

MARLBORO TOWNSHIP COUNCIL MEETING
October 1, 2020

The Marlboro Township Council held its regularly scheduled meeting remotely on October 1, 2020 at 7:00 P.M.

Council President Mazzola opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of this regularly scheduled meeting of the Township Council of the Township of Marlboro was sent to the Asbury Park Press, the Star Ledger, News Transcript and Board of Education Office on January 7, 2020; published in the Asbury Park Press on January 9, 2020; 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 Cantor, Councilman Metzger, Councilman Scalea and Council President Mazzola by conference call. Absent: Councilwoman Marder

Also present: Mayor Hornik, Louis N. Rainone, Esq., Business Administrator Jonathan Capp, Chief Financial Officer Lori Russo, and Municipal Clerk Susan A. Branagan by conference call.

Councilman Scalea moved that the minutes of September 17, 2020 be approved. This was seconded by Councilman Metzger, and passed on a roll call vote of 4 - 0 in favor (Absent: Councilwoman Marder).

The following Res. #2020-255/Ord. #2020-13 (Amending Bond Ordinance 2014-6 - Construction of Force Main and Pump Station (Harbor Water Treatment Plant)) was introduced by reference, offered by Councilman Scalea, seconded by Councilman Metzger. Council President Mazzola opened the Public Hearing. As there was no one who wished to speak, the Public Hearing was closed and Res. #2020-255 was passed on a roll call vote of 4 - 0 in favor (Absent: Councilwoman Marder).

RESOLUTION # 2020-255

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

ORDINANCE #2020-13

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, AMENDING ORDINANCE NO. 2014-6 OF THE TOWNSHIP FINALLY ADOPTED FEBRUARY 20, 2014, AS AMENDED BY ORDINANCE NO. 2015-4 OF THE TOWNSHIP FINALLY ADOPTED FEBRUARY 12, 2015, PROVIDING FOR THE CONSTRUCTION OF A NEW WATER TREATMENT PLANT IN AND FOR THE TOWNSHIP OF MARLBORO AND APPROPRIATING \$12,565,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$12,565,000 IN WATER UTILITY BONDS OR NOTES OF THE TOWNSHIP OF MARLBORO TO FINANCE THE SAME

which was introduced on September 17, 2020, public hearing held on 1st day of October, 2020, be adopted on second and final reading this 1st day of October, 2020.

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

ORDINANCE #2020-13

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, AMENDING ORDINANCE NO. 2014-6 OF THE TOWNSHIP FINALLY ADOPTED FEBRUARY 20, 2014, AS AMENDED BY ORDINANCE NO. 2015-4 OF THE TOWNSHIP FINALLY ADOPTED FEBRUARY 12, 2015, PROVIDING FOR THE CONSTRUCTION OF A NEW WATER TREATMENT PLANT IN AND FOR THE TOWNSHIP OF MARLBORO AND APPROPRIATING \$12,565,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$12,565,000 IN WATER UTILITY BONDS OR NOTES OF THE TOWNSHIP OF MARLBORO TO FINANCE THE SAME

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Ordinance No. 2014-6 of the Township of Marlboro, in the County of Monmouth, New Jersey, finally adopted on February 20, 2014, as amended by Ordinance No. 2015-4 finally adopted on February 12, 2015 (collectively, the "Prior Ordinance"), is hereby further amended in full to read as follows:

Section 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Township of Marlboro, in the County of Monmouth, New Jersey (the "Township"), as a general improvement. For the improvement or purpose described in Section 3 hereof, there is hereby appropriated the sum of \$12,565,000 (representing an increase of \$165,000 from the Prior Ordinance). No down payment is required in connection with the improvement or purpose for which obligations are authorized as provided in Section 3 hereof as said purpose is deemed to be self-liquidating and the obligations authorized herein are deductible from the gross debt of the Township, as more fully explained in Section 6(e) of this bond ordinance.

Section 2. In order to finance the cost of the improvement or purpose, negotiable bonds or notes are hereby authorized to be issued in the principal amount of \$12,565,000 (representing an increase of \$165,000 from the Prior Ordinance) pursuant to the Local Bond Law. In anticipation of the issuance of the bonds or notes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for which the bonds or notes are to be issued is for the construction of a new water treatment plant on Harbor Road in the Township to replace the existing facility, and including all other work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that, except as provided in N.J.S.A. 58:11B-9(e), no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's

signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget (as applicable) of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. No part of the costs thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the improvement or purpose, within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 40 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$12,565,000 (representing an increase of \$165,000 from the Prior Ordinance), but that the net debt of the Township determined as provided in the Local Bond Law is not

increased by this bond ordinance and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An amount not exceeding \$2,475,000 (representing no increase from the Prior Ordinance) for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvement or purpose.

(e) This bond ordinance authorizes obligations of the Township solely for a purpose described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for a purpose that is deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-46 and are deductible from gross debt pursuant to N.J.S.A. 40A:2-44(c).

(f) The Township reasonably expects to commence acquisition and/or construction of the improvement or purpose described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the Township further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate amount not to exceed the amount of bonds or notes authorized in Section 2 hereof.

Section 7. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the Township is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 10. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

The foregoing bond ordinance is approved.

The following Res. #2020-256/Ord. #2020-14 (Amending Chapter 220, Article III, Section 220-102 Entitled "Wireless Telecommunication Towers and Facilities" for the Addition of New Sections "Licensing of Telecommunication Facilities) was introduced by reference, offered by Councilman Cantor, seconded by Council President Mazzola and passed on a roll call vote of 4 - 0 in favor (Absent: Councilwoman Marder).

RESOLUTION # 2020-256

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

ORDINANCE #2020-14

AN ORDINANCE CREATING LICENSING PROVISIONS FOR TELECOMMUNICATIONS FACILITIES IN THE RIGHTS OF WAY BY AMENDING CHAPTER 220, ARTICLE III, SECTION 220-102 ENTITLED "WIRELESS TELECOMMUNICATION TOWERS AND FACILITIES" by ADDING NEW SECTIONS 220-102.1 TO 220-102.56. "LICENSING OF TELECOMMUNICATION FACILITIES"

which was introduced on September 17, 2020, public hearing held on 1st day of October, 2020, be adopted on second and final reading this 1st day of October, 2020.

As the consent agenda, the following resolutions were introduced by reference, offered by Councilman Metzger, seconded by Councilman Cantor, and passed on a roll call vote of 4 - 0 in favor, (Absent: Councilwoman Marder).

RESOLUTION #2020-257

A RESOLUTION CONFIRMING EMERGENCY CONTRACTS AND PAYMENTS FOR GOODS AND SERVICES REQUIRED IN RESPONSE TO THE COVID-19 PANDEMIC PURSUANT TO N.J.S.A. 40A:11-6 FOR THE TOWNSHIP OF MARLBORO

WHEREAS, on March 9, 2020, New Jersey Governor Phil Murphy issued Executive Order No. 103 concerning the outbreak of COVID-19 in the State; and

WHEREAS, on March 15, 2020, Mayor Jonathan L. Hornik declared a local emergency concerning the outbreak of COVID-19; and

WHEREAS, in response to the outbreak the Township incurred

various costs to ensure the safety of staff and public and the continuity of operations; 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 various vendors including existing contracted vendors and those holding state or cooperative contracts to provide the necessary goods and services related to the COVID-19 pandemic response in an amount not to exceed \$300,542.63; and

WHEREAS, the Chief Financial Officer previously certified the availability of funds in an amount not to exceed \$300,542.63 from various operating, capital and trust accounts; and

WHEREAS, the Township has applied for reimbursement of these expenses under the CARES ACT through an agreement with Monmouth County authorized by the Township Council (R. 2020-173).

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that various emergency contracts as depicted in SCHEDULE A be confirmed and payments approved pursuant to N.J.S.A. 40A:11-6 for the provision of various goods and services related to the COVID-19 pandemic response.

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

- a. Business Administrator
- b. Chief Financial Officer

RESOLUTION # 2020-258

RESOLUTION AUTHORIZING EMERGENCY APPROPRIATION
PURSUANT TO NJS 40A:4-48 AND AUTHORIZING THE FINANCING OF THE
EMERGENCY APPROPRIATION THROUGH THE USE OF SURPLUS OR THE ISSUANCE
OF EMERGENCY NOTES PURSUANT TO NJS 40A:4-50

WHEREAS, an emergency has arisen with respect to the arrival of Tropical Storm Isaias on August 4, 2020; and

WHEREAS, the Township incurred labor costs for emergency response and clean-up, and other expenses including collection and disposal of debris for which no adequate provision was made in the 2020 Municipal budget; and

WHEREAS, the occurrence of said storm could not have been foreseen at the time the 2020 Municipal Budget for the Township of Marlboro was prepared, and

WHEREAS, NJS 40A:4-46 provides for the creation of an emergency appropriation for the purpose mentioned above; and

WHEREAS, the total amount of the emergency appropriations created, including the appropriation to be created by this resolution is \$345,724.41 and three (3) percent of the total operating appropriations in the budget for 2020 is \$966,246.36; and

WHEREAS, the foregoing appropriation together with prior appropriations does not exceed three (3) percent of the total operating appropriations (including utility operation appropriations) in the budget for 2020; and

NOW, THEREFORE, BE IT RESOLVED, by not less than 2/3 of all governing body members affirmatively concurring that in accordance with NJS 40A:4-48:

1. An emergency appropriation is hereby made for Tropical Storm Isaias costs as to salaries and wages and/or other expenses in the amount of \$345,724.41.
2. That said emergency appropriation shall be provided for in full in the 2021 budget, and is requested to be excluded from both the spending and tax levy CAP, pursuant to NJS 40A:4-53.3c(1).

3. That two (2) certified copies of this resolution be filed with the Director of the Division of Local Government Services.

RESOLUTION # 2020-259

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 income households; and

WHEREAS, the Township of Marlboro's Administrative Agent has received an application for housing rehabilitation assistance from Barry McGivney and Mary McGivney who reside at 53 Rockwell Circle, 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 Barry McGivney and Mary McGivney by the Mayor and Municipal 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. Business Administrator
- b. Administrative Agent
- c. Municipal Housing Liaison
- d. Township Attorney

RESOLUTION #2020-260

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES FOR THE
WATER UTILITY IMPROVEMENTS AT THE SITE KNOWN AS
70 GREENWOOD ROAD LLC, BLOCK 122, LOT 39, LOCATED AT
30 TENNENT ROAD, MORGANVILLE, NJ 07751

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro has received a request from Derek and Stacey Tietjen, for the release of the Township held Performance Guarantees in the form of an Irrevocable Standby Letter of Credit ("LOC") for the water utility improvements ("Public Improvements") on the Site known as "70 Greenwood Road LLC Proposed Self-Storage" (the "Site"), property known as Block 122, Lot 39, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by 70 Greenwood Road 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 September 16, 2020, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the aforesaid report recommends that the current Performance Guarantee in the form of a Letter of Credit, LOC No. 169, in the original amount of \$64,974.00 issued by Two River Community Bank, posted by the Developer and being held by the Township, be released in its entirety, conditioned upon the payment of any and all outstanding review and/or inspection fee charges to the time of the performance guarantee release and the posting of a two (2) year fifteen percent (15%) maintenance bond in the amount of \$8,121.75; and

WHEREAS, the Township Council now wishes to take the following action regarding the aforesaid Performance Guarantee.

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 above-described Letter of Credit, LOC No. 169, in the original amount of \$64,974.00 issued by Two River Community Bank,

posted by the Developer and being held by the Township, be released in its entirety, conditioned upon the payment of any and all outstanding review and/or inspection fee charges to the time of the performance guarantee release and the posting of a two (2) year fifteen percent (15%) maintenance bond in the amount of \$8,121.75; and

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

- a. 70 Greenwood Road, LLC
- b. Township Business Administrator
- c. Township Chief Financial Officer
- d. Township Engineer
- e. Louis Rainone, Esq., Township Attorney

RESOLUTION #2020-261

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES FOR THE
MTMUA UTILITY IMPROVEMENTS AT THE SITE KNOWN AS SHALOM TORAH CENTER,
BLOCK 172, LOT 39, LOCATED AT
70 AMBOY ROAD, MORGANVILLE, NEW JERSEY 07751

WHEREAS, in accordance with *N.J.S.A. 40:55D-53*, the Township of Marlboro has received a request from Giovanna Alfano and Harry Deerfield, Amboy Bank, for the release of the Township held Performance Guarantees in the form of an Irrevocable Standby Letter of Credit for the utility improvements ("Private Improvements") on the Site known as "Shalom Torah Center" (the "Site"), property known as Block 172, Lot 39, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by Shalom Torah Center (the "Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed the Township Engineer's report dated September 10, 2020, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the aforesaid report recommends that the current Performance Guarantee in the form of a Letter of Credit No. 1568, in the original amount of \$105,994.80, current amount \$10,000.00, issued by Amboy Bank, posted by the Developer and being held by the Township, be released in its entirety, conditioned upon the payment of any and all outstanding review and/or inspection fee charges to the time of the performance guarantee release; and

WHEREAS, the Township Council now wishes to take the following action regarding the aforesaid Performance Guarantee.

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 above-described Performance Surety Bond, Letter of Credit No. 1568, in the original amount of \$105,994.80, current amount \$10,000.00, issued by Amboy Bank, posted by the Developer and being held by the Township, be released in its entirety, conditioned upon the payment of any and all outstanding review and/or inspection fee charges to the time of the performance guarantee release; and

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

- a. Shalom Torah Center
- b. Township Business Administrator
- c. Township Chief Financial Officer
- d. Township Engineer
- e. Louis Rainone, Esq., Township Attorney

Resolution # 2020-262

AUTHORIZING APPROVAL TO SUBMIT AN GRANT APPLICATION AND EXECUTE A
GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION
FISCAL YEAR 2021 LOCAL FREIGHT IMPACT FUND

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Township of Marlboro formally approves the grant application for the Local Freight Impact Fund which provides aid to counties and municipalities for transportation projects that address the impacts of freight travel in local communities and on local transportation infrastructure.

BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application identified as Local Freight Impact Fund to the New Jersey Department of Transportation on behalf of the Township of Marlboro.

BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Marlboro and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

RESOLUTION #2020-263

RESOLUTION AUTHORIZING APPLICATION FOR GRANT FUNDING FROM
GAMETIME A PLAYCORE COMPANY - GAMETIME CARES CUSTOMER
ASSISTANCE PROGRAM FOR NEW RECREATION PLAY SYSTEMS

WHEREAS, the GAMETIME CARES CUSTOMER SERVICE ASSISTANCE PROGRAM is a multifaceted program to help address the need for assistance with play and recreation projects during difficult and unprecedented times; and

WHEREAS, the Township has been advised that it is eligible to apply for up to 100% matching funds on play systems for parts and installation for a new recreation play system; and

WHEREAS, the Township of Marlboro is interested in seeking out alternative sources of funding for public improvements to be selected from priority projects that did not receive funding during the last round of capital budget authorizations; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro wish to apply for funding from the GAMETIME CARES CUSTOMER ASSISTANCE PROGRAM.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro that Marlboro Township hereby authorizes the submission of a grant application for playground equipment from the GAMETIME CARES CUSTOMER ASSISTANCE PROGRAM.

BE IT FURTHER RESOLVED, the Mayor and Municipal Clerk are hereby authorized to accept the terms of the program and execute a grant agreement on behalf of the Township of Marlboro.

RESOLUTION #2020-264

A RESOLUTION AWARDING CONTRACT TO FOLEY, INCORPORATED FOR THE
PROVISION OF GENERATOR RENTAL SERVICE FOR THE TOWNSHIP OF MARLBORO
DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the PROVISION OF GENERATOR RENTAL SERVICE FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS, and on September 16, 2020, received one (1) bid, as follows:

	Foley Incorporated 855 Centennial Ave Piscataway, NJ 08855
1) Unit Price No. 1: 450kW, 480v, 3 Phase Generator	
A) Mobilization	
1) Delivery and Retrieval	2,600.00
B) Stand-By	
1) 24 hour (1 day) rental	249.00
2) 7 day (1 week) rental	1,740.00
3) 30 day (1 month) rental	6,960.00
4) 90 day (3 month) rental	20,880.00
5) 120 day (4 month) rental	27,840.00
6) 150 day (5 month) rental	34,800.00
C) Operating Rate	
1) 24 hour (1 day) rental	498.00
2) 7 day (1 week) rental	3,480.00
2) Unit Price No. 2: 1000kW (minimum), 480v, 3 Phase Generator	
A) Mobilization	
1) Delivery and Retrieval	3,210.00
B) Stand-By	
1) 24 hour (1 day) rental	425.00
2) 7 day (1 week) rental	2,970.00
3) 30 day (1 month) rental	11,880.00
4) 90 day (3 month) rental	35,640.00
5) 120 day (4 month) rental	47,520.00
6) 150 day (5 month) rental	59,400.00
C) Operating Rate	
1) 24 hour (1 day) rental	850.00
2) 7 day (1 week) rental	5,940.00
Generator Size:	1,000-2,000 kW
3) Unit Price No. 3: Multi-unit Pricing for One (1) 350kW, 480v 3 Phase Generator and One (1) 1000kW (minimum), 480v, 3 Phase Generator	
A) Mobilization	
1) Delivery and Retrieval	3,210.00
B) Stand-By	
1) 24 hour (1 day) rental	674.00
2) 7 day (1 week) rental	4,710.00
3) 30 day (1 month) rental	18,840.00
4) 90 day (3 month) rental	56,520.00
5) 120 day (4 month) rental	75,360.00
6) 150 day (5 month) rental	94,200.00
C) Operating Rate	
1) 24 hour (1 day) rental	1,348.00
2) 7 day (1 week) rental	9,420.00
Generator Size:	1,000-2,000 kW
Total 3A + 3B + 3C	106,830.00

; and

WHEREAS, in a memo dated September 17, 2020, the Director of Public Works has reported that Foley, Incorporated is responsive and has recommended that a contract for Unit Price number 3) A-1, B-6, and C-2, for an amount not to exceed \$106,830.00 to be awarded to Foley,

Incorporated located at 855 Centennial Ave Piscataway, NJ 08855; 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 Foley, Incorporated, whose address is 855 Centennial Avenue, Piscataway, NJ 08855 in an amount not to exceed \$106,830.00 for the PROVISION OF GENERATOR RENTAL SERVICE FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS for a one-year period beginning on November 1, 2020 through October 31, 2021, 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 Municipal Clerk to witness a contract with Foley, Incorporated, located at 855 Centennial Avenue, Piscataway, NJ 08855 in accordance with this resolution, the bid specifications, and in a form to be approved by the Township Attorney.

BE IT FURTHER RESOLVED, the Chief Financial Officer has certified that sufficient funds in the amount of \$50,310.00 are available in the Budget Account #05-201-55-500-215020.

BE IT FURTHER RESOLVED, funds for the 2021 portion of the contract totaling \$56,520.00 will be made available and certified by the Chief Financial Officer upon adoption of the 2021 municipal budget.

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

- a. Foley, Incorporated
- b. Business Administrator
- c. Director of Public Works
- d. Chief Financial Officer

RESOLUTION #2020-265

A RESOLUTION CONFIRMING EMERGENCY CONTRACTS AND PAYMENTS WITH LUCAS CONSTRUCTION GROUP, INC. FOR THE PROVISION OF EMERGENCY WATER MAIN 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, 2019 and 2020, the Department of Public Works Water Utility Division has reported water emergencies in various areas of the Township designated as EM 1838, 1919, 1921, 1927, 2001, 2002, 2003, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2021, 2022, and 2024; 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 water emergencies 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 Water Utility contacted its existing emergency water main repair contractor, LUCAS CONSTRUCTION GROUP, INC., 173 Amboy Road, Morganville, NJ 07751 to provide the emergency repairs related to the above mentioned emergencies in an amount of \$406,571.04; 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 related to the above mentioned emergencies in an amount not to exceed \$48,104.22; and

WHEREAS, the Chief Financial Officer previously certified the availability of funds in an amount not to exceed \$454,675.26 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 and payments approved 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. Business Administrator
- b. Chief Financial Officer
- c. Director of Public Works

RESOLUTION #2020-266

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$46,430.06 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 \$46,430.06 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>
2017-009	123/3	US Bank Cust BV002 50 South 16 th St., Suite 2050 Philadelphia, PA 19102 Assessed Owner: Singh, Baljinder	46,430.06

RESOLUTION #2020-267

CONDITIONALLY DESIGNATING 3 RONSON, LLC, AS THE EXCLUSIVE REDEVELOPER OF BLOCK 111, LOTS 4, 10-13 IN THE TOWNSHIP OF MARLBORO AND AUTHORIZING THE EXECUTION OF AN INTERIM COSTS AGREEMENT

WHEREAS, the Township of Marlboro (the "Township") has a court-ordered affordable housing obligation as determined in S. Burlington Cnty. NAACP v. Twp. Of Mount Laurel (Mount Laurel I), 67 N.J. 151 179, 187 (1975) and S. Burlington Cnty. NAACP v. Twp. Of Mount Laurel (Mount Laurel II), 92 N.J. 158, 205 (1983) (hereinafter the "Mount Laurel Doctrine"), the Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq., and the Council on Affordable Housing's ("COAH") rules and regulations ("Court-Ordered Affordable Housing Obligation"); and

WHEREAS, as part of the Court-Ordered Affordable Housing Obligation, 3 Ronson, LLC entered into a court-approved settlement agreement with the Township to use 3 Ronson, LLC's property in the Township designated as Block 111, Lots 4, 10-13 on the Township tax

map (the "Property") for the development of an inclusionary development on Block 111, Lot 4 (the "Site A Development") with a density of 212 total residential units and an inclusionary development on Block 111, Lots 10-13 (the "Site B Development") with a density of 68 total residential units;

WHEREAS, pursuant to the Court-Ordered Affordable Housing Obligation and other affordable housing rules and regulations, both the Site A Development and Site B Development shall have at least twenty (20%) percent of the total units in each development being set aside as non-age restricted affordable housing dwelling units and with at least thirteen (13%) percent of those affordable housing dwelling units being very low income units, as well as certain other improvements (the "Project");

WHEREAS, as a part of the Court-Ordered Affordable Housing Obligation, the Township Council (the "Council") adopted Resolution 2017-272 on August 10, 2017, and Resolution 2018-293, on October 4, 2018, authorizing and directing the Marlboro Township Planning Board (the "Board") to conduct a preliminary investigation (the "Preliminary Investigation") to determine whether certain properties in the Township, which were used as junkyards, auto salvage businesses, and had otherwise obsolete, deleterious, or detrimental uses, satisfied the criteria under the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "Redevelopment Law") for designation as "areas in need of redevelopment" and to prepare a redevelopment plan if such designation is made in accordance with the Redevelopment Law; and

WHEREAS, the Preliminary Investigation included the Property, among various other properties in the Township, in the study area (the "Scattered Site Redevelopment Study Area"); and

WHEREAS, the Board held the requisite public hearing on the Preliminary Investigation and on September 4, 2019, adopted Resolution PB1-2019 recommending that the Council designate the Scattered Site Redevelopment Study Area as a Condemnation Area in Need of Redevelopment; and

WHEREAS, on September 5, 2019, the Council accepted the recommendation of the Board and adopted Resolution 2019-281 designating the Scattered Site Redevelopment Study Area as a Condemnation Area in Need of Redevelopment (hereinafter, the "Redevelopment Area") in accordance with the Redevelopment Law; and

WHEREAS, pursuant to Ordinance No. 2019-15, the Council adopted a redevelopment plan for the Redevelopment Area (the "Scattered Site Redevelopment Plan"); and

WHEREAS, in accordance with Township's Court-Ordered Affordable Housing Obligation, the Scattered Site Redevelopment Plan forms a crucial part of the Township's affordable housing plan by providing for the redevelopment of the properties in the area to residential uses from their current uses as junkyards, auto salvage businesses, and otherwise obsolete, deleterious, and detrimental uses; and

WHEREAS, in accordance with the Township's Court-Ordered Affordable Housing Obligation, the Scattered Site Redevelopment Plan, and pursuant to the Redevelopment Law, the Township is required to conditionally designate 3 Ronson, LLC (inclusive of its permitted successors and assigns) as exclusive redeveloper of the Property subject to the successful negotiation and execution of a redevelopment agreement between the Township and 3 Ronson, LLC; and

WHEREAS, as part of the conditional designation, the Township desires to authorize the execution of an interim costs agreement with the Redeveloper (the "Interim Costs Agreement"), to reimburse the Township for any and all costs incurred by the Township prior to the execution of a redevelopment agreement, including the Township's reasonably incurred out-of-pocket expenses related to the designation of Redeveloper as conditional redeveloper, negotiation of the terms and conditions of the redevelopment agreement and such other reasonable costs related to the redevelopment of the Redevelopment Area including, but not limited to, fees for legal, accounting, engineering, planning and financial advisory services (the "Interim Costs").

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

1. The foregoing recitals are hereby incorporated by reference as if fully set forth herein.
2. 3 Ronson, LLC, (inclusive of its permitted successors and assigns) is hereby designated as the exclusive redeveloper of the Redevelopment Area for a period of six (6) months, and is contingent upon (i) the execution of an Interim Costs Agreement wherein 3 Ronson, LLC agrees to reimburse the Township for any and all reasonable Interim Costs in a form approved by the Township Attorney, and (iii) the successful negotiation and execution a formal redevelopment agreement with the Township.
3. The Mayor is hereby authorized to execute the Interim Costs Agreement and the redevelopment agreement.

4. This Resolution shall take effect immediately.

At 7:20 p.m., Councilman Metzger that the meeting be adjourned. This was seconded by Councilman Scalea, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: OCTOBER 15, 2020

OFFERED BY: METZGER AYES: 5

SECONDED BY: SCALEA NAYS: 0

ABSTAIN: MARDER

SUSAN A. BRANAGAN,
MUNICIPAL CLERK
101520

CAROL MAZZOLA,
COUNCIL PRESIDENT