

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

May 17, 2018

The Marlboro Township Council held its regularly scheduled Meeting on May 17, 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: Councilman Cantor, Councilwoman Mazzola, Councilman Scalea, Council President Marder.
Absent: Council Vice President Metzger.

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

Councilwoman Mazzola moved that the minutes of May 3, 2018 be adopted. This was seconded by Councilman Cantor and passed on a roll call vote of 3- 0 in favor with Councilman Scalea abstaining (Absent: Metzger).

The following Resolution #2018-187/Ordinance #2018-11 (Authorizing the Appropriation of FY 2018 NJ DOT \$350,000 Municipal Aid Road Grant) was introduced by reference, offered by Councilwoman Mazzola and seconded by Councilman Cantor. Council President Marder opened the Public Hearing on Ordinance #2018-11. As there was no one who wished to speak, the public hearing was closed and the resolution/ordinance was passed on a roll call vote of 4 - 0 in favor (Absent: Metzger).

RESOLUTION # 2018-187

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

ORDINANCE # 2018-11

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING A \$350,000 GRANT TO BE RECEIVED BY THE TOWNSHIP FOR THE MARLBORO ROAD PROGRAM IN AND FOR THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY

which was introduced on May 3, 2018, public hearing held on May 17, 2018, be adopted on second and final reading this 17th day of May, 2018.

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

The following Resolution #2018-188/Ordinance #2018-12 (Amending and Supplementing Chapter 326, Article I of the Code of the Township of Marlboro for "Streets and Sidewalks" - Excavations) was introduced by reference, offered by Councilman Scalia and seconded by Council President Marder. Council President Marder opened the Public Hearing on Ordinance #2018-12. As there was no one who wished to speak, the public hearing was closed and the resolution/ordinance was passed on a roll call vote of 4 - 0 in favor (Absent: Metzger).

RESOLUTION # 2018-188

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

ORDINANCE # 2018-12

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 326, ARTICLE I OF THE CODE OF THE TOWNSHIP OF MARLBORO CONCERNING "STREETS AND SIDEWALKS - EXCAVATIONS"

which was introduced on May 3, 2018, public hearing held on May 17, 2018, be adopted on second and final reading this 17th day of May, 2018.

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

The following Resolution #2018-189/Ordinance #2018-13 (Amending Chapter 258, Article I of the Code of the Township of Marlboro for "Commuter Parking Areas") was introduced by

reference, offered by Councilwoman Mazzola and seconded by Councilman Scalea. Council President Marder opened the Public Hearing on Ordinance #2018-13. As there was no one who wished to speak, the public hearing was closed and the resolution /ordinance was passed on a roll call vote of 4 - 0 in favor (Absent: Metzger).

RESOLUTION # 2018-189

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

ORDINANCE # 2018-13

AN ORDINANCE AMENDING CHAPTER 258, ARTICLE I
OF THE CODE OF THE TOWNSHIP OF MARLBORO
CONCERNING "COMMUTER PARKING AREAS"

which was introduced on May 3, 2018, public hearing held on May 17, 2018, be adopted on second and final reading this 17th day of May, 2018.

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

The following Resolution #2018-190/Ordinance #2018-14 (Amending Ordinance #2018-10 Authorizing the Acceptance of Property From Camelot West At Marlboro, LLC Known And Described as Block 148, Lot 31, Block 149, Lot 16, Block 150, Lot 9, Block 151, Lot 4) was introduced by reference, offered by Councilwoman Mazzola and seconded by Councilman Scalea). Council President Marder opened the Public Hearing on Ordinance #2018-14. As there was no one who wished to speak, the public hearing was closed and the resolution/ordinance was passed on a roll call vote of 4 - 0 in favor (Absent: Metzger).

RESOLUTION # 2018-190

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

ORDINANCE # 2018-14

AN ORDINANCE AMENDING ORDINANCE #2018-10 AUTHORIZING THE
ACCEPTANCE OF PROPERTY FROM CAMELOT WEST AT MARLBORO, LLC KNOWN
AND DESCRIBED AS BLOCK 148, LOT 31, BLOCK 149,
LOT 16, BLOCK 150, LOT 9 AND BLOCK 151, LOT 4

which was introduced on May 3, 2018, public hearing held on May 17, 2018, be adopted on second and final reading this 17th day of May, 2018.

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

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 4 - 0 in favor (Absent: Metzger.) Res. #2018-191 (Rejection of Bid - Water Valve Replacement), Res. #2018-192 (Award of Bid - Ambulance (2018-105-1), Res. #2018-193 (Authorizing Award of Bid for the Above Ground Storage Tank Facility Demolition (AST), Res. #2018-194 (Bond Release for Water Improvements - Marlboro Estates - B 119, L 31), Res. #2018-195 (Authorizing Shared Services Agreement with Aberdeen Township - Improvements to Roadways Pursuant to N.J.S.A 40A:65-1 et seq.), Res. #2018-196 (Authorizing State Contract Purchase of Police Vehicles (2018-106-1, 106-2, 106-2.15 & 106-3), Res. #2018-197 (Redemption Tax Sale Certs - Various).

RESOLUTION # 2018-191

A RESOLUTION AUTHORIZING THE REJECTION OF BIDS FOR THE
PROVISION OF PREVENTATIVE GATE VALVE MAINTENANCE
FOR THE TOWNSHIP OF MARLBORO WATER UTILITY DIVISION

WHEREAS, on May 8, 2018, bids were opened for the PROVISION OF PREVENTATIVE GATE VALVE MAINTENANCE FOR THE TOWNSHIP OF MARLBORO WATER UTILITY DIVISION; and

WHEREAS, pursuant to N.J.S.A. 40A:11-13.2(b), a contracting unit may reject all bids if the lowest bid substantially exceeds the contracting unit's appropriation for the provision or performance of the goods or services; and

WHEREAS, in a memo dated May 11, 2018 from the Director of Public Works, the sum of the bids submitted by the apparent lowest bidders exceeds the Township's budgeted cost.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that all bids heretofore received for the project titled PROVISION OF PREVENTATIVE GATE VALVE MAINTENANCE FOR THE TOWNSHIP OF MARLBORO WATER UTILITY DIVISION are hereby rejected pursuant to N.J.S.A. 40A:11-13.2(b).

BE IT FURTHER RESOLVED, that the Business Administrator is hereby authorized and directed to return the bid bond(s) or other security(ies) to the appropriate bidder(s).

RESOLUTION # 2018-192

A RESOLUTION AWARDING CONTRACT TO BAY HEAD INVESTMENTS, INC. FOR THE PROVISION OF ONE (1) NEW AND UNUSED MODEL YEAR 2018 OR NEWER TYPE 1 AMBULANCE, AMBULANCE CONVERSION AND RELATED EQUIPMENT FOR THE TOWNSHIP OF MARLBORO

WHEREAS, the Township of Marlboro as part of its 2018 capital program (105-1) authorized the acquisition of a replacement ambulance for the Department of Public Safety; and

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the PROVISION OF ONE (1) NEW AND UNUSED MODEL YEAR 2018 OR NEWER TYPE 1 AMBULANCE, AMBULANCE CONVERSION AND RELATED EQUIPMENT, and on May 9, 2018, received one (1) bid therefor; and

WHEREAS, the sole bid received was as follows:

COMPANY	
BAY HEAD INVESTMENTS, INC. 43 Jefferson Avenue Berlin, NJ 08009	
Base Bid	PRICE
One (1)2018 or Newer Type 1 Ambulance & Ambulance Conversion with Related Equipment	\$246,906.00
Trade in of 2005 GMC 4500 Ambulance with aprox. 76k miles "As-Is"	\$12,000.00
Total Bid - Trade In	\$234,906.00
Additional Items	Price
Option 2 - Stryker Performance Load Cot without Inductive Charger	\$3,639.00
Option 3 - Stryker Performance Load Cot with Inductive Charger	\$6,012.00

WHEREAS, it has been determined that the submission of the lowest bidder, BAY HEAD INVESTMENTS, INC. is responsive as detailed in a May 14, 2018 memo submitted 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 to BAY HEAD INVESTMENTS, INC. whose address is 43 Jefferson Avenue, Berlin, NJ 08009 for the base bid with the trade in option, based on the amount of funds available, in an amount not to exceed \$234,906.00, for the PROVISION OF ONE (1) NEW AND UNUSED MODEL YEAR 2018 OR NEWER TYPE 1 AMBULANCE, AMBULANCE CONVERSION AND RELATED EQUIPMENT; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, contracts with BAY HEAD INVESTMENTS, 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 \$234,906.00 have been certified in Capital Account #04-215-18-01F-105297 by the Chief Financial Officer; and

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

- a. Bay Head Investments, INC.
- b. Township Business Administrator
- c. Township Director of Public Works
- d. Chief Financial Officer
- e. Insurance

RESOLUTION # 2018-193

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT TO
TWO BROTHERS CONTRACTING, INC. FOR THE ABOVE GROUND
STORAGE TANK (AST) FACILITY DEMOLITION FOR THE
TOWNSHIP OF MARLBORO

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

WHEREAS, the Township of Marlboro as part of its 2018 capital program (060-37.1) authorized the demolition of the old AST facility; and

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the AST Facility Demolition, and on April 25, 2018, received ten (10) bids, as indicated in the attached spreadsheet; and

WHEREAS, it has been determined that the submission of the

lowest bidder, Two Brothers Contracting, Inc. is responsive as detailed in a letter dated May 10, 2018, 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 Two Brothers Contracting, Inc. whose address is 11 Vreeland Avenue, Totowa, NJ 07512 in an amount not to exceed \$46,110.49, for the project titled the AST FACILITY DEMOLITION FOR THE TOWNSHIP OF MARLBORO.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, a contract with Two Brothers Contracting, Inc. in an amount not to exceed \$46,110.49.

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that sufficient funds in the amount of \$46,110.49 are available for the aforesaid contract in Capital Account 04-215-18-01D-060288.

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

- a. Two Brothers Contracting Inc.
- b. Township Administrator
- c. Township Engineer
- d. Chief Financial Officer

RESOLUTION # 2018-194

RESOLUTION AUTHORIZING REDUCTION OF PERFORMANCE GUARANTEES FOR THE WATER IMPROVEMENTS AT THE SITE KNOWN AS MARLBORO ESTATES, BLOCK 119, LOT 31, INTERSECTION OF TEXAS ROAD AND FALSON LANE, TOWNSHIP OF MARLBORO, NEW JERSEY

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro has received a request from Felix Elinson for a reduction in the Township held Performance Guarantees in the form of a Bond and cash deposit for water improvements ("Public Improvements") on the Site known as "Marlboro Estates" (the "Site"), property known as Block 119, Lot 31, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by Falson LN Development, LLC (the "Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed the Township Engineer's report dated April 30, 2018, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the aforesaid report recommends that a partial reduction be made in the current Bond and cash deposit amounts being held by the Township; and

WHEREAS, the Township Council desires to reduce the performance guarantee Bond and cash deposit amounts in accordance with the recommendation of the Township Engineer's report dated April 30, 2018.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the performance guarantees in the form of a Bond and cash deposit posted by the Developer, Falson LN Development, LLC, for the site known as Marlboro Estates, located on property known as Block 119, Lot 31, Township of Marlboro, New Jersey, shall be reduced as follows:

1. The Bond (Developers Surety and Indemnity Company, Bond No. 481772S), in the present value of \$125,374.50, shall be reduced by \$3,078.00, so that the remaining amount shall be \$122,296.50.
2. The Cash Deposit, in the present amount of \$13,930.50 (excludes accrued interest) shall be reduced by \$342.00, so that the amount to remain shall be \$13,588.50;

BE IT FURTHER RESOLVED, that the above reductions shall be subject to the posting of any and all outstanding review and/or inspections fees required by the Planning Board and/or Township and the resolution of any valid homeowners' complaints; and

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

- a. Falson Ln. Development, LLC (Marlboro Estates, LLC)
- b. Developers Surety and Indemnity Company
- c. Township Business Administrator
- d. Township Chief Financial Officer
- e. Township Engineer
- f. Louis N. Rainone, Esq.
- g. Salvatore Alfieri, Esq.

RESOLUTION # 2018-195

A RESOLUTION OF THE TOWNSHIP OF MARLBORO IN MONMOUTH COUNTY,
NEW JERSEY AUTHORIZING A SHARED SERVICES AGREEMENT BETWEEN
THE TOWNSHIP OF MARLBORO AND THE TOWNSHIP OF ABERDEEN
IN CONNECTION WITH IMPROVEMENTS TO ROADWAYS PURSUANT
TO N.J.S.A. 40A:65-1 ET SEQ.

WHEREAS, the Township of Aberdeen ("Aberdeen") has planned road and drainage improvements throughout the Township as part of its 2018 Capital Improvement Program; and

WHEREAS, the Township of Marlboro ("Marlboro") has planned road and drainage improvements throughout the Township as part of its 2018 Capital Improvement Program; and

WHEREAS, Aberdeen has plans to improve Woodbrook Drive, a street which straddles the Marlboro border and is need of road and drainage improvements; and

WHEREAS, Aberdeen has offered to complete the work required of Woodbrook Drive on both sides of the Aberdeen-Marlboro under a single contract; and

WHEREAS, the Township Engineer has reviewed the scope of work and Engineer's estimate prepared by Aberdeen and recommends coordinating the road and drainage repairs under a single contract in order to complete the improvements in the most efficient and cost-effective manner possible; and

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

WHEREAS, the Townships of Aberdeen and Marlboro are public bodies corporate and politic of the State of New Jersey and are authorized under New Jersey Law to enter into a Shared Services Agreement pursuant to the Act; and

WHEREAS, Aberdeen has agreed to conduct the necessary road and drainage repairs, and Marlboro has agreed to pay a portion of the cost associated with the road and drainage improvements estimated at \$26,000.00; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose from Capital Account No. 04-215-18-01C-060288; and

WHEREAS, Aberdeen and Marlboro desire to enter into a Shared Services Agreement to set forth the operational and financial terms of the work to be performed.

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

1. The above recitals are hereby incorporated into the body of this Resolution as if set forth at length herein.
2. The Mayor and Township Clerk are hereby authorized to execute a Shared Services Agreement for road and drainage improvements.
3. The Shared Services Agreement shall be open to public inspection in the Clerk's office and shall take effect upon the adoption of a resolution and execution of the agreement

RESOLUTION # 2018-196

RESOLUTION AUTHORIZING AWARD OF STATE CONTRACTS TO
VARIOUS VENDORS FOR THE PURCHASE OF VEHICLES FOR THE
TOWNSHIP OF MARLBORO DIVISION OF POLICE

WHEREAS, the Township of Marlboro as part of its 2018 capital program authorized the purchase of replacement vehicles for the Marlboro Township Division of Police (106-1, 106-2, 106-2.15 and 106-3); 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 vehicles under various State contracts as follows:

Vehicle Description	Qty	SC#	Vendor	Unit Cost	Ext. Cost	Capital ID
Dodge Charger 4DR Sedan Pursuit Vehicle	5	88729	Hertrich Fleet Services	\$27,197.20	\$135,986.00	106-1
2018 Ford Police Interceptor Utility	1	88728	Winner Ford	\$29,671.00	\$29,671.00	106-2

2018 Ford Police Interceptor Utility *	1	88728	Winner Ford	\$30,888.40	\$30,888.40	106-2.15
2018 Ford Fusion 4DR Sedan	2	86922	Hertrich Fleet Services	\$18,295.00	\$36,590.00	106-3

*Explosive Detection/School Security

; and

WHEREAS, the above vehicles are equipped with all options under the various State Contracts, with the exception of the All-Wheel Drive (AWD), drive train for the five (5) Dodge Chargers totaling \$4,923.00; and

WHEREAS, while impractical to purchase the AWD drive train separately from the vehicles themselves, the Township attempted to solicit pricing on the option 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 the replacement 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 \$238,058.40 from capital accounts #04-215-18-03A-106297 and 04-215-18-01G-106297; and

WHEREAS, the Township Council desires to approve the purchase of the replacement 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 the replacement vehicles for the Marlboro Township Division of Police from the vendors and under the State Contracts identified above in an amount not to exceed \$238,058.40.

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
- d. Insurance

RESOLUTION # 2018-197

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$172,276.62 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 \$ 172,276.62 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>
2017-029	178/2/C0151	US Bank Cust for PC7 Firsttrust 50 South 16 th Street, Suite 2050 Philadelphia, PA 19102 Assessed Owner: MTGLQ Investors, LP	2,253.57
2017-001	101/17.11	US Bank Cust for PC7 Firsttrust 50 South 16 th Street, Suite 2050 Philadelphia, PA 19102 Assessed Owner: Giorlando, Jack & Lisa	9,417.43
2015-021	149/2	Christian Trust as Custodian 2020 Howell Mill Road New Orleans, LA 70154 Assessed Owner: Stiles, Nelson & Marie	115,715.10
2017-019	171.01/17	US Bank Cust for PC7 Firsttrust 50 South 16 th Street, Suite 2050 Philadelphia, PA 19102 Assessed Owner: Kiste, Ronald & Zolkin, Jodi	3,037.02
2017-031	178/290/C0228	US Bank Cust for PC7 Firsttrust 50 South 16 th Street, Suite 2050 Philadelphia, PA 19102 Assessed Owner: Pevsner, Daniel & Eduard	2,261.87

2017-067 412.03/24

C&E Tax Lien Fund 1
PO Box 5021
Philadelphia, PA 19111
Assessed Owner:
Frayman, James

39,591.63

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

MINUTES APPROVED: JUNE 14, 2018

OFFERED BY: METZGER AYES: 3

SECONDED BY: MAZZOLA NAYS: 0

ABSTAIN: METZGER

ABSENT: CANTOR

ALIDA MANCO,
MUNICIPAL CLERK

RANDI MARDER,
COUNCIL PRESIDENT