

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

March 1, 2018

The Marlboro Township Council held its regularly scheduled Meeting on March 1, 2018 at 7:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Marder 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 24, 2018; 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: Councilwoman Mazzola, Councilman Cantor (arrived at 7:10 pm), Council Vice President Metzger, Councilman Scalea and Council President Marder.

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

Councilwoman Mazzola moved that the meeting minutes of February 13 and 15, 2018 be adopted. This was seconded by Council Vice President Metzger and passed on a roll call vote of 5 - 0.

The following Resolution #2018-112/Ordinance #2018-8 (Exceed Municipal Budget Appropriation Limits and to Establish a Cap Bank 2018) was introduced by reference, offered by Council Vice President Metzger, seconded by Councilman Scalea and was passed on a roll call vote of 5 - 0 in favor).

RESOLUTION # 2018-112

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

ORDINANCE # 2018-8

CALENDAR YEAR 2018
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on March 15, 2018 at 7:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2018-8

CALENDAR YEAR 2018
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

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

WHEREAS, the Township Council of the Township of Marlboro in the County of Monmouth finds it advisable and necessary to increase its CY 2018 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$1,020,121.87 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Township Council hereby determines that any amount authorized hereinabove that is not appropriated as part

of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Marlboro in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2018 budget year, the final appropriations of the Township of Marlboro shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$1,020,121.87, and that the CY 2018 municipal budget for the Township of Marlboro be approved and adopted in accordance with this ordinance; and,

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

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

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

The following Resolution #2018-113/Ordinance #2018-9 (Amending Chapter 4 "Division of Police" - Amending Table of Organization - Special Law Enforcement Officer Class III (School Security)) was introduced by reference, offered by Councilman Cantor, seconded by Councilman Scalea and was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2018-113

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

ORDINANCE # 2018-9

AN ORDINANCE AMENDING CHAPTER 4, ARTICLE XV,
§ 4-71, OF THE CODE OF THE TOWNSHIP OF MARLBORO
ENTITLED "DIVISION OF POLICE" AMENDING TABLE OF
ORGANIZATION

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on March 15, 2018 at 7:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2018-9

AN ORDINANCE AMENDING CHAPTER 4, ARTICLE XV, § 4-71, OF THE CODE OF THE TOWNSHIP OF MARLBORO ENTITLED "DIVISION OF POLICE" AMENDING TABLE OF ORGANIZATION

WHEREAS, Chapter 4 of the Code of the Township of Marlboro entitled "Division of Police" provides a Table of Organization for positions within the Division of Police; and

WHEREAS, SENATE Bill No. 86, of the laws of 2016 created the title of Special Law Enforcement Officer Class III to serve in school security operations; and

WHEREAS, the Police Chief has recommended that the Township Council amend the Code of the Township of Marlboro to add Special Law Enforcement Officer, Class III to a maximum of 16 in order to accommodate requests for school security services.

BE IT ORDAINED by the Township Council of the Township of Marlboro, in the County of Monmouth and State of New Jersey, that Chapter 4, Article XV, § 4-71, Section C (2) of the Code of the Township of Marlboro be amended as follows:

C (2) The Table of Organization of the Police Division may be staffed up to the maximum number of persons specified herein:

<u>Maximum #</u>	<u>Position established</u>
16	Special Law Enforcement Officer, Class III;

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 provisions 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 on upon passage and publication in accordance with applicable law.

The following Resolution #2018-114 (Authorizing Self-Examination of 2018 Municipal Budget) was introduced by reference, offered by Council Vice President Metzger, seconded by Councilwoman Mazzola and was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2018-114

SELF-EXAMINATION OF BUDGET RESOLUTION

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Township of Marlboro has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2018 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the Township of Marlboro that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items

f. Any inclusions of amounts required for school purposes.

2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).

3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

4. That pursuant to the Local Budget Law:

a. All estimates of revenue are reasonable, accurate and correctly stated,

b. Items of appropriation are properly set forth

c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

The following Resolution #2018-115 (Introduction of 2018 Municipal Budget) was introduced by reference, offered by Council Vice President Metzger, seconded by Councilwoman Mazzola and was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2018-115

INTRODUCTION OF THE 2018 BUDGET

BE IT RESOLVED that the following statements of revenues and appropriations attached hereto constitute the

local Budget of the Township of Marlboro, County of Monmouth, New Jersey, for the year 2018, as introduced by the Township Council; and

BE IT FURTHER RESOLVED, that said Budget be published in summary format in the Asbury Park Press, and that a hearing on the Budget be held on Thursday, April 12, 2018 at the Township of Marlboro Municipal Complex.

As the Consent Agenda, the following resolutions were introduced by reference, offered by Councilman Scalea, seconded by Councilwoman Mazzola, and was passed on a roll call vote of 5 - 0 in favor: Res. #2018-116 (Authorizing Refund of Prepaid 3Q/4Q 2018 Taxes), Res. #2018-117 (Authorizing Monmouth County to Conduct Mosquito Control), Res. #2018-118 (Discharge of Marlboro Mortgage - 158 Greenwood Road), Res. #2018-119 (Authorizing Renewal of Shared Service Agreement with Manalapan - Swim Club Program), Res. #2018-120 (Authorizing Shared Service Agreement with Old Bridge Township - Swim Club Program), Res. #2018-121 (Authorizing Renewal of Shared Service Agreement with Colts Neck Township - Swim Club Program), Res. #2018-122 (Authorizing One Year Renewal - T Shirts Various Colors and Sizes), Res. #2018-123 (Authorizing Purchase of Tickets for Marlboro Department of Recreation Fee-Based Programs), Res. #2018-124 (Authorizing Agreement NJ Rec and Parks Association (NJRPA) for Community Service Summer Discount Program), Res. #2018-125 (Award of Bid - Water Meter HD Supply) Res. #2018-126 (Confirming Emergency Water Main Repairs), Res. #2018-127 (Authorizing One Year Renewal - Wells and Pumps Services), Res. #2018-128 (Award of Bid - Emergency Water Main Repair Services.

RESOLUTION # 2018-116

AUTHORIZING REFUND OF PREPAID
3q/4q 2018 TAXES

WHEREAS, due to the enactment of the Federal Tax Cuts and Jobs Act, limitations have been placed on certain taxpayers as to the deductibility of property tax payments in 2018; and

WHEREAS, in 2017 taxpayers made prepayments of 2018 property taxes, the first and second quarters of which have been billed and the third and fourth quarters of which have not been billed; and

WHEREAS, subsequently, the Internal Revenue Service issued guidance prohibiting taxpayers from deducting prepaid 2018

property taxes that have not been billed on their tax returns;
and

WHEREAS, taxpayers have requested refunds of payments made toward unbilled third and fourth quarter 2018 property taxes;
and

WHEREAS, in order to refund prepayments, the governing body shall adopt a resolution specifically authorizing the refund of such payments, as promulgated in LFN 2018-04 issued by the Division of Local Government Services on January 19, 2018.

WHEREAS, the Tax Collector has prepared a form for taxpayers to complete prior to refunding unbilled third and fourth quarter 2018 property taxes.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that refunds of payments made toward unbilled third and fourth quarter 2018 property taxes shall be permitted upon execution of the attached form, pursuant to LFN 2018-04.

RESOLUTION # 2018-117

AUTHORIZING THE COUNTY OF MONMOUTH MOSQUITO CONTROL
DIVISION TO CONDUCT AERIAL MOSQUITO CONTROL
OPERATIONS WITHIN THE TOWNSHIP OF MARLBORO

WHEREAS, the Monmouth County Board of Chosen Freeholders, pursuant to N.J.S.A. 26:9-27 et seq. has elected through its Mosquito Control Division to perform all acts necessary for the elimination of mosquito breeding areas and/or to exterminate mosquitoes within the county; and

WHEREAS, the County has instituted an Integrated Pest Management Program consisting of surveillance, water management, biological control, and chemical control to exterminate the mosquito population within the County of Monmouth; and

WHEREAS, prior to conducting aerial dispensing operations over a designated "congested area," the County is required, pursuant to Federal Aviation Administration Regulation (FAR Part 137.51), to secure prior written approval from the governing body of the political subdivision over which the aircraft is to be operated; and

WHEREAS, the Township of Marlboro is designated as a "congested area" by the Federal Aviation Administration and the County has requested that this governing body consent to its proposed aerial dispensing operations.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Governing Body hereby authorizes the County of Monmouth Mosquito Control Division or its agent to apply pesticides by aircraft for mosquito control in certain areas of the municipality designated by the County as being either larval mosquito habitat or areas harboring high populations of mosquitoes constituting either a nuisance, a health hazard, or both with the understanding that:
 - a. the County shall utilize pesticides, application equipment and aircraft that are approved for aerial applications by the applicable Federal (USEPA) and State (NJDEP) agencies; and
 - b. such operations will be performed in compliance with applicable Federal and State regulations, and
 - c. the County will notify the police department of each municipality over which aerial pesticide operations are planned prior to commencement of such operations.

RESOLUTION # 2018-118

A RESOLUTION OF THE MARLBORO TOWNSHIP TOWN COUNCIL AUTHORIZING A DISCHARGE OF A MORTGAGE DATED MAY 23, 2003, WHICH WAS RECORDED AGAINST A RESIDENTIAL PROPERTY LOCATED AT 158 GREENWOOD ROAD, MARLBORO, NEW JERSEY

WHEREAS, a residential unit commonly known as 158 Greenwood Road, a/k/a Block 111, Lot 32, Marlboro, New Jersey ("the Property"), is a residential unit which was deemed eligible by the Township of Marlboro to participate in its housing rehabilitation program which is governed by the provisions of New Jersey's Fair Housing Act (N.J.S.A. 52:27D-301 et seq.) and the substantive and procedural rules of the Council on Affordable Housing (N.J.A.C. 5:96-1 and 5:97-1 et seq.); and

WHEREAS, on or about May 23, 2003, Clinton Mackey and Catherine Mackey, as owners of the Property, had made application to participate in Marlboro's rehabilitation program

and as a consequence of participating in such a program, they executed a mortgage note and gave Marlboro Township a mortgage as it relates to rehabilitation work done to the Property ("the Mortgage"); and

WHEREAS, the Mortgage was subsequently recorded in the Monmouth County Clerk's Office on July 23, 2003, in Mortgage Book OR-8259, at Page 2975 et seq.; and

WHEREAS, the Property is now in foreclosure and a lender (Bank Of America) which had previously been given a mortgage by the homeowner(s) is foreclosing and it is seeking to have the Mortgage discharged since it remains a matter of record as it has not been discharged; and

WHEREAS, the terms of the mortgage note executed between the homeowners and Marlboro Township provided for certain conditions to be met and if they were met the foregoing loan to Clinton Mackey and Catherine Mackey would be deemed forgiven; and

WHEREAS, proof had previously been given to the Township that the conditions for loan forgivability as set forth in the mortgage note have been met therefore, providing a basis upon which to discharge the Mortgage; and

WHEREAS, Bank of America hereby requests that the Township of Marlboro hereby discharge the Mortgage as part of a foreclosure action being prosecuted by Bank of America; and

WHEREAS, the Marlboro Township Council finds that there is good cause for the release and discharge of the foregoing Mortgage for the reasons sets forth herein; and

NOW THEREFORE BE IT RESOLVED that the Marlboro Township Council hereby authorizes Mayor Jonathan L. Hornik to execute a discharge of the Mortgage;

BE IT FURTHER RESOLVED that the foregoing discharge of mortgage prepared by Special Counsel to Marlboro Township be recorded in the Monmouth County Clerk's Office by Marlboro's Affordable Housing Special Counsel;

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

- a. Mayor Jonathan L. Hornik;
- b. Township Business Administrator, Jonathan Capp;
- c. CGP&H, administrative agent (attn.: Corrine Markulin);
and
- d. Kenneth W. Biedzynski, Affordable Housing Special
Counsel.

RESOLUTION # 2018-119

A RESOLUTION OF THE TOWNSHIP OF MARLBORO IN
MONMOUTH COUNTY, NEW JERSEY AUTHORIZING THE
RENEWAL OF A SHARED SERVICES AGREEMENT WITH
THE TOWNSHIP OF MANALAPAN FOR USE OF THE
MARLBORO SWIM CLUB

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

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

WHEREAS, Marlboro desires to renew its agreement with MANALAPAN which will permit MANALAPAN residents to join the Marlboro Swim Club; and

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

WHEREAS, the Township Council of the Township of Marlboro has determined that the renewal of the Shared Services Agreement is in the best interest of the residents and taxpayers of Marlboro,

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

1. The above recitals are hereby incorporated into the body of this Resolution as if set forth at length herein.
2. The Shared Services Agreement shall be open to public inspection in the Clerk's office and shall take effect

upon the adoption of a resolution and execution of the agreement by both parties.

3. The Mayor and Township Clerk are hereby authorized to execute the Shared Services Agreement annexed hereto as EXHIBIT A.

RESOLUTION # 2018-120

A RESOLUTION OF THE TOWNSHIP OF MARLBORO
IN MONMOUTH COUNTY, NEW JERSEY AUTHORIZING
A SHARED SERVICES AGREEMENT WITH THE
TOWNSHIP OF OLD BRIDGE FOR USE OF THE
MARLBORO SWIM CLUB

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

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

WHEREAS, Marlboro desires to enter into an agreement with OLD BRIDGE which will permit OLD BRIDGE residents to join the Marlboro Swim Club; and

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

WHEREAS, the Township Council of the Township of Marlboro has determined that the entry into the Shared Services Agreement is in the best interest of the residents and taxpayers of Marlboro,

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

1. The above recitals are hereby incorporated into the body of this Resolution as if set forth at length herein.

2. The Shared Services Agreement shall be open to public inspection in the Clerk's office and shall take effect upon the adoption of a resolution and execution of the agreement by both parties.
3. The Mayor and Township Clerk are hereby authorized to execute the Shared Services Agreement annexed hereto as EXHIBIT A.

RESOLUTION # 2018-121

A RESOLUTION OF THE TOWNSHIP OF MARLBORO IN
MONMOUTH COUNTY, NEW JERSEY AUTHORIZING THE
RENEWAL OF A SHARED SERVICES AGREEMENT WITH
THE TOWNSHIP OF COLTS NECK FOR USE OF THE
MARLBORO SWIM CLUB

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

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

WHEREAS, Marlboro desires to renew its agreement with COLTS NECK which will permit COLTS NECK residents to join the Marlboro Swim Club; and

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

WHEREAS, the Township Council of the Township of Marlboro has determined that the renewal of the Shared Services Agreement is in the best interest of the residents and taxpayers of Marlboro,

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

1. The above recitals are hereby incorporated into the body of this Resolution as if set forth at length herein.

2. The Shared Services Agreement shall be open to public inspection in the Clerk's office and shall take effect upon the adoption of a resolution and execution of the agreement by both parties.
3. The Mayor and Township Clerk are hereby authorized to execute the Shared Services Agreement annexed hereto as EXHIBIT A.

RESOLUTION # 2018-122

A RESOLUTION AUTHORIZING YEAR 3 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, on April 20, 2017 (R.2017-147) the Township Council of the Township of Marlboro approved the first one-year extension of the contracts; and

WHEREAS, in a memo dated February 21, 2018, the Recreation Director has recommended that the Township approve a second and final one (1) year extension 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, 2018 and ending on April 30, 2019, 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 # 2018-123

RESOLUTION AUTHORIZING THE PURCHASE OF TICKETS FOR
MARLBORO DEPARTMENT OF RECREATION FEE-BASED PROGRAMS

WHEREAS, the Department of Recreation organizes numerous trips to a variety of destinations for program participants; and

WHEREAS, the trip destinations include theaters, indoor and outdoor amusement and leisure facilities, restaurants and parks; and

WHEREAS, program participants register for the trip and the Department of Recreation purchases tickets based upon the demand for a particular trip; and

WHEREAS, participants pay a fee to register for these programs; and

WHEREAS, the Department of Recreation estimates various trips and associated fees for the 2018 program year in an amount not to exceed \$201,879.00; and

WHEREAS, the funding for these trips is generated from user fees and will be available from Recreation Utility Accounts 09-201-55-400-212445 (NJRPA CONSIGNMENT TICKETS), 09-201-55-400-212471 (SENIOR TRIPS), 09-201-55-400-212480 (SUMMER DAY CAMP TRIPS), and 09-201-55-400-212485 (TEEN TRAVEL CAMP).

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that the Township Council of the Township of Marlboro hereby authorizes the Department of Recreation to purchase tickets/admission for various fee based programs as described above in an amount not to exceed \$201,879.00.

BE IT FURTHER RESOLVED, should schedule changes occur which do not result in an increased expenditure, the schedule changes may be adopted administratively.

RESOLUTION # 2018-124

AUTHORIZING AGREEMENT WITH NEW JERSEY RECREATION
AND PARKS ASSOCIATION (NJRPA) FOR COMMUNITY
SERVICE SUMMER DISCOUNT PROGRAM

WHEREAS, the New Jersey Recreation & Parks Association (NJRPA) is a not-for-profit Professional organization which provides a variety of services to recreation organizations throughout the State of New Jersey; and

WHEREAS, the Township of Marlboro Department of Recreation is a member of the NJRPA; and

WHEREAS, the Department of Recreation utilizes the services of the NJRPA for its Camp and Teen Programs, and for professional recreation training; and

WHEREAS, the NJRPA sponsors a "Community Service Summer Discount Program" which enables the Department of Recreation to purchase tickets for a variety of events at a substantial discount; and

WHEREAS, the total value of the services to be provided for 2018 are estimated at and shall not exceed \$79,400.00 in the aggregate; and

WHEREAS, funds will be certified at the time participation counts are available and tickets are ordered from Accounts #09-201-55-400-212445, #09-201-55-400-212480, and #09-201-55-400-212485.

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

hereby authorizes the Mayor and Town Clerk to execute an agreement with the NJRPA, 1 Wheeler Way, Princeton, New Jersey 08550 for the services described above.

RESOLUTION # 2018-125

A RESOLUTION AUTHORIZING AWARD OF CONTRACT TO CORE AND MAIN LP FOR THE PROVISION OF WATER METERS FOR THE MARLBORO TOWNSHIP DEPARTMENT OF PUBLIC WORKS WATER UTILITY DIVISION

WHEREAS, the Marlboro Township Department of Public Works Water Utility Division requires water meters for monitoring water use by its customers; and

WHEREAS, the Township of Marlboro authorized the continuation of the annual water meter replacement program in its 2018 capital program (500-33); and

WHEREAS, on February 22, 2018, bids were received and opened for the PROVISION OF WATER METERS FOR THE MARLBORO TOWNSHIP DEPARTMENT OF PUBLIC WORKS WATER UTILITY DIVISION; and

WHEREAS, the Township received one (1) bid as follows:

COMPANY	Total Bid Amount
Core and Main LP 61 Gross Avenue Edison, NJ 08837	386,912.00

; and

WHEREAS, the bid submission of the sole bidder, CORE AND MAIN LP, 61 Gross Avenue, Edison, NJ 08817 has been determined to be responsive as detailed in a February 23, 2018 memo transmitted by the Director of Public Works; 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 for THE PROVISION OF WATER METERS FOR THE MARLBORO TOWNSHIP DEPARTMENT OF PUBLIC WORKS WATER UTILITY DIVISION to CORE AND MAIN LP whose address is 61 Gross Avenue, Edison, NJ 08817, for the total bid price amount not to exceed \$386,912.00 for a term of one (1) year with an option to renew for one two-year or two one-year periods on the same terms and conditions as specified in the bid.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, a contract with CORE AND MAIN LP in accordance with this resolution, the bid specifications, and in a form to be approved by the Township Attorney.

BE IT FURTHER RESOLVED funds in the amount of \$292,000.00 are available and have been certified by the Chief Financial Officer in capital account 06-215-18-02A-500297 and the remaining amount of funds will be certified at the time the materials are needed.

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

- a. Core and Main LP
- b. Township Business Administrator
- c. Township Chief Financial Officer
- d. Director of Public Works

RESOLUTION # 2018-126

A RESOLUTION CONFIRMING EMERGENCY CONTRACTS WITH LUCAS CONSTRUCTION GROUP, INC. FOR THE PROVISION OF EMERGENCY WATER SYSTEM REPAIRS AND WATER WORKS SUPPLY CO., INC. FOR THE SUPPLY OF EMERGENCY WATER DISTRIBUTION PRODUCTS PURSUANT TO N.J.S.A. 40A:11-6 FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS WATER UTILITY DIVISION

WHEREAS, during 2018 the Department of Public Works Water Utility Division has reported water emergencies in various areas of the Township designated as EM 1802, 1803, 1804, 1805, 1806 & 1807; and

WHEREAS, N.J.S.A. 40A:11-6 states that "Any contract may be ... awarded for a contracting unit without public advertising for bids and bidding therefor ... when an emergency affecting the public health, safety or welfare requires the immediate ... performance of services"; and

WHEREAS, N.J.S.A. 40A:11-6(b) states that "Upon the furnishing of such goods or services ... the contractor furnishing such goods or services shall be entitled to be paid therefor and the contracting unit shall be obligated for said payment ..."; and

WHEREAS, the condition posed a serious threat to the public health, safety and welfare, constituting an emergency under the

terms of N.J.S.A. 40A:11-6; and

WHEREAS, pursuant to N.J.S.A. 40A:11-6, the Township contacted its existing emergency water main repair contractor, LUCAS CONSTRUCTION GROUP, INC., 173 Amboy Road, Morganville, NJ 07751 to provide the emergency repairs, estimated at an amount not to exceed \$72,258.71; and

WHEREAS, pursuant to N.J.S.A. 40A:11-6, the Township contacted its existing water distribution product supplier, WATER WORKS SUPPLY CO., INC., 660 State Highway 23 P.O. Box 306, Pompton Plains, New Jersey 07444 to provide the necessary emergency water distribution products, estimated at an amount not to exceed \$3,469.22; and

WHEREAS, the Chief Financial Officer has certified the availability of funds in an amount not to exceed \$75,727.93 from various water operating and capital accounts.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that the emergency contracts be confirmed pursuant to N.J.S.A. 40A:11-6 with LUCAS CONSTRUCTION GROUP, INC. for the provision of emergency water main repairs and WATER WORKS SUPPLY CO., INC. for emergency water distribution products.

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

- a. Township Business Administrator
- b. Township Chief Financial Officer
- c. Township Director of Public Works

RESOLUTION # 2018-127

A RESOLUTION AUTHORIZING YEAR 3 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, on April 20, 2017 (R.2017-146) the Township Council of the Township of Marlboro approved the first one-year extension of the contracts; and

WHEREAS, in a memo dated February 16, 2018, the Director of the Department of Public Works has recommended that the Township approve a second and final one (1) year extension 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, 2018 through April 30, 2019, 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 from various Water Capital Accounts; 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

RESOLUTION # 2018-128

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

WHEREAS, the Township of Marlboro as part of its 2018 capital program (500-35) authorized various water system improvements including emergency repairs; and

WHEREAS, the Township of Marlboro authorized the receipt of bids for the provision of emergency water main repairs for the Township of Marlboro Water Utility Division (the "Services") and on February 14, 2018 received eight (8) bids therefore; and

WHEREAS, the eight (8) bids received are summarized as follows:

	Category I - Labor	Category II - Equipment	Category III - Materials and Other	Category IV - Mobilization/ Demobilization	Total
Lucas Construction Group	68,006.00	1,600.00	31,000.00	5,000.00	105,606.00
John Garcia Construction Co.	72,004.00	16.00	30,300.00	30,000.00	132,320.00
Black Rock Enterprises, LLC	122,000.00	82,000.00	31,500.00	35,000.00	270,500.00
A&J Construction Co.	118,800.00	70,400.00	34,000.00	2,800.00	226,000.00
Asphalt Restoration Enterprises, LLC	144,060.00	74,000.00	34,500.00	17,500.00	270,060.00
J.F. Kiely Construction Co.	155,200.00	76,000.00	33,000.00	35,000.00	299,200.00
Earle Asphalt Company	139,000.00	76,200.00	35,000.00	46,213.00	296,413.00
J. Fletcher Creamer & Son	85,800.00	16.00	32,500.00	10.00	118,326.00

WHEREAS, the Director of the Department of Public Works has reviewed the bids received and in a memo dated February 16, 2018, recommends that the Contract for the Services be awarded to Lucas Construction Group, Inc. as the lowest bidder, whose

address is P.O. Box 8939, Red Bank, New Jersey 07701, for the total bid price amount not to exceed \$105,606.00 for a term of one (1) year with an option to renew for one two-year or two one-year periods on the same terms and conditions as specified in the bid; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in Water Capital Account No. 06-215-18-02C-500288 for the Services; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that the bid for Emergency Water Main Repairs for the Township of Marlboro Department of Public Works be and is hereby awarded to Lucas Construction Group, Inc., P.O. Box 8939, Red Bank, New Jersey 07701 for a contract amount not to exceed \$105,606.00 for a term of one (1) year with an option to renew for one two-year or two one-year periods on the same terms and conditions as specified in the bid; and

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

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

At 7:40 PM, Councilman Scalea moved that the meeting be adjourned. This was seconded by Councilwoman Mazzola, and passed on a roll call vote of 5 - 0 in favor.

MINUTES APPROVED: MARCH 15, 2018

OFFERED BY: SCALEA AYES: 4

SECONDED BY: MAZZOLA NAYS: 0

ABSENT: METZGER

ALIDA MANCO
MUNICIPAL CLERK

RANDI MARDER
COUNCIL PRESIDENT