

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

November 2, 2017

The Marlboro Township Council held its regularly scheduled Meeting on November 2, 2017 at 7:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Cantor opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of this meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on January 9, 2017; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building; filed in the office of the Municipal Clerk and placed on the township website and Channel 77.

The Clerk called the Roll.

PRESENT: Council Vice President Marder, Councilwoman Mazzola, Councilman Metzger, Councilman Scalea, and Council President Cantor.

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

Councilman Metzger moved that the regular minutes of October 19, 2017 be adopted. This was seconded by Councilwoman Mazzola, and passed on a roll call vote of 4 - 0 in favor with Councilman Scalea abstaining.

As the Consent Agenda, the following resolutions were introduced by reference, offered by Councilman Metzger, seconded by Councilman Scalea and as there was no objection, the Clerk was asked to cast one ballot: Res. #2017-317 (Authorizing Budget Amendment - Chapter 159 - 2017 Body Armor Grant), Res. #2017-318 (Authorizing Renewal of Contract Year 4 - Curbside Bulk Pick-up - Central Jersey Waste & Recycling), Res. #2017-319 (Authorizing Approval of Access Agreement with US EPA-Imperial Oil Site Remediation), Res. #2017-320 (Authorizing Application Drive Sober or Get Pulled Over 2017 Statewide Holiday Crackdown Grant), Res. #2017-321 (Authorizing Change Order - Contract for

Provision of Preventative Gate Valve Maintenance), Res. #2017-322 (Authorizing Execution of Home Improvement Agreement - Affordable Housing Rehabilitation Program), Res. #2017-323 (Award of Bid - 2017 Drainage Improvement Project), Res. #2017-324 (Redemption Tax Sale Certs - Various), Res. #2017-325 (Disabled Veteran Exemption - 35 Peasley Drive - B 380, L 29).

RESOLUTION # 2017-317

RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE
AND APPROPRIATION (N.J.S.A. 40A:4-87)

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

Section 1

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro, in the County of Monmouth, New Jersey, hereby requests the Director of Local Government Services to approve the insertion of an revenue in the budget of the year 2017 in the sum of \$6,204.50, which items are now available as a revenue from the New Jersey Department of Law and Public Safety as the "State Body Armor Replacement Fund Program".

Section 2

BE IT FURTHER RESOLVED that the amount of \$6,204.50 be hereby appropriated under the caption "State Body Armor Replacement Fund Program".

RESOLUTION # 2017-318

A RESOLUTION AUTHORIZING YEAR 4 OF CONTRACT TO
CENTRAL JERSEY WASTE & RECYCLING, INC. FOR COMMUNITY
SPRING BULK PICK-UP FOR THE TOWNSHIP OF MARLBORO
DEPARTMENT OF PUBLIC WORKS

WHEREAS, on March 19, 2015 (R.2015-137) the Township Council of the Township of Marlboro awarded a contract to CENTRAL JERSEY WASTE & RECYCLING, INC. for COMMUNITY SPRING BULK PICK-UP FOR THE

TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (DPW); and

WHEREAS, the bid specifications included the option to renew said contract for four (4) additional one (1) year periods in accordance with N.J.S.A. 40A:11-15(3) on the same terms and conditions at the exclusive option of the Township; and

WHEREAS, on November 11, 2015 (R.2015-346) the Township Council awarded the first one year renewal of the contract to CENTRAL JERSEY WASTE & RECYCLING, INC. for calendar year 2016; and

WHEREAS, on December 1, 2016 (R.2016-353) the Township Council awarded the second one year renewal of the contract to CENTRAL JERSEY WASTE & RECYCLING, INC. for calendar year 2017; and

WHEREAS, in a memo dated October 26, 2017, the Director 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 be awarded to CENTRAL JERSEY WASTE & RECYCLING, INC. whose address is 432 Stokes Avenue, Ewing, NJ 08638 for a period of one year commencing on January 1, 2018 and expiring on December 31, 2018, in a total amount not to exceed \$208,000.00; and

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

BE IT FURTHER RESOLVED that funds in the amount of \$208,000.00 will be made available and certified by the Chief Financial Officer upon adoption of the 2018 budget.

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

- a. Central Jersey Waste & Recycling, Inc.
- b. Township Business Administrator
- c. Director of Public Works
- d. Chief Financial Officer
- e.

RESOLUTION # 2017-319

A RESOLUTION AUTHORIZING CONSENT FOR ACCESS BY THE EPA TO TOWNSHIP RIGHT OF WAY LOCATED ADJACENT TO BLOCK 122, LOT 39 TO THE INTERSECTION OF GREENWOOD AND TENNENT ROADS AND TOWNSHIP RIGHT OF WAY ON THE SOUTH SHOULDER OF CHURCH LANE FOR PURPOSES OF CONDUCTING ENVIRONMENTAL MONITORING ACTIVITIES

WHEREAS, the Township recognizes that certain activities need to be conducted by the United States Environmental Protection Agency ("EPA") related to the Imperial Oil Co., Inc. /Champion Chemical Superfund Site remediation project pursuant to its response and enforcement responsibilities under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §§ 9601 - 9675; and

WHEREAS, the Township of Marlboro is the owner of record of the Township Right-of-Way located adjacent to Block 122, Lot 39 at the intersection of Greenwood and Tennent Roads ("Greenwood/Tennent Road"); and Township Right-of-Way on the south shoulder of Church Lane ("Church Lane"), collectively known as the "Properties" and further identified and depicted on maps included in the attached Exhibit A; and

WHEREAS, the EPA has requested right of access to the Properties for the following purposes:

- Installation of one pair of groundwater monitoring wells that will be flush mounted on Greenwood/Tennent Road as indicated on Exhibit A;
- Installation of one pair of groundwater monitoring wells that will be installed with steel stick-up casing on Church Lane as indicated on Exhibit A;
- Performing well development, purging and sampling of the wells once installed on the Properties;
- Restoration of the Properties;

and

WHEREAS, as a condition of the access, the EPA and its contractors will restore the Properties disturbed by EPA's activities to the equivalent pre-access condition, except for the changed condition of having wells installed on the Properties; and

WHEREAS, the EPA and its contractors 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. The Township, the owner of the Properties described above, consents to officers, employees and authorized representatives of the United States Environmental Protection Agency ("EPA") entering and having access to the Properties for the purposes outlined above.

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 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. EPA
- b. Township Business Administrator
- c. Township Engineer
- d. Township Attorney

RESOLUTION # 2017-320

SUPPORTING THE DRIVE SOBER OR GET PULLED OVER
2017 STATEWIDE HOLIDAY CRACKDOWN GRANT

WHEREAS, approximately one-third of all fatal traffic crashes in the United States involve drunk drivers; and

WHEREAS, impaired driving crashes cost the United States almost \$50 Billion a year; and

WHEREAS, between 2011-2015 the state experienced 39,485 alcohol related crashes, resulting in 778 fatalities

WHEREAS, 29% of motor vehicle fatalities in New Jersey in 2014 (the last year for which complete data is available) were alcohol-related; and

WHEREAS, an enforcement crackdown is planned to combat impaired driving; and

WHEREAS, the end of year holidays in particular are traditionally times of social gatherings which include alcohol; and

WHEREAS, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the *Drive Sober or Get Pulled Over 2017 Statewide Holiday Crackdown*; and

WHEREAS, the project will involve increased impaired driving enforcement from December 8, 2017 through January 1, 2018; and

WHEREAS, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways.

NOW, THEREFORE, BE IT RESOLVED that Marlboro Township declares its support for the *Drive Sober or Get Pulled Over 2017 Statewide Holiday Crackdown* from December 8, 2017 through January 1 2018, and pledges to increase awareness of the dangers of drinking and driving.

RESOLUTION # 2017-321

A RESOLUTION AUTHORIZING A CHANGE ORDER TO THE CONTRACT WITH LUCAS CONSTRUCTION GROUP INC. FOR THE PROVISION OF PREVENTATIVE GATE VALVE MAINTENANCE FOR THE TOWNSHIP OF MARLBORO WATER UTILITY DIVISION

WHEREAS, on August 10, 2017 (R.2017-265), the Township of Marlboro authorized a contract with LUCAS CONSTRUCTION GROUP INC., the lowest responsible bidder, for Bid 2017-14, the PROVISION OF PREVENTATIVE GATE VALVE MAINTENANCE FOR THE TOWNSHIP OF MARLBORO WATER UTILITY DIVISION, in the amount of \$73,730.00; and

WHEREAS, the Director of Public Works has advised in his memo dated October 20, 2017, that additional valves were located within the area of the system under repair, which will exceed the existing authorization by approximately \$10,170.00.

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 LUCAS CONSTRUCTION GROUP INC. whose address is P.O. Box 8939, Red Bank, NJ 07701 be authorized in a total amount not to exceed \$10,170.00.

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that sufficient funds in the amount of \$10,170.00 are available for the aforesaid change order in Capital Account #06-215-17-03B-500288.

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

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

RESOLUTION # 2017-322

RESOLUTION AUTHORIZING THE EXECUTION OF A HOME
IMPROVEMENT PROGRAM AGREEMENT UNDER THE TOWNSHIP'S
AFFORDABLE HOUSING REHABILITATION PROGRAM

WHEREAS, the Township re-petitioned the Council on Affordable Housing (COAH) for substantive certification of its Housing Element and Fair Share Plan in July of 2010; and

WHEREAS, the Township of Marlboro's Fair Share Plan promotes an affordable housing program pursuant to the Fair Housing Act (N.J.S.A. 52:27D-301, et. seq.) and COAH's Third Round Substantive Rules (N.J.A.C. 5:97-1, et. seq.); and

WHEREAS, a municipality's fair share obligation pursuant to N.J.A.C. 5:97-2.2(a) is comprised, in part, of an owner-occupied rehabilitation obligation as well a rental rehabilitation obligation which pertains to housing units that are both deficient and occupied by low and/or moderate households; and

WHEREAS, the Township of Marlboro's Administrative Agent has received an application for housing rehabilitation assistance from Deborah Romagnolo who resides at 10 Herbert Street, Marlboro, NJ 07746 ("Applicant"); and

WHEREAS, the Administrative Agent has certified that the applicant has met the eligibility requirements of the Township's Affordable Housing Rehabilitation Program; and

WHEREAS, the Township wishes to address the needs of qualified households through its Affordable Housing Rehabilitation Program and supports this application.

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 the execution of a Home Improvement Program Agreement with Deborah Romagnolo by the Mayor and Township Clerk in a form approved by the Township Attorney; and

2. A certified copy of this Resolution shall be provided to each of the following:

- a. Township Administrator
- b. Administrative Agent
- c. Municipal Housing Liaison
- d. Township Attorney

RESOLUTION # 2017-323

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT TO R. MOSLOWSKI EXCAVATING INC., FOR THE 2017 DRAINAGE IMPROVEMENT PROGRAM FOR THE TOWNSHIP OF MARLBORO

WHEREAS, the Township of Marlboro as part of its 2017 capital programs (060-17 & 060-18) authorized improvements to various drainage problems throughout the Township including the vicinity of 115 Classic Way; and

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the 2017 DRAINAGE IMPROVEMENT PROGRAM FOR THE TOWNSHIP OF MARLBORO, and on October 25, 2017, received six (6) bids, as follows:

Bidder	Address	Base Bid	Alternate	Total
R. Moslowski Exc. Inc	3 Meirs Road, Cream Ridge, NJ 08514	\$120,045.00	\$10,300.00	\$130,345.00
MNC Concrete LLC	2 Beach Haven Way, Waretown, NJ 08758	\$100,000.00	\$38,200.00	\$138,200.00
Lucas Brothers, Inc.	80 Amboy Road, Morganville, NJ 07751	\$126,000.00	\$18,000.00	\$144,000.00
Lucas Construction Group	PO Box 8939 Red Bank, NJ 07701	\$142,881.00	\$46,000.00	\$188,881.00

P.M. Construction Corp.	1310 Central Avenue, Hillside, NJ 07205	\$153,120.00	\$43,000.00	\$196,120.00
Diamond Construction	35 Beaverson Blvd. Suite 12C Brick, NJ 08723	\$208,275.00	\$38,000.00	\$246,275.00

; and

WHEREAS, it has been determined that the submission of the lowest bidder for the base bid and alternate option, R. Moslowski Excavating Inc. is responsive as detailed in a October 26, 2017 memo submitted by the Township Engineer; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract be awarded to R. Moslowski Excavating Inc., whose address is 3 Meirs Road, Cream Ridge, NJ 08514 for the base bid, items one through twenty five and the alternate options A1 through A5, in an amount not to exceed \$130,345.00, for the project titled the 2017 DRAINAGE IMPROVEMENT PROGRAM FOR THE TOWNSHIP OF MARLBORO; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, a contract with R. Moslowski Excavating Inc. in an amount not to exceed \$130,345.00; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that sufficient funds in the amount of \$130,345.00 are available for the aforesaid contract in various Capital Accounts; and

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

- a. R. Moslowski Excavating Inc.
- b. Township Administrator
- c. Director of Public Works
- d. Township Engineer
- e. Chief Financial Officer

RESOLUTION # 2017-324

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$ 185,685.82 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 \$ 185,685.82 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>
2016-035	176/7/C0534	MTAG Custodian for Fig Capital Investments 1000 Riverside Ave, Suite 400 Jacksonville, FL 32221 Assessed Owner: Pearson, Colleen	3,131.93
2016-001	106/4	MTAG Custodian for Fig Capital Investments 1000 Riverside Ave, Suite 400 Jacksonville, FL 32221 Assessed Owner: English, Alice	2,663.28
2016-113	355/7	FNA NJ, LLC 120 N Lasalle St, Suite 1220 Chicago, IL 60602 Assessed Owner: Buckdale LLC	43,103.19
2016-112	355/6	US Bank Cust for Pheonix-TLSG 50 South 16th Street, Suite 2050 Philadelphia, PA 19102 Assessed Owner: Buckdale, LLC	30,949.55

2016-114 355/11

US Bank for PC6, LLC
50 South 16th, Suite 510
Philadelphia, PA 19102
Assessed Owner:
Buckdale, LLC

105,837.87

RESOLUTION # 2017-325

WHEREAS, the Tax Assessor has granted a disabled veteran exemption for Nikosey, Jerry, Block: 380, Lot: 29, located at 35 Peasley Drive,

WHEREAS, taxes were billed for 2017 in the amount of \$6,240.86, and

WHEREAS, this exemption became effective September 22, 2017 and

WHEREAS, pro-rated taxes for 2017 need to be cancelled in the amount of \$1,723.24 and

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to cancel \$156.69 of the third quarter taxes and the fourth quarter 2017 taxes of \$1,566.55.

At 7:25 PM, Councilman Metzger moved that the meeting be adjourned. This was seconded by Council Vice President Marder and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: NOVEMBER 30, 2017

OFFERED BY: MAZZOLA AYES: 4

SECONDED BY: MARDER NAYS: 0

ABSENT: METZGER

ALIDA MANCO,
MUNICIPAL CLERK

JEFF CANTOR,
COUNCIL PRESIDENT