

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

September 7, 2017

The Marlboro Township Council held its regularly scheduled Meeting on September 7, 2017 at 7:00 P.M. at the Marlboro Greens Clubhouse, 1 Ivy Hill 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 the location change of this regular meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on July 17, 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 Metzger, Councilman Scalea and Council President Cantor.

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

Council Vice President Marder moved that the minutes of August 10, 2017 be approved. This was seconded by Councilman Metzger, and passed on a roll call vote of 4 - 0 with Councilman Scalea abstaining.

The following Resolution #2017-273/Ordinance #2017-9 (Authorizing Execution of Easement and Right-of-Way Agreement to JCP&L - Electrical Service Harbor Road Treatment Plant) was introduced by reference, offered by Councilman Metzger and seconded by Council Vice President Marder. Council President Cantor opened the Public Hearing on Ordinance #2017-9. As there was no one who wished to speak, the public hearing was closed and the resolution/ordinance was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2017-273

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

ORDINANCE # 2017-9

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN EASEMENT AND RIGHT-OF-WAY AGREEMENT FROM THE TOWNSHIP OF MARLBORO AS SUCCESSOR-IN-INTEREST TO THE MARLBORO TOWNSHIP MUNICIPAL UTILITIES AUTHORITY TO JERSEY CENTRAL POWER & LIGHT FOR THE INSTALLATION, OPERATION AND MAINTENANCE OF ELECTRICAL SERVICE

which was introduced on August 10, 2017, public hearing held on September 7, 2017, be adopted on second and final reading this 7th day of September, 2017.

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

ORDINANCE # 2017-9

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN EASEMENT AND RIGHT-OF-WAY AGREEMENT FROM THE TOWNSHIP OF MARLBORO AS SUCCESSOR-IN-INTEREST TO THE MARLBORO TOWNSHIP MUNICIPAL UTILITIES AUTHORITY TO JERSEY CENTRAL POWER & LIGHT FOR THE INSTALLATION, OPERATION AND MAINTENANCE OF ELECTRICAL SERVICE

WHEREAS, the Township of Marlboro ("Township") is successor to the Marlboro Township Municipal Utilities Authority ("MTMUA"); and

WHEREAS, the Township, as successor-in-interest to the MTMUA, is the owner of properties known as: Block 171, Lot 71, on the Official Tax Map of the Township of Marlboro, and commonly known as the Harbor Road Treatment Plant ("The Property") located on Harbor Road; and

WHEREAS, Jersey Central Power & Light ("JCPL"), a public utility regulated by the New Jersey Board of Public Utilities, requires an easement and right of way over, under and through a portion of the Property for the purpose of providing electric service and

WHEREAS, Pursuant to the Local Land and Buildings Law, NJSA 40A: 12-1 et seq., the Township of Marlboro has the power to convey an easement upon any real property; and

WHEREAS, the Township Council of the Township of Marlboro finds that it would be in the best interest of the Township of Marlboro to convey the necessary easement and right of way to JCP&L.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that:

(1) an Easement and Right-of-Way to JCP&L over, under and through a portion of the property known as Block 171, Lot 71 on the Official Tax Map of the Township of Marlboro, and commonly known as the Marlboro Municipal Complex located at 14 Harbor Road for the purpose of the installation of natural gas service pursuant to the recommendation of the Township Engineer as further described on the Easement and Right Of Way Agreement attached hereto and made a part hereof as Exhibit "A", for nominal consideration, be and is hereby authorized and approved; and

(2) the Mayor and Township Clerk are hereby authorized to execute and witness an Easement and Right-of-Way Agreement, the form of which shall be subject to the review and approval of the Township Attorney, conveying the afore described Easement and Right-of-Way over a portion of the Property from the Township of Marlboro to JCP&L; and

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

The following Resolution #2017-274 (Place to Place Transfer (Expansion of Premises) - 476 Route 520 Corp. T/A Samvera) was introduced by reference, offered by Council Vice President Marder, seconded by Councilman Metzger, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2017-274

A RESOLUTION OF THE TOWNSHIP OF MARLBORO AUTHORIZING A PLACE TO PLACE TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE NUMBER 1328-33-002-012 ISSUED TO 476 ROUTE 520 CORP. T/A SAMVERA

WHEREAS, application was made to the Township of Marlboro ("Township") by 476 Route 520 Corp. T/A Samvera ("Applicant") for a place to place transfer of Plenary Retail Consumption License Number 1328-33-002-012 ("License") presently held by 476 Route 520 Corp. to permit the expansion of the licensed premises.

WHEREAS, the Township Council of the Township of Marlboro has reviewed the application and all supporting documentation and finds it appropriate to approve the place to place transfer of the aforesaid plenary retail consumption license to permit the expansion of the licensed premises.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro that the application by 476 Route 520 Corp. T/A Samvera for a place to place transfer of Plenary Retail Consumption License Number 1328-33-002-012 presently held by 476 Route 520 Corp. T/A Samvera to permit the expansion of the licensed premises, be and is hereby is approved.

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

- a. 476 Route 520 Corp., T/A Samvera
476 Route 520, Marlboro, NJ 07746
- b. Township Administrator
- c. Township Building Department
- d. Township Police Department
- e. Township Attorney

The following Resolution #2017-275 (Approving Amendment No. 7 to Service Contract with WMUA and Consenting to Ninth Project by the Authority) was introduced by reference, offered by Council Vice President Marder, seconded by Councilwoman Mazzola, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2017-275

TOWNSHIP OF MARLBORO RESOLUTION APPROVING
AMENDMENT NO. 7 TO THE SERVICE CONTRACT WITH
THE WESTERN MONMOUTH UTILITIES AUTHORITY AND
CONSENTING TO THE UNDERTAKING OF THE NINTH
PROJECT BY THE AUTHORITY

WHEREAS, the Western Monmouth Utilities Authority ("Authority") has determined to undertake the following improvements to the Authority's sanitary sewer system, including all work, materials, equipment and appurtenances necessary and suitable therefor: (A) upgrading the Route 79 Pump Station and replacement of the force main and (B) improvements to the Pine Brook Sewage Treatment Plant, including upgrading the raw sewage pump station and replacement of the existing equalization basin with a new concrete equalization tank (collectively, the "Ninth Project"); and

WHEREAS, the Authority has requested the Townships of Manalapan ("Manalapan") and Marlboro ("Marlboro") (collectively referred to as the "Participants") to consent to the Ninth Project and to extend the coverage of the Service Contract (as defined below) to the undertaking of the Ninth Project and the financing thereof through the issuance of bonds, notes or other evidence of indebtedness of the Authority in an amount not to exceed \$19,323,750; and

WHEREAS, in connection therewith it is necessary to amend the Service Contract between said parties dated as of January 16, 1978, as amended (the "Service Contract"), in order to: (1) add a definition of the Ninth Project, and (2) amend the definition of "Bond";

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro, in the County of Monmouth, New Jersey, as follows:

SECTION 1. The form of Amendment No. 7 to the Service Contract is hereby approved in substantially the form submitted to this meeting and attached hereto as Appendix A. The Mayor and the Township Clerk of Marlboro are hereby authorized to execute and attest, respectively, said Amendment No. 7 and to deliver the same.

SECTION 2. The undertaking of the Ninth Project is hereby consented to by Marlboro.

SECTION 3. This Resolution shall take effect upon the approval of the Authority's financing of the Ninth Project by the Director of the Division of Local Government Services of the New Jersey Department of Community Affairs.

As the Consent Agenda, the following resolutions were introduced by reference, offered by Councilman Scalea, seconded by Councilwoman Mazzola and passed on a roll call vote of 5 - 0 in favor: Res. #2017-276 (Authorizing Agreement SRW Environmental Services Limited Site Access to Union Hill Road Commuter Parking Lot for Environmental Remediation Activities), Res. #2017-277

(Award of Bid - Temporary Personnel Agency Services), Res. #2017-278 (Dedication by Rider - Joint Insurance Fund Refund), Res. #2017-279 (Change Order - Contract for Provision of Uniforms), Res. #2017-280 (Redemption Tax Sale Certs - Various), Res. #2017-281 (Refunds for Overpayments - Various), Res. #2017-282 (Disabled Veteran Exemption - 24 Wooleytown Rd), Res. #2017-283 (Disabled Veteran Exemption - 4 Poe Court).

RESOLUTION # 2017-276

A RESOLUTION AUTHORIZING AN AGREEMENT WITH JAMISON REALTY, LLC, EARTH SCIENCE CONSULTANTS, LLC AND FORESIGHT ENVIROPROBE, INC FOR LIMITED SITE ACCESS TO THE UNION HILL ROAD COMMUTER PARKING LOT FOR ENVIRONMENTAL REMEDIATION ACTIVITIES

WHEREAS, Jamison Realty LLC ("Jamison") is the owner of Block 269, Lot 4.02, adjacent to the Township-owned Union Hill Parking Lot, also known as Block 299, Lot 20 on the Official Tax Map of the Township of Marlboro; and

WHEREAS, in 2014, Jamison requested that the Township of Marlboro permit its consultant, SRW Environmental to enter onto the Union Hill Road commuter parking lot for the purposes of installing and periodic sampling of Monitoring Wells; and

WHEREAS, the Township of Marlboro approved a site access agreement with Jamison Realty, LLC and SRW Environmental Services on June 19, 2014 (R. 2014-229); and

WHEREAS, Earth Science Consultants, LLC ("ESC") with an address of 208 Seymour Avenue, Point Pleasant, New Jersey 08742 and Foresight Enviroprobe, Inc. ("Foresight") with an address of PO Box 6385 have been retained by Jamison Realty, LLC to perform environmental remediation of the Jamison lot; and

WHEREAS, Jamison has requested a right of access for its consultants ESC and Foresight to the Township-owned property known as the Union Hill Road commuter parking lot, also known as Block 299, Lot 20 on the Official Tax Map of the Township of Marlboro for the purposes of environmental remediation activities; and

WHEREAS, as a condition of the access, Jamison will restore the Township-owned lot to substantially the same condition as prior to the access, and shall post bonds to ensure property site restoration and the necessary inspection oversight by the Township; and

WHEREAS, Jamison, ESC and Foresight will maintain the

insurances required by the Township, and indemnify and hold the Township harmless from and against any and all claims arising out of the work contemplated under the agreement.

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

1. That it hereby authorizes a Site Access Agreement between the Township of Marlboro, Jamison Realty, LLC, Earth Science Consultants, LLC and Foresight Enviroprobe Inc. which would permit entry onto the property known as the Union Hill Road commuter parking lot, which is also known as Block 299, Lot 20 on the Official Tax of the Township of Marlboro for the purposes of environmental remediation activities on the above referenced property.

2. The Mayor and Township Clerk are hereby authorized and directed to execute and witness, respectively, the Site Access Agreement in substantially the same form approved by the Township Attorney as that attached hereto and made a part hereof as Exhibit A and any other documents which may be required or necessary to effectuate the Site Access Agreement.

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

- a. Earth Science Consultants, LLC
- b. Foresight Enviroprobe Inc.
- c. Jamison Realty, LLC
- d. Township Business Administrator
- e. Township Engineer

RESOLUTION # 2017-277

A RESOLUTION AWARDING CONTRACT TO ANCHOR STAFFING FOR TEMPORARY PERSONNEL AGENCY SERVICES FOR THE DEPARTMENT OF PUBLIC WORKS WITHIN THE TOWNSHIP OF MARLBORO

WHEREAS, the Township of Marlboro authorized the acceptance of bids for TEMPORARY PERSONNEL AGENCY SERVICES FOR THE DEPARTMENT OF PUBLIC WORKS, and on August 1, 2017, no bids were received; and

WHEREAS, the Township of Marlboro has authorized a second acceptance of bids for TEMPORARY PERSONNEL AGENCY SERVICES FOR THE DEPARTMENT OF PUBLIC WORKS, and on August 30, 2017, received two(2) bids therefor; and

WHEREAS, the two (2) bids received were as follows:

LABORERS - NO OPERATION OF MOTOR VEHICLE
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Company	A. Set-up Inv.	B. Reg Rate/Hr	Subtotal 7,987 Hrs	C. OT Rate/Hr	Subtotal 360 Hrs	TOTAL
DCG Staffing 1504 Lucas Isle Ct. Hanahan, SC 27410	\$1,375.00	\$14.25	\$127,152.75	\$21.38	\$9,407.20	\$137,934.95
Mercado Staffing LLC dba Anchor Staffing 754 Rt. 18 North East Brunswick, NJ	\$72.00	\$23.10	\$206,121.30	\$34.65	\$15,246.00	\$221,439.30

LABORERS - INCLUDING OPERATION OF MOTOR VEHICLE						
Company	D. Set-up Inv.	E. Reg Rate/Hr	Subtotal 7,987 Hrs	F. OT Rate/Hr	Subtotal 360 Hrs	TOTAL
DCG Staffing 1504 Lucas Isle Ct. Hanahan, SC 27410	\$2,200.00	\$14.24	\$127,152.75	\$21.38	\$9,407.20	\$138,759.95
Mercado Staffing LLC dba Anchor Staffing 754 Rt. 18 North East Brunswick, NJ	\$90.00	\$23.10	\$206,121.30	\$34.65	\$15,246.00	\$221,457.30

; and

WHEREAS, the submission of the apparent low bidder for all services including the operation of motor vehicles, DCG Staffing contained an incomplete statement of corporate ownership; and

WHEREAS, pursuant to N.J.S.A. 40A:11-23.2(c), failure to submit a statement of corporate ownership at the time specified by the contracting unit for the receipt of bids shall be deemed a fatal defect that shall render the bid proposal unresponsive; and

WHEREAS, it has been determined that the submission of the second bidder for all services including the operation of motor

vehicles, MERCADO STAFFING LLC dba ANCHOR STAFFING is responsive; and

WHEREAS, in a memo dated August 31, 2017 the Director of Public Works has recommended the award of contract to MERCADO STAFFING LLC dba ANCHOR STAFFING; 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 a contract be awarded to MERCADO STAFFING LLC dba ANCHOR STAFFING whose address is 754 ROUTE 18, Suite 105, East Brunswick, NJ 08816 for TEMPORARY PERSONNEL AGENCY SERVICES FOR THE DEPARTMENT OF PUBLIC WORKS, for a contract amount at prices specified in the bid proposal not to exceed

\$221,457.30 for a term of one year beginning on October 1, 2017, with an option to renew the contract based upon the same terms and conditions as specified in the bid proposal for an additional one (1) two-year period or two (2) one-year periods at the exclusive option of the Township.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, a contract with MERCADO STAFFING LLC dba ANCHOR STAFFING, in accordance with this resolution, the bid specifications, and in a form to be approved by the Township Attorney.

BE IT FURTHER RESOLVED, funds for the 2017 portion of the contract in the amount of \$34,507.94 have been certified by the Chief Financial Officer in account 02-213-16-703-123000.

BE IT FURTHER RESOLVED, that funds for the 2018 portion of the contract will be certified by the Chief Financial Officer subject to approval of the 2018 budget.

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

- a. Mercado Staffing, LLC dba Anchor Staffing
- b. Township Business Administrator
- c. Township Director of Public Works
- d. Township Chief Financial Officer

RESOLUTION # 2017-278

REQUESTING THE APPROVAL OF THE DIRECTOR OF THE DIVISION
OF LOCAL GOVERNMENT SERVICES TO ESTABLISH A DEDICATED
TRUST BY RIDER FOR JOINT INSURANCE REFUNDS PURSUANT
TO PL 1996, C. 113 AND NJSA 40A:10-36.2

WHEREAS, such permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance, and

WHEREAS, NJSA 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider,

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

The Mayor and Council hereby request permission of the Director of the Division of Local Government Services to make expenditures from the Reserve for Joint Insurance Refunds.

The Municipal Clerk of the Township of Marlboro is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

RESOLUTION # 2017-279

A RESOLUTION AUTHORIZING A CHANGE ORDER TO THE CONTRACT WITH RED THE UNIFORM TAILOR FOR THE PROVISION OF UNIFORMS FOR THE TOWNSHIP OF MARLBORO POLICE DEPARTMENT

WHEREAS, on August 11, 2016 (R.2016-258), the Township of Marlboro authorized a contract with RED THE UNIFORM TAILOR, the lowest responsible bidder, for the PROVISION OF UNIFORMS FOR THE TOWNSHIP OF MARLBORO POLICE DEPARTMENT for the period September 1, 2016 to August 31, 2017, in the amount of \$50,000.00; and

WHEREAS, the Chief of Police has advised that additional UNIFORMS were required just prior to the expiration of the contract in an amount which will exceed the existing 2016-2017 authorization by approximately \$5,000.00.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a change order to the contract with RED THE UNIFORM TAILOR whose address is 475 Oberlin Avenue South, Lakewood, NJ 08701 be authorized in a total amount not to exceed \$5,000.00.

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that sufficient funds in the amount of \$5,000.00 are available for the aforesaid change order in Current Account #01-201-25-106-266641.

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

- a. Red The Uniform Tailor
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Township Chief of Police

RESOLUTION # 2017-280

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$ 6,059.85 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 \$ 6,059.85 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>
2015-087	305/64	TTLBL, LLC 4747 Executive Drive, Suite 510 San Diego, CA 92121 Assessed Owner: Parachini, Fred & Mandy	3,428.60
2016-128	396/1/C0226	TWR as CST for Ebury Fund 2 PO Box 54908 New Orleans, LA 70154 Assessed Owner: Orak, Igor & Tarniak, Alona	2,631.25

RESOLUTION # 2017-281

WHEREAS, the attached list in the amount of \$2,563.77 known as Schedule "A", is comprised of amounts representing overpayments of property 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>
193.13/127		Rosemont Estates II, LLC 246 Everton Blvd. Marlboro, NJ 07746	396.41
378/2		Mark & Patricia Orlando 61 Coventry Terrace Marlboro, NJ 07746	1,787.31
132.12/14/C0214		Kenneth & Patricia Haerle 214 Knightsbridge Lane Morganville, NJ 07751	380.05

Total: \$ 2,563.77

RESOLUTION # 2017-282

WHEREAS, the Tax Assessor has granted a disabled veteran exemption for Hudacsko, Gerald Block: 120.02, Lot: 35, located at 24 Wooleytown Road,

WHEREAS, taxes were billed for 2017 in the amount of \$7,749.01, and

WHEREAS, this exemption became effective August 1, 2017 and

WHEREAS, pro-rated taxes for 2017 need to be cancelled in the amount of \$3,242.20 and

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to cancel the two-thirds of the 2017 third quarter taxes and the 2017 fourth quarter taxes of \$3,242.20.

RESOLUTION # 2017-283

WHEREAS, the Tax Assessor has granted a disabled veteran exemption for Ryan, Robert, Block: 285, Lot: 5, located at 4 Poe Court,

WHEREAS, taxes were billed for 2017 in the amount of \$8,277.52, and

WHEREAS, this exemption became effective August 1, 2017 and

WHEREAS, pro-rated taxes for 2017 need to be cancelled in the amount of \$3,461.70 and

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to cancel the two-thirds of the third quarter taxes and the fourth quarter 2017 taxes of \$3,461.70.

At 8:20 PM, Councilwoman Mazzola moved that the meeting be adjourned. This was seconded by Councilman Scalea, and passed on a roll call vote of 5 - 0 in favor.

MINUTES APPROVED: OCTOBER 5, 2017

OFFERED BY: MARDER AYES: 4

SECONDED BY: SCALEA NAYS: 0

ABSENT: METZGER

ALIDA MANCO,
MUNICIPAL CLERK

JEFF CANTOR,
COUNCIL PRESIDENT