVICES COMMISSION (MRESC) pursuant to the authority provided by N.J.S.A. 40A:11-11(6); and

WHEREAS, the MIDDLESEX REGIONAL EDUCATION SERVICES COMMISSION (MRESC) conducted a public bidding process and awarded a contract to Foley Inc., 855 Centennial Avenue, P.O. Box 1555, Piscataway, NJ 08855-1555, for the provision of GROUNDS EQUIPMENT; and

WHEREAS, the Public Works Department has indicated that Foley Inc. has agreed to extend the pricing provided through the MRESC to Marlboro Township; and

WHEREAS, at this time, the Public Works Department has recommended the award of contract for the purchase of replacement GROUNDS EQUIPMENT for a total amount not to exceed

\$110,160.19, which includes the trade-in of an existing Township-owned unit; and

WHEREAS, the Department of Public Works wishes to trade in a 2002 248HF Caterpillar Skid Steer w/ bucket attachments (#0207); and

WHEREAS, the Department of Public Works has obtained results from various auctions of 248HF Caterpillar Skid Steer units of a similar age and condition; and

WHEREAS, Foley Inc., the MRESC vendor, has placed a value of \$16,000.00 on the trade-in, an amount at the high end of the auction prices, and one recommended by the Department of Public Works as an advantageous price; and

WHEREAS, Foley, Inc. has agreed to deduct the trade-in value of \$16,000.00 from the overall cost of the new replacement skid steer; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to purchase replacement GROUNDS EQUIPMENT through the MRESC; and

WHEREAS, funds in the amount of \$110,160.19 have been certified by the Chief Financial Officer in Capital Account #04-215-17-02H-120297 for this purpose; and

WHEREAS, the Marlboro Township Council, having considered the same, desires to authorize the purchase of the replacement GROUNDS EQUIPMENT from Foley Inc., at pricing pursuant to the bid obtained by the MRESC and including the trade-in of Township unit #0207 for a total amount not to exceed \$110,160.19.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase replacement GROUNDS EQUIPMENT, at pricing pursuant to the bid obtained by the MRESC and including the trade-in of Township unit #0207 for a total amount not to exceed \$110,160.19; and

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

- a. Foley Inc., Piscataway, NJ
- b. Township Administrator
- c. Township Public Works Department



d. Township Chief Financial Officer

RESOLUTION # 2017-146

A RESOLUTION AUTHORIZING YEAR 2 OF CONTRACT TO A.C. SCHULTES, INC. FOR THE MAINTENANCE AND SERVICE OF WELLS AND PUMPS FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS WATER UTILITY DIVISION

WHEREAS, on May 5, 2016 (R.2016-171) the Township Council of the Township of Marlboro awarded a contract to A.C. SCHULTES, INC. for the MAINTENANCE AND SERVICE OF WELLS AND PUMPS FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS WATER UTILITY DIVISION; and

WHEREAS, the bid specifications included the option to renew said contract for one two-year, or two one-year extensions on the same terms and conditions as specified in the bid proposal; and

WHEREAS, the Director of the Department of Public Works has recommended that the Township approve a one (1) year renewal of the contract; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract extension be awarded to A.C. SCHULTES, INC. whose address is 664 S. Evergreen Avenue, Woodbury Heights, NJ 08097 for a period of one year beginning on May 1, 2017 through April 30, 2018, in a total amount not to exceed \$157,800.00; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, a contract extension form with A.C. SCHULTES, INC. in accordance with this resolution, the bid specifications, and in a form to be approved by the Township Attorney; and

BE IT FURTHER RESOLVED, funds in the amount of \$157,800.00 have been certified by the Chief Financial Officer from Current Account #01-201-28-123-288121, Water Utility Account #05-201-55-500-288020, and Water Capital Account #06-215-17-03C-500288; and

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

- a. A.C. Schultes, Inc.
- b. Township Business Administrator
- c. Department of Public Works
- d. Township Chief Financial Officer

RESOLUTION # 2017-147

A RESOLUTION AUTHORIZING YEAR 2 OF CONTRACT TO  
DOT DESIGNING LLC FOR THE PROVISION OF T-SHIRTS  
IN VARIOUS COLORS AND SIZES FOR THE TOWNSHIP OF MARLBORO

WHEREAS, on April 14, 2016 (R.2016-141) the Township Council of the Township of Marlboro awarded a contract to DOT DESIGNING LLC for THE PROVISION OF T-SHIRTS IN VARIOUS COLORS AND SIZES FOR THE TOWNSHIP OF MARLBORO; and

WHEREAS, the bid specifications included the option to renew said contract for one two-year, or two one-year extensions on the same terms and conditions as specified in the bid proposal; and

WHEREAS, in a memo dated April 10, 2017, the Recreation Director has recommended that the Township approve a one (1) year renewal of the contract; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract extension be awarded to DOT DESIGNING LLC whose address is 242 Possum Hollow Road, Monroe Township, NJ 08831 for a period of one (1) year beginning on May, 1, 2017 and ending on April 30, 2018, in a total amount not to exceed \$75,007.57; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, a contract extension form with DOT DESIGNING LLC 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 has certified that sufficient funds in the amount of \$75,007.57 are available for the aforesaid contract in 09-201-55-400-266, 01-201-20-083-266, 01-201-28-146-266, 01-201-26-121-266, and 02-213-16-722-266; and

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

- a. DOT Designing, LLC
- b. Township Business Administrator
- c. Township Director of Recreation
- d. Township Chief Financial Officer

RESOLUTION # 2017-148

A RESOLUTION AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE MARLBORO TOWNSHIP BOARD OF EDUCATION FOR BUS TRANSPORTATION SERVICES OF CHILDREN TO AND FROM THE TOWNSHIP OF MARLBORO'S 2017 SUMMER RECREATION CAMP PROGRAM

WHEREAS, the Marlboro Township Board of Education (the "Board") owns/leases a fleet of school buses used to transport children to and from schools that comprise the Marlboro Township School District (the "District"); and

WHEREAS, the Township of Marlboro (the "Township") intends to operate a Summer Camp Recreation Camp Program ("Summer Camp") for the Township's resident children, some of whom shall require transportation to and from home to the various camp sites (schools), as well as some of whom shall require transportation to and from the Township Recreation Center for the pre and after camp program to the various camp sites, as well as all campers who will require transportation to and from the various camp sites to the Aquatics Center, as well as all campers who will require transportation to and from the camp sites to other trip destinations inside and outside of the Township for Summer Camp activities (the "Transportation Services"); and

WHEREAS, pursuant to N.J.S.A. 18A:39-22, the Board is authorized to permit the use of school buses it owns or leases for the purpose of transporting children and adults participating in a recreation or other program operated by the municipality in which the Board's School District is located; and

WHEREAS, the Township and the Board desire to enter into a Shared Services Agreement to provide Transportation Services for the Summer Camp for the period commencing on or about June 27, 2017 and terminating on August 12, 2017; and

WHEREAS, the costs of the Transportation Services for Summer Camp shall be paid by the Township to the Board as follows:

(1) Transportation to and from the camper's home to the various camp sites at the rates specified below for an amount not to exceed \$39,000.00:

- (a) \$325.00 for each six week Summer Camp participant
- (b) \$275.00 for each five week Summer Camp participant
- (c) \$200.00 for each three week Summer Camp participant

(2) For shuttle services comprising transportation of Summer Camp participants not to exceed \$45,000.00:

- (a) to and from the Township Recreation Center for the pre and after camp program to the various camp sites
- (b) to and from the various camp sites to the Aquatics Center

(3) Transportation to and from trip destinations as determined by the Township Recreation Department, \$275.00 per day, per bus plus the cost of tolls and parking fees: for an amount not to exceed \$72,600.00.

WHEREAS, N.J.S.A. 40A:65-1 et seq. authorizes local units to enter into shared services agreements for the provision of services, including the transportation services contemplated herein; and

WHEREAS, the proposed Shared Services Agreement for the Transportation Services is on file in the Township Clerk's office in accordance with the provisions of N.J.S.A. 40A:65-5(b); and

WHEREAS, funds for the transportation services will be certified by the Chief Financial Officer from the Recreation Utility Account #09-201-55-400-288480 upon adoption of the 2017 Recreation Utility budget; and

WHEREAS, the Mayor and Marlboro Township Council desire to enter into the proposed Shared Services Agreement with the Board pursuant to the above-described terms and conditions for a total contract amount not to exceed \$156,600.00.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Mayor and Township Clerk are hereby authorized and directed to execute and witness, respectively, the proposed

Shared Services Agreement in a form substantially similar as that attached hereto for the provision of transportation services for the Marlboro Township Summer Camp Program for the term and conditions described hereinabove; and

BE IT FURTHER RESOLVED, that, pursuant to N.J.S.A. 40A:65-4(b), a copy of the shared services agreement authorized herein shall be filed with the Division of Local Government Services in the Department of Community Affairs for informational purposes; and

BE IT FURTHER RESOLVED, that a copy of the shared services agreement authorized herein shall be open to the public for inspection in the Township Clerk's Office; and

BE IT FURTHER RESOLVED that a duly certified copy of this resolution be forwarded to:

- a. Marlboro Township Board of Education
- b. Township Recreation Director
- c. Township Administrator
- d. Township Chief Financial Officer

RESOLUTION # 2017-149

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT FOR  
THE PROVISION OF FOOD CONCESSION SERVICE AT THE  
MARLBORO SWIM CLUB FOR THE MARLBORO TOWNSHIP  
RECREATION AND SWIM UTILITY

WHEREAS, the Township of Marlboro has advertised for the receipt of bids on two occasions for the provision of FOOD CONCESSION SERVICE AT THE MARLBORO SWIM CLUB FOR THE MARLBORO TOWNSHIP RECREATION AND SWIM UTILITY and on both occasions received no responses; and

WHEREAS, N.J.S.A. 40A:11-5(3)(a) provides that a contract may be negotiated and awarded by the governing body without public advertising if bids have been advertised pursuant to N.J.S.A. 40A:11-4 on two occasions and no bids have been received on both occasions in response to the advertisement; and

WHEREAS, in accordance with Local Public Contracts Law, the Township proceeded to negotiate a contract for the provision of FOOD CONCESSION SERVICES AT THE MARLBORO SWIM CLUB; and

WHEREAS, the Township negotiated the terms of an agreement with JHBS Restaurants Inc. which incorporates all conditions of the advertised solicitation and a payment of \$7,000.00 to be made by the concessioner; and

WHEREAS, the Director of the Recreation and Swim Utility has recommended that JHBS Restaurants Inc. be awarded the contract to provide FOOD CONCESSION SERVICE AT THE MARLBORO SWIM CLUB for the 2017 summer season, conditioned upon the contractor providing the Township with evidence of insurance acceptable to the Township.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract be awarded for the provision of FOOD CONCESSION SERVICE AT THE MARLBORO SWIM CLUB for the 2017 summer season, conditioned upon the contractor providing the Township with evidence of insurance acceptable to the Township; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Township Clerk to witness, a contract with JHBS Restaurants Inc., whose address is 104 1<sup>st</sup> Avenue, Apartment 7, Belmar, New Jersey 07719, in accordance with this resolution, the advertised solicitation, and in a form similar to the attached, to be 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. JHBS Restaurants Inc.
- b. Township Business Administrator
- c. Township Chief Financial Officer
- d. Township Recreation Director

RESOLUTION # 2017-150

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT  
TO JADS CONSTRUCTION CO. FOR THE 2017 DRAINAGE  
AND ROAD IMPROVEMENT PROGRAM

WHEREAS, the Township of Marlboro as part of its 2017 capital program (060-1,3,17,18) authorized certain road and drainage improvements; and

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the 2017 DRAINAGE AND ROAD IMPROVEMENT

PROGRAM, and on April 11, 2017, received seven (7) bids, as follows:

Bidder	Base Bid	Add "A"	Add "B"	Add "C"	Add "D"	Add "E"
JADS Construction South River, NJ	1,033,843.00	107,485.00	46,875.00	72,300.00	99,700.00	10,000.00
Lucas Brothers Inc. Morganville, NJ	1,063,630.00	166,000.00	44,400.00	65,500.00	115,000.00	10,000.00
S. Brothers Inc. South River, NJ	1,085,493.00	129,500.00	51,050.00	83,363.00	102,005.00	10,500.00
Lucas Construction Group, Inc. Red Bank, NJ	1,093,093.00	107,350.00	41,375.00	67,380.00	105,770.00	9,501.00
Meco, Inc. Clarksburg, NJ	1,099,180.00	104,660.00	47,062.50	66,338.00	126,480.00	13,500.00
Fiore Paving Co., Inc. Oceanport, NJ	1,165,904.00	121,723.00	51,925.00	91,233.00	144,580.00	10,000.00
Earle Asphalt Co. Farmingdale, NJ	1,309,913.13	119,200.00	50,200.00	73,200.00	161,800.00	10,700.00

; and

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

WHEREAS, based upon the available budget and the amount of funding available, the Township is in the position to award the base bid plus Add Items A, B, and C; and

WHEREAS, it has been determined that the submission of the lowest bidder for the base bid plus Add Items A, B, and C, JADS CONSTRUCTION CO. is responsive as detailed in an April 13, 2017 letter submitted by the Township Engineer; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract be awarded to JADS CONSTRUCTION CO., whose address is PO Box 513, South River, NJ 08882 in an amount not to exceed \$1,260,503.00 for the 2017 DRAINAGE AND ROAD IMPROVEMENT PROGRAM; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, a contract with

JADS CONSTRUCTION CO. in an amount not to exceed \$1,260,503.00;  
and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that sufficient funds in the amount of \$1,260,503.00 are available for the aforesaid contract in Capital Account #04-215-17-02D-060288; and

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

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

RESOLUTION # 2017-151

A RESOLUTION AUTHORIZING THE REFUND OF FEES TO THE  
MONMOUTH COUNCIL BOY SCOUTS OF AMERICA FROM CERTAIN  
FEES UNDER THE UNIFORM CONSTRUCTION CODE

WHEREAS, §125-7 of the Code of the Township of Marlboro provides that, "Charitable, philanthropic, fraternal, athletic, recreational and religious nonprofit organizations holding a tax-exempt status under the Federal Internal Revenue Code of 1954 [26 U.S.C. § 501(c) or (d)] shall be eligible for a refund of (50%) of the Uniform Construction Code (UCC) fees set forth in Section 125-3A(1) "Alterations, repairs and remodeling" paid since October 1, 2010 excluding the Surcharge Fee to the New Jersey Department of Community Affairs provided for in Section 125-5 upon receipt of satisfactory proof of qualifications; and

WHEREAS, the above-referenced Code Section requires that a qualifying entity must submit an application for exemption to the Township Council, along with proof of the qualifying entity's tax exempt status under the Federal Internal Revenue Code of 1954 [26 U.S.C. §501(c) or (d)]; and

WHEREAS, the Monmouth Council Boy Scouts of America (the "Applicant") has submitted a request for a refund pertaining to permits taken for building improvements on its property, known as Block 176, Lot 107 on the official tax map of the Township of Marlboro, Monmouth County, New Jersey; and



WHEREAS, the Applicant has provided proof of its status as a duly formed non-profit organization and of its tax exempt status pursuant to 26 U.S.C. §501(c) or (d); and

WHEREAS, the Township Council of the Township of Marlboro deems it proper and in conformance with the stated policies of the Township of Marlboro to grant the Applicant's requested refund and desires to confirm same by resolution in accordance with the provisions of §125-7 of the Township Code.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a refund be issued to the Monmouth Council Boy Scouts of America in accordance with its application to the Construction Code Official described hereinabove; and

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

- a. Monmouth Council Boy Scouts of America
- b. Township Business Administrator
- c. Construction Code Official
- d. Township Chief Financial Officer

RESOLUTION # 2017-152

A RESOLUTION AUTHORIZING THE PURCHASE OF FIVE (5) EQUIPPED 2017 DODGE CHARGER POLICE VEHICLES UNDER STATE CONTRACT #88729 FROM HERTRICH FLEET SERVICES, INC. FOR THE TOWNSHIP OF MARLBORO POLICE DEPARTMENT

WHEREAS, the Police Department submitted its 2017 capital plan (106-1, 1.1) which included a request for the replacement of police vehicles and related equipment; and

WHEREAS, on March 2, 2017, the Township Council of the Township of Marlboro adopted Ordinance #2017-4 which authorized Township officials to secure financing for the purchase of police vehicles; 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, Hertrich Fleet Services, Inc. was awarded State

Contract #88729 for the Dodge Charger Pursuit Vehicle equipped with all options for a price of \$31,699.20, with the exception of the following:

All-Wheel Drive	2,767.60
Havis Console by GFX	785.00

; and

WHEREAS, while impractical to purchase the above-listed vehicle options separately from the vehicles themselves, the Township attempted to solicit pricing on those options not covered under the State Contract, and determined that the price quoted by Hertrich Fleet Services was the lowest and most advantageous; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to purchase five (5) equipped police vehicles to be utilized by the Police Department; and

WHEREAS, funds are available and have been certified by the Chief Financial Officer in an amount not to exceed \$158,496.00 from accounts #04-215-17-04A-106297 and #04-215-17-02G-106297; and

WHEREAS, the Township Council desires to approve the purchase of five (5) equipped police vehicles.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase five (5) equipped police vehicles from Hertrich Fleet Services, Inc., 1427 Bay Road, Milford, DE 1963 under the State Contract #88729 in an amount not to exceed \$158,496.00; 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 Chief of Police
- c. Township Chief Financial Officer

RESOLUTION # 2017-153

RESOLUTION AUTHORIZING AWARD OF STATE CONTRACTS  
TO VARIOUS VENDORS FOR PURCHASE OF POLICE VEHICLE

EQUIPMENT FOR THE TOWNSHIP OF MARLBORO  
POLICE DEPARTMENT

WHEREAS, the Police Department submitted its 2017 capital plan which included a request for the purchase of vehicle equipment to outfit the replacement police vehicles; and

WHEREAS, the Township of Marlboro as part of its 2017 capital program (106-1.1, 106-1.6) authorized the purchase of replacement police vehicle equipment for the Police Department; and

WHEREAS, on March 2, 2017, the Township Council of the Township of Marlboro adopted Ordinance #2017-4 which authorized Township officials to secure financing for the purchase of police vehicles

WHEREAS, the Chief of Police has reviewed the requests and has recommended that the Township purchase the below vehicle equipment under various State contracts as follows:

Equipment/Description	Qty	SC#	Vendor	Cost	Ext. Cost	Dept.	Source
Flashback HD in car video systems	6	81311	L3 Mobile-Vision, Inc.	5,939.60	35,637.60	Police - Patrol	Capital 2017
Warning Lights and Emergency Equipment for Ford Interceptor (Explorer)	1	81336 81327	Emergency Accessories & Install	4,414.15	4,414.15	Police - Patrol	Capital 2017
Warning Lights and Emergency Equipment for Dodge Chargers	5	81336 81327	Emergency Accessories & Instal	3,506.31	17,531.55	Police - Patrol	Capital 2017
Cradlepoint 4G Multi-band Modem	11	89980	GTBM Inc.	998.22	10,980.42	Police - Patrol	Capital 2017
Lightbars and Siren Controllers	6	81330	Major Police Supply	4,356.07	26,136.42	Police - Patrol	Capital 2017
Lifesavers Defibrillators	14	84689	Lifesavers, Inc.	869.99	12,179.92	Police - Patrol	Capital 2017

; 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, the Chief of Police has reviewed the requests and has recommended that the Township purchase the below vehicle equipment based upon price quotes:

Equipment/ Description	Qty	SC#	Vendor	Cost	Ext. Cost	Dept.	Source
Various equipment for (5) Dodge Chargers	5	Price Quote s	Emergency Accessories & Install	691.98	3,459.90	Police - Patrol	Capital 2017
Various equipment for (1) Interceptor Utility	1	Price Quote	Emergency Accessories & Install	5,468.80	5,468.80	Police - Patrol	Capital 2017

; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to purchase the necessary equipment to outfit the five (5) new replacement police vehicles to be utilized by the Police Department; and

WHEREAS, funds are available and have been certified by the Chief Financial Officer in an amount not to exceed \$115,808.76 from account #04-215-17-02G-106297, and

WHEREAS, the Township Council desires to approve the purchase of the replacement police vehicle equipment.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase the police vehicle equipment from the vendors herein and under the State Contracts identified above in an amount not to exceed \$115,808.76.

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

- a. Township Administrator
- b. Township Chief of Police
- c. Township Chief Financial Officer

RESOLUTION # 2017-154

A RESOLUTION AUTHORIZING THE PURCHASE OF ONE (1)  
EQUIPPED 2017 FORD INTERCEPTOR UTILITY POLICE  
VEHICLE UNDER STATE CONTRACT #88728 FROM CHAS S WINNER  
INC., DBA WINNER FORD FOR THE TOWNSHIP  
OF MARLBORO POLICE DEPARTMENT

WHEREAS, the Police Department submitted its 2017 capital plan which included a request for the replacement of police vehicles; and

WHEREAS, the Township of Marlboro as part of its 2017 capital program (106-1.5,1.6) authorized the purchase of police vehicles and equipment; 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, Winner Ford, Inc. was awarded State Contract #88728 for the Ford Police Interceptor Utility equipped with all options for a price of \$28,899.20; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to purchase ONE (1) EQUIPPED 2017 FORD INTERCEPTOR UTILITY POLICE VEHICLE to be utilized by the Police Department; and

WHEREAS, funds are available and have been certified by the Chief Financial Officer in an amount not to exceed \$28,899.20 from accounts #04-215-17-02G-106297

WHEREAS, the Township Council desires to approve the purchase of one (1) equipped police vehicle; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase ONE (1) EQUIPPED 2017 FORD INTERCEPTOR UTILITY POLICE VEHICLE from Chas S Winner Inc, DBA Winner Ford, 250 Berlin Road, Cherry Hill, NJ 08034 under the State Contract # 88728 in an amount not to exceed \$28,899.20

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

- a. Township Administrator
- b. Township Chief of Police
- c. Township Chief Financial Officer

RESOLUTION # 2017-155

RESOLUTION SUPPORTING THE CLICK IT OR TICKET  
MOBILIZATION OF MAY 22 THROUGH JUNE 4, 2017

WHEREAS, a large percentage of the motor vehicle occupants killed in traffic crashes were not wearing a seat belt; and

WHEREAS, use of a seat belt remains the most effective way to avoid death or serious injury in a motor vehicle crash; and

WHEREAS, the National Highway Traffic Safety Administration estimates that more than 14,000 lives were saved by seat belt usage nationally in the year 2015; and

WHEREAS, the State of New Jersey will participate in the nationwide "CLICK IT OR TICKET" seat belt mobilization from May 22 through June 4, 2017 in an effort to raise awareness and increase seat belt usage through a combination of enforcement and education; and

WHEREAS, the Division of Highway Traffic Safety has set a goal of increasing the seat belt usage rate in the state from the current level of 93.5% to 100%; and

WHEREAS, a further increase in seat belt usage in New Jersey will save lives on our roadways;

NOW THEREFORE, be it resolved that the Township of Marlboro declares its support for the "CLICK IT OR TICKET" seat belt mobilization both locally and nationally from May 22 through June 4, 2017 and pledges to increase awareness of the mobilization and the benefits of seat belt use.

RESOLUTION # 2017-156

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$ 107,082.75 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 \$ 107,082.75 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>
2016-024	171/39	Changsheng Lu 658 N. Butrick Street Waukegan, IL 60085 Assessed Owner: Asaro, Charles & Pamela	284.77

2016-036	176/7/C0603	MTAG Custodian for Fig Capital Investments 8323 Ramona Blvd West Suite 2 Jacksonville, FL 32221 Assessed Owner: Bukofsky, Marc & Linda	2,255.97
2014-046	176/7/C127	US Bank Cust for FNA Jersey 50 South 16 <sup>th</sup> , Suite 2050 Philadelphia, PA 19102 Assessed Owner: Osmanoff, Gary	1,337.30
2016-135	412/307/C0007	Changsheng Lu 658 N. Butrick Street Waukegan, IL 60085 Assessed Owner: Bullock, Ernestine	1,300.00
2015-041	178/2/C0017	TTLBL, LLC 4747 Executive Drive Suite 510 San Diego, CA 92121 Assessed Owner: Cheshun, Aleksandr & Zhannetta	3,052.09
2016-025	171.01/17	Tom Tiehua CAO 19 Edendale Street Ladera Ranch, CA 92694 Assessed Owner: Kiste, Rodolfo & Jodi Zolkin	2,365.61
2016-127	395/9	US Bank Cust BV002 Trst & Crdtrs 50 South 16 <sup>th</sup> , Suite 2050 Philadelphia, PA 19102 Assessed Owner: Wu, TSui-Fen	29,860.64
2016-111	350/16	Daxuan Wang 11 Walnut Street Livingston, NJ 07039 Assessed Owner: Eihab Human Services, Inc.	54,998.42
2016-122	371/32	Actlien Holding, Inc. 50 South 16 <sup>th</sup> , Suite 2050	2,265.77

Philadelphia, PA 19102  
Assessed Owner:  
Pomerantsev, Gregory & Anna

2016-046 178/290/C178 MTAG Custodian for Fig 9,362.18  
Capital Investments  
8323 Ramona Blvd West Suite 2  
Jacksonville, FL 32221  
Assessed Owner:  
Allied Auto Realty

RESOLUTION # 2017-157

WHEREAS, the Tax Court of New Jersey has granted a judgment in the amount of \$5,614.41 for the year 2015 and in the amount of \$6,023.35 for the year 2016 for Block 155 Lot 1.03, located at 180 Pleasant Valley Road assessed to Said, Nabil G. & Margaret M.,

WHEREAS, an adjustment of \$8,168.84 has been applied to the 2017 taxes, resulting in the 2<sup>nd</sup> quarter 2017 taxes being paid in full, the Tax Collector is directed to refund the amount of \$3,468.92,

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$3,468.92, to Jacobus & Associates, LLC, Trustee for Said, Nabil G. & Margaret M.

RESOLUTION # 2017-158

WHEREAS, the attached list in the amount of \$730.74 known as Schedule "A", is comprised of amounts representing overpayments for 2017 taxes,

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

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNER</u>	<u>2017 REFUND</u>
295/6		Johnson, James & Jeanne 36 Windham Way Englishtown, NJ 07726	730.74
			Total: \$ 730.74



At 7:45 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 Councilman Metzger and the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2017-159

EXECUTIVE SESSION

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 20<sup>th</sup> day of April, 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 White Collar Unit and Dispatcher/Police Clerical Unit) and affordable housing 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 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 7:55 PM, Councilman Scalea offered a motion to return to regular business, which was seconded by Council Vice President Marder and passed on a roll call vote of 5 - 0 in favor.

The following Resolution #2017-160 (Authorizing Memorandum of Agreement - CWA Local 1075 - White Collar Unit) was introduced by reference, offered by Councilman Scalea, seconded by Councilwoman Mazzola, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2017-160

A RESOLUTION AUTHORIZING A MEMORANDUM OF AGREEMENT BETWEEN THE TOWNSHIP OF MARLBORO AND CWA LOCAL 1075 (WHITE COLLAR UNIT)

WHEREAS, the Township and CWA Local 1075 White Collar 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 (White Collar Unit) LOCAL 1075
- b. Business Administrator
- c. Chief Financial Officer

The following Resolution #2017-161 (Authorizing Memorandum of Agreement - CWA Local 1075 - Dispatcher/Police Clerical Unit) was introduced by reference, offered by Councilman Scalea, seconded by Councilwoman Mazzola, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2017-161

A RESOLUTION AUTHORIZING A MEMORANDUM OF AGREEMENT  
BETWEEN THE TOWNSHIP OF MARLBORO AND CWA  
LOCAL 1075 (DISPATCHER/POLICE CLERICAL UNIT)

WHEREAS, the Township and CWA Local 1075 Dispatcher/Police Clerical 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 (Dispatcher/Police Clerical Unit) LOCAL 1075
- b. Business Administrator
- c. Chief Financial Officer

The following Resolution #2017-162 (Authorizing The Execution Of Developer's Agreement - Countryside Developers, Inc - Block 421, Lots 3 and 4) was introduced by reference, offered by Councilman Scalea, seconded by Councilwoman Mazzola, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2017-162

A RESOLUTION AUTHORIZING THE EXECUTION OF A DEVELOPER'S AGREEMENT BETWEEN THE TOWNSHIP OF MARLBORO AND COUNTRYSIDE DEVELOPERS, INC. IN CONNECTION WITH SUBDIVISION APPROVAL FOR THE SITE LOCATED ON BLOCK 421, LOTS 3 AND 4 ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF MARLBORO, MONMOUTH COUNTY, NEW JERSEY

WHEREAS, On September 21, 2016 the Planning Board of the Township of Marlboro ("Planning Board") adopted Resolution P.B. 1119-15 granting amended Preliminary and Final Major Subdivision Approval to owner and developer predecessor in interest, Stillwell Holding, LLC ("Developer") for the development of property known as Block 421, Lots 3 and 4, on the Official Tax Map of the Township of Marlboro, Monmouth County New Jersey (the "Site"); and

WHEREAS, Stillwell subsequently assigned their interest in the development to Countryside Developers, Inc.; 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 Countryside Developers, Inc., attached hereto in form and substance as "Exhibit A".

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

MINUTES APPROVED: MAY 4, 2017

OFFERED BY: METZGER

AYES: 4

SECONDED BY: MAZZOLA

NAYS: 0

ABSENT: MARDER

---

ALIDA MANCO,  
MUNICIPAL CLERK

---

JEFF CANTOR,  
COUNCIL PRESIDENT