

MARLBORO TOWNSHIP COUNCIL MEETING

November 18, 2021

The Marlboro Township Council held its regularly scheduled meeting on November 18, 2021 at 7:00 P.M. at the Marlboro Municipal Complex located at 1979 Township Drive, Marlboro, New Jersey.

Council President Cantor opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of this 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 the Board of Education Office on November 15, 2021; published in the Asbury Park Press on July 20, 2021; 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 Municipal Clerk called the Roll.

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

Also present: Mayor Jonathan L. Hornik, Township Attorney Louis N. Rainone, Esq., Business Administrator Jonathan Capp, Municipal Clerk Susan A. Branagan and Deputy Municipal Clerk Jennifer M. Johnson.

PRESENTATION: Hometown Heroes - Marlboro Police Department:

Councilman Scalea moved that the Council meeting minutes of October 21, 2021 be approved. This was seconded by Councilwoman Mazzola, and passed on a roll call vote of 4 - 0 in favor. Council Vice President was absent.

The following Resolution #2021-319/Ordinance #2021-021 (An Ordinance Authorizing the Sale of Property to be known as Block 149, Lot 16.01 and the Vacation and Conveyance of Portions of an Unimproved Public Street) was introduced by reference, offered by Councilwoman Mazzola, seconded by Councilman Scalea and passed on a roll call vote of 4 - 0 in favor. Council Vice President Metzger was absent.

RESOLUTION #2021-319

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

ORDINANCE #2021-021

ORDINANCE AUTHORIZING THE SALE OF PROPERTY TO BE KNOWN AS BLOCK 149, LOT 16.01 AND THE VACATION AND CONVEYANCE OF PORTIONS OF AN UNIMPROVED PUBLIC STREET

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 December 16, 2021 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 #2021-021

ORDINANCE AUTHORIZING THE SALE OF PROPERTY TO BE KNOWN AS BLOCK 149, LOT 16.01 AND THE VACATION AND CONVEYANCE OF PORTIONS OF AN UNIMPROVED PUBLIC STREET

WHEREAS, The Township of Marlboro (the "Township") and The Place at Marlboro, LLC (the "Developer"), a New Jersey Limited Liability Company, entered into an Affordable Housing Development Agreement (the "Agreement") on May 21, 2020, which governs the rights and obligations of the parties in connection with a development to be built in two phases; and

WHEREAS, Block 149, Lot 16 and Block 148, Lot 31 on the Official Tax Map of the Township of Marlboro, Monmouth County, New Jersey (the "Existing Municipal Owned Tract") was approved for Subdivision by the Planning Board of the Township of Marlboro (the "Planning Board") as evidenced by the Resolution adopted on November 18, 2020, wherein the parcels would be known as Block 149, Lots 16.01, 16.02, and 16.03; and

WHEREAS, the Agreement required the Township to convey Block 149, Lot 16.01 (the "Phase I Property") to the Developer, subject to an affordable housing deed restriction that ensures the Phase I Property shall be used solely for the purpose of providing rental dwelling units for low- and moderate-income households and developed and maintained in accordance with the Township's Housing Element and Fair Share Plan of the Master Plan; and

WHEREAS, the Phase I Property shall be developed first and designed and approved to stand alone, and the transfer of Block 149, Lot 16.03 (the "Phase II Property") shall be subject to an agreement

and conveyance at a future date following the start of the construction at the Phase I Property; and

WHEREAS, the Township seeks to convey the Phase I Property to Communities First Initiative, Inc. ("CFI"), a New Jersey Nonprofit Corporation, federal 501(c)(3), and non-profit member of the Developer, for the purpose of developing the Phase I Property, subject to a Bargain and Sale Deed in a form substantially similar to Exhibit A attached hereto, an Affordable Housing Deed Restriction in a form substantially similar to Exhibit B attached hereto, which will ensure that the Phase I Property shall be used solely for the purpose of providing rental dwelling units for low- and moderate-income households, and a Deed of Easement and Right-of-Way in a form substantially similar to Exhibit C attached hereto, which is to be recorded by the Developer simultaneously with the Bargain and Sale Deed and is necessary for the operation, maintenance, monitoring, repair, renewal, and/or replacement of certain water system improvements that are located and/or to be constructed upon a portion of the Phase I Property; and

WHEREAS, in accordance with the Planning Board approval, the Township and Developer seek to simultaneously grant multiple easements necessary for the development in two phases, namely an easement for cross-access, easement for construction, and easement for utilities, and have negotiated an Access, Construction, and Utilities Easement Agreement in a form substantially similar to Exhibit D attached hereto; and

WHEREAS, N.J.S.A. 40:67-1(b) authorizes the governing body of every municipality to adopt an ordinance to vacate any public street or any part thereof; and

WHEREAS, in accordance with the Planning Board approval, the Township is required to vacate a the portion of Harnley Road on the Existing Municipal Owned Tract described by the metes and bounds description attached hereto as Exhibit E, and to retain the portion of Harnley Road described by the metes and bounds description attached hereto as Exhibit F; and

WHEREAS, in order to facilitate improvements and widening of Tennent Road (a/k/a County Route No. 3), which is owned by the County of Monmouth (the "County"), the Township seeks to vacate and convey to the County a section of Harnley Road adjacent to Tennent Road as described on the metes and bounds description and map attached hereto as Exhibit H and Exhibit I; and

NOW, THEREFORE, BE IT ORDAINED, BY the Township Council of the Township of Marlboro, in the County of Monmouth, State of New Jersey as follows:

1. The Township shall convey the Phase I Property (Block 149, 16.01) for the nominal consideration of \$10.00, by way of a Bargain and Sale Deed in a form substantially similar to Exhibit A attached hereto, subject to an Affordable Housing Deed Restriction in a form substantially similar to Exhibit B attached hereto, which ensures the Phase I Property shall be used solely for the purpose of providing rental dwelling units for low- and moderate-income households, and developed and maintained in accordance with the Township's Housing Element and Fair Share Plan of the Master Plan, and also subject to a Deed of Easement and Right-of-Way in a form substantially similar to Exhibit C attached hereto, which is necessary for water system improvements that are located and/or to be constructed upon a portion of the Phase I Property and shall be recorded by the Developer simultaneously with the Bargain and Sale Deed.
2. The Mayor is authorized to execute, and the Municipal Clerk is authorized to witness, the Bargain and Sale Deed in a form substantially similar to Exhibit A attached hereto and an Access, Construction, and Utilities Easement Agreement in a form substantially similar to Exhibit D attached hereto, subject to the approval of the Township Attorney, and any other documents or instruments that may be necessary to effectuate the conveyance.
3. The Township hereby vacates and releases from dedication as a public street the portion of Harnley Road more fully described in the metes and bounds description attached as Exhibit E and map attached as Exhibit G, and pursuant to the provisions of N.J.S.A. 40:67-1(b), hereby expressly reserves and excepts from vacation all rights and privileges currently possessed by public utilities (as defined in N.J.S.A. 48:2-13) and by any cable television company (as defined in the Cable Television Act, N.J.S.A. 48:5-1 et seq.), to maintain, repair and replace their existing facilities in, adjacent to, over or under the street, or any part thereof, to be vacated.
4. The Township hereby vacates and releases from dedication as a public street the portion of Harnley Road more fully described in the metes and bounds description attached as Exhibit H and map attached as Exhibit I, and that all rights, title, and interest in the vacated land are to be conveyed to the County of Monmouth, in accordance with law, for the purpose of roadway improvements and widening.

5. The Mayor is authorized to execute, and the Municipal Clerk is authorized to witness, any documents which may be required to convey to the County of Monmouth the aforesaid vacated section of Harnley Road.

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

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

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

The following Resolution #2021-320/Ordinance #2021-022 (An Ordinance Appropriating a \$251,900 Grant to be Received by the Township for Improvements to Ryan Road) was introduced by reference, offered by Councilwoman Marder, seconded by Councilman Scalea and passed on a roll call vote of 4 - 0 in favor. Council Vice President Metzger was absent.

RESOLUTION #2021-320

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

ORDINANCE #2021-022

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING A \$251,900 GRANT TO BE RECEIVED BY THE TOWNSHIP FOR IMPROVEMENTS TO RYAN ROAD IN AND FOR THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY

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 December 16, 2021 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 #2021-022

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE
COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING A
\$251,900 GRANT TO BE RECEIVED BY THE TOWNSHIP
FOR IMPROVEMENTS TO RYAN ROAD IN AND FOR THE
TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH,
NEW JERSEY

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

Section 1. The \$251,900 grant expected to be received by the Township from the State of New Jersey Department of Transportation FY2022 Municipal Aid Program is hereby appropriated for the purpose of providing funds for improvements to Ryan Road, including all work and materials necessary therefor and incidental thereto.

Section 2. The capital budget or temporary capital budget, as applicable, of the Township is hereby amended to conform with the provisions of this 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 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 Municipal Clerk and is available there for public inspection.

Section 3. This ordinance shall take effect in accordance with law.

The following Resolution #2021-321/Ordinance #2021-023 (An Ordinance Amending and Supplementing Various License and Permit Fees) was introduced by reference, offered by Councilman Scalea, seconded by Councilwoman Mazzola and passed on a roll call vote of 4 - 0 in favor. Council Vice President Metzger was absent.

RESOLUTION #2021-321

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

ORDINANCE #2021-023

AN ORDINANCE AMENDING AND SUPPLEMENTING LICENSING AND PERMITTING FEES AND POLICIES OF THE CODE OF THE TOWNSHIP OF MARLBORO PERTAINING TO STORMWATER MANAGEMENT MAINTENANCE FEES; MARLBORO FARMERS' MARKET; UNIFORM CONSTRUCTION CODE; PARKING AT MUNICIPAL FACILITIES; WATER UTILITY SYSTEM SERVICE RATES AND FEES AND CONNECTIONS AND RECREATION & SWIM PROGRAMS

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 December 16, 2021 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 #2021-023

AN ORDINANCE AMENDING AND SUPPLEMENTING LICENSING AND PERMITTING FEES AND POLICIES OF THE CODE OF THE TOWNSHIP OF MARLBORO PERTAINING TO STORMWATER MANAGEMENT MAINTENANCE FEES; MARLBORO FARMERS' MARKET; UNIFORM CONSTRUCTION CODE; PARKING AT MUNICIPAL FACILITIES; WATER UTILITY SYSTEM SERVICE RATES AND FEES AND CONNECTIONS AND RECREATION & SWIM PROGRAMS

BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that the following sections of the Marlboro Township Code Chapter 220 ("Land Use and Development are hereby amended as follows:

§ 220-18 Stormwater Management Maintenance Fees

Specific Provision	Code Location	Type of Fee, Charge or Rate	New Fee
Stormwater Management maintenance fees	Land use and development; Schedule C 220, 18A	Stormwater Improvement Fees (residential and non-residential development per acre)	\$3,890.00

BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that a new section entitled "Marlboro Farmers' Market" of the Marlboro Township Code is hereby established as follow:

Marlboro Farmers' Market.

1 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

MARLBORO FARMERS' MARKET - Farmers' Market operated by the Township of Marlboro and located at 444 Route 520, Marlboro, New Jersey

2 Application for vendor registration.

An approved application in a form to be determined by the Business Administrator is required in order to participate as a vendor at the Marlboro Farmers' Market. The application shall include but not be limited to the following elements:

A. In-person, mail or online registration through the Township's website.

B. Applicant waiver/indemnification and hold-harmless agreement.

C. Proof of insurance.

D. Applicant "producer" agreement.

E. The applicant must furnish a certificate of insurance (ACORD 25) providing evidence of general liability limits including bodily injury and property damage as follows: \$300,000 per occurrence for an individual; \$500,000 per occurrence for a charitable organization; \$1,000,000 per occurrence for any commercial applicant. Any corporation must also include evidence of workers compensation - statutory limits and employers' liability minimum of \$300,000 per accident/\$300,000 per employee/\$300,000 policy limit.

F. Applications shall be approved in the sole discretion of Township, based upon the availability of space and other factors to be determined by the Business Administrator.

3 Registration Fees.

Vendors shall be responsible for a market registration fee.

Prepaid Seasonal Rate	Not to exceed \$500.00
Prepaid Daily Rate	Not to exceed \$ 50.00

The registration fee is independent of any license or permit fees required by fire or health officials which shall be the responsibility of the vendor.

No discounts pursuant to Chapter 24 of the Code of the Township of Marlboro shall be applicable.

4 Authority to make rules; enforcement.

A. Rules and regulations shall be determined by the Business Administrator for the operation of the Farmers' Market.

B. Rules and regulations shall be included in the application for vendor registration and strictly enforced.

5 Submission of false or misleading information.

Any person submitting or who knowingly provides false or misleading information will be subject to immediate removal from all programs or facilities, and forfeit any and all fees paid. Such person shall also be subject to the penalties provided in § 6 of this article.

6 Violations and penalties.

Violations of the provisions of this article shall be punishable as provided in § 4-3 of the Code.

BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that Chapter 125, "Construction Codes, Uniform", Section 125-3 "FEES" is hereby amended and supplemented as follows:

§ 125-3 A Fees Building

Specific Provision	Code Location	Amendment	Fee
Building: Demolition residential building	125-3 A (4) b 1	From "less than 30 feet high" to "less than 35 feet high"	\$150.00 (no change)
Building. (7) Additional fees: (h) Security Cameras. First set of 10.	125-3 A (7) h (1)	Strike and move to Electrical 125-3 D	\$0.00
Building. (7) Additional fees: (h) Security Cameras. Each additional set of 10.	125-3 A (7) h (2)	Strike and move to Electrical 125-3 D	\$0.00

Specific Provision	Code Location	Fee
Building. (7) Additional fees:(c) For anything not listed	125-3 A (7) c	80.000
Building. (7) Additional fees:(a) Minimum building subcode fee	125-3 A (7) a	80.000
Building. (7) Additional fees:(g) A change of Contractor Review Fee.	125-3 A (7) g	80.000

§ 125-3 B Fees Plumbing

Specific Provision	Code Location	Fee
--------------------	---------------	-----

Plumbing. (19) Plumbing devices other than listed	125-3 B (19)	80.000
Plumbing. (1) Minimum plumbing fee	125-3 B (1)	80.000
Plumbing. (31) a change of contractor review fee	125-3 B (31) a	80.000

§ 125-3 C Fees Fire

Specific Provision	Code Location	Fee
Fire: Wet/Dry Sprinkler Heads: 201-400	125-3 C (2) d	750.000
Fire: Wet/Dry Sprinkler Heads: 401-1000	125-3 C (2) e	950.000
Fire: Wet/Dry Sprinkler Heads: > 1000	125-3 C (2) f	1,100.000
Fire: Additional fees: Each Standpipe	125-3 C (3) a	285.000
Fire: Additional fees: Each Incinerator	125-3 C (3) b	400.000
Fire: Additional fees: Each Crematorium	125-3 C (3)	400.000
Fire: Pre-engineered suppression system not listed	125-3 C (4) a	150.000
Fire: Pre-engineered suppression system; Dry Chemical	125-3 C (4) e	150.000
Fire: Pre-engineered suppression system; Wet Chemical	125-3 C (4) f	150.000
Fire: Kitchen Exhaust Systems; Commercial	125-3 C (4) h	150.000
Fire: Bollards (2 Inspection Process)	125-3 C (NEW)	125.000
Fire: Solar Panels	125-3 C (NEW)	125.000
Fire: Chimney Liners	125-3 C (NEW)	125.000

Specific Provision	Code Location	Fee
Fire. (10) Anything not listed	125-3 C (10)	80.000
Fire. (11) Minimum fire subcode fee (commercial)	125-3 C (11)	80.000
Fire. (3) Additional fees (f) a change of contractor review fee	125-3 C (3) f	80.000

§ 125-3 D Fees Electrical

Specific Provision	Code Location	Fee
Baseboard Heaters	125 3 D NEW	25.000
Additional fees: Security Cameras. First set of 10.	125 3 D NEW (from 125-3A)	75.000
Additional fees: Security Cameras. Each additional set of 10.	125 3 D NEW (from 125-3A)	75.000

Specific Provision	Code Location	Fee
Electrical. (10) Anything not listed	125-3 D (10)	80.000
Electrical. (11) Minimum electrical subcode fee	125-3 D (11)	80.000
Electrical. (21) Additional fees: (a) A change of Contractor Review Fee	125-3 D (21) a	80.000

§ 125-3 F Fees Mechanical

Specific Provision	Code Location	Fee
Mechanical. (1) Minimum mechanical fee	125-3 F (1)	80.000
Mechanical. (NEW) A change of Contractor Review Fee	125-3 F (NEW)	80.000

§ 125-7 Construction Codes, Uniform entitled "Partial exemptions from fees", as follows:

Charitable, philanthropic, fraternal, athletic, recreational and religious nonprofit organizations holding a tax-exempt status under the Federal Internal Revenue Code of 1954 [26 U.S.C. 501(c) or (d)] shall be eligible for a refund of 50% of the Uniform Construction Code ("UCC") fees set forth in § [125-3A\(1\)](#), Alterations, repairs, and remodeling, paid since April 1, 2021, excluding the surcharge fee to the New Jersey Department of Community Affairs provided for in § [125-5](#) upon receipt of satisfactory proof of qualifications. This section providing for partial exemption from the U.C.C. fees for qualified religious, charitable and nonprofit organizations shall expire on December 31, 2022, unless further extended by formal action of the Township Council.

BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that Chapter 258, "Parking at Municipal Facilities", Section 258-4 "PERMITS" and Section 258-11 "DAILY SECTION OF UNION HILL LOT" are hereby amended as follows:

§ 258-4 Permits.

A. Issuance; numbers restricted.

(1) Said permits shall be issued by the Business Administrator during the regular hours during which his or her office is open and only upon copies being furnished of:

(a) A current and valid motor vehicle registration and insurance certificate.

(b) A current gas, water, sewer or electric utility bill dated within the previous thirty (30) days. In order to receive Marlboro or Manalapan resident renewal or registration priority, the bill provided must indicate the name and address of the applicant as a

resident of the Township of Marlboro, or as a resident of the Township of Manalapan.

(2) The Business Administrator shall issue not more than 150 permits to the residents of the Township of Manalapan on a first-come, first-served basis in any one year.

(3) The Business Administrator shall not issue more than two permits to any Marlboro household, and shall not issue more than one permit to any Manalapan or non-resident household.

(4) Replacement fee or addition of vehicles. For permit holders requiring a replacement permit or changing vehicles after March 31st and prior to the end of the ~~subsequent~~ permit year, a replacement permit may be issued ~~for which an additional fee of \$25.00 shall be imposed.~~

C. Fees.

(1) The application for the parking permit shall be charged at the rate of \$229.00 per permit year for Marlboro and Manalapan residents payable at the time of application. Effective October 1, 2022, the application for the parking permit shall be charged at the rate of \$237.00 per permit year for Marlboro and Manalapan residents. Non-residents of jurisdictions other than Manalapan may apply for a parking permit at the Texas Road parking facility, subject to the provisions of § 254-4 D (1) and D (2), and shall be charged at the rate of \$275.00 per permit year, payable at the time of application.

~~(2) A pro rata amount of \$57.25 per quarter, payable in one sum at the time of application, will be charged for commuters requesting a permit after April 1 of any permit year.~~

~~(a) Daily fee for meter parking: \$5.00.~~

~~(3) A permit holder who no longer resides within the Township of Marlboro or Manalapan during the course of the permit year must surrender his or her permit and may apply for a pro rata refund minus an administrative fee of 10%^[3] for the remainder of the permit year upon surrender of said permit to the Township Clerk.~~

(4) An additional fee of \$25.00 shall be imposed for the replacement of a permit or addition of vehicles prior to the end of a permit year.

D. ~~Permits issued following the adoption of this article shall be valid from the date of issue until 12:00 midnight of March 31 of the following year, and shall be charged at the ~~monthly~~ yearly rate specified hereinbefore. The parking spaces of permit holders who fail to renew by April 1 shall be forfeited and offered to applicants maintained on a waiting list and non-residents.~~

(1) Marlboro and Manalapan parking permit holders shall be entitled to the first opportunity to renew annually, but must do so on or before March 31 of the permit year.

(2) Applications for parking permits from non-residents shall be reviewed following the completion of the renewal process for Marlboro and Manalapan residents, beginning April 1 of the permit year.

§ 258-11 Manner of parking; regulations; fee.

A. Parking in the daily parking section of the park and pay lot shall be permitted on a first-come-first-served basis, and no decal or permit shall be required to park in the aforesaid facility. The daily parking fee shall be \$5.00.

BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that Chapter 4, "Administration of Government", Section 88.1 "Division of Water Utility", is hereby amended as follows:

§ 4-88.1 Division of Water Utility

T. Water Customer Charges

Specific Provision	Code Location	Type of Fee, Charge or Rate	Fee Not to Exceed
Connection Fee	4-88.1 T 2 D 1	Division of Water Utility; Customer Charges	6,190.000
Connection Fee for Affordable Units 50%	4-88.1 T 2 D 3	Division of Water Utility; Customer Charges	3,095.000
Water service. Schedule A(1). Single-family residential. Basic quarterly service charge, per meter	4-88.1 T 2 A 1.1	Division of Water Utility; Customer Charges	42.000
Water service. Schedule A(1). Single-family residential. For the first 30,000 gallons (0 to 30,000) per thousand gallons	4-88.1 T 2 A 1.2	Division of Water Utility; Customer Charges	4.280
Water service. Schedule A(1). Single-family residential. For the next 20,000 gallons (30,001 to 50,000) per thousand gallons	4-88.1 T 2 A 1.3	Division of Water Utility; Customer Charges	9.200
Water service. Schedule A(1). Single-family residential. For all usage in excess of 50,000 gallons (50,001+) per thousand gallons	4-88.1 T 2 A 1.4	Division of Water Utility; Customer Charges	12.140
Water service. Schedule A(1). Mobile Home Community with single meter. Basic quarterly service charge, per unit	4-88.1 T 2 A 1.5	Division of Water Utility; Customer Charges	36.000

Water service. Schedule A(1). Mobile Home Community residential with single meter. For the first 30,000 gallons (0 to 30,000) per thousand gallons	4-88.1 T 2 A 1.6	Division of Water Utility; Customer Charges	4.280
Water service. Schedule A(1). Mobile Home Community residential with single meter. For the next 20,000 gallons (30,001 to 50,000) per thousand gallons	4-88.1 T 2 A 1.7	Division of Water Utility; Customer Charges	9.200
Water service. Schedule A(1). Mobile Home Community residential with single meter. For all usage in excess of 50,000 gallons (50,001+) per thousand gallons	4-88.1 T 2 A 1.8	Division of Water Utility; Customer Charges	12.140
Water service. Schedule A(2). Non-residential units. Basic quarterly service charge, per meter	4-88.1 T 2 A 2.1	Division of Water Utility; Customer Charges	42.000
Water service. Schedule A(2). Non-residential units. For the first 30,000 gallons (0 to 30,000) per thousand gallons	4-88.1 T 2 A 2.2	Division of Water Utility; Customer Charges	4.280
Water service. Schedule A(2). Non-residential units. For the next 20,000 gallons (30,001 to 50,000) per thousand gallons	4-88.1 T 2 A 2.3	Division of Water Utility; Customer Charges	9.200
Water service. Schedule A(2). Non-residential units. For all usage in excess of 50,000 gallons (50,001+) per thousand gallons	4-88.1 T 2 A 2.4	Division of Water Utility; Customer Charges	12.140
Water service. Schedule B. Basic quarterly service charge shall be assessed for each unit (dwelling, store, use, or other establishment) in that development, regardless of the size of the master meter.	4-88.1 T 2 B 1	Division of Water Utility; Customer Charges	42.000
Water service. Schedule C. Basic quarterly service charge, per classroom.	4-88.1 T 2 C 1	Division of Water Utility; Customer Charges	21.000
Water service. Schedule D. The cost of a standard residential (5/8" X 3/4") water meter and associated equipment and labor/installation cost.	4-88.1 T 2 D 2	Division of Water Utility; Customer Charges	385.000

Water service. Schedule D. The cost of a standard residential (5/8" X 3/4") PIT water meter and associated equipment and labor/installation cost.	4-88.1 T 2 D 4	Division of Water Utility; Customer Charges	390.000
Water service. Schedule E. Private Fire Protection Charges are calculated per quarter and determined in part, based upon the following service line and/or meter sizes, plus usage. 4" or less.	4-88.1 T 2 E 2	Division of Water Utility; Customer Charges	93.380
Water service. Schedule E. Private Fire Protection Charges are calculated per quarter and determined in part, based upon the following service line and/or meter sizes, plus usage. 6".	4-88.1 T 2 E 3	Division of Water Utility; Customer Charges	124.180
Water service. Schedule E. Private Fire Protection Charges are calculated per quarter and determined in part, based upon the following service line and/or meter sizes, plus usage. 8".	4-88.1 T 2 E 4	Division of Water Utility; Customer Charges	152.720
Water service. Schedule E. Private Fire Protection Charges are calculated per quarter and determined in part, based upon the following service line and/or meter sizes, plus usage. 10".	4-88.1 T 2 E 5	Division of Water Utility; Customer Charges	192.240
Water service. Schedule F. Public Fire Protection Charges per fire hydrant per quarter.	4-88.1 T 2 F	Division of Water Utility; Customer Charges	148.180
Water service. Schedule I(3). Water Service Restoration Fee (After Hours).	4-88.1 T 2 I 3	Division of Water Utility; Customer Charges	127.000
Final reading fee	4-88.1 T 2 G	Division of Water Utility; Customer Charges	50.000

BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that Article III of Chapter 265 ("Parks and Recreation Facilities, Marlboro Swim Club") of the Marlboro Township Code is hereby amended and supplemented as follows:

Specific Provision	Code Location	Type of Fee, Charge or Rate	Fee Not to Exceed

Group swimming and diving lessons. Regular group swim lessons (per class) .	Parks and Recreation Facilities; 265-18 E 1 a	Membership and other fees, Marlboro Swim Club	\$98.00
Group swimming and diving lessons. Moms and tots (per class) .	Parks and Recreation Facilities; 265-18 E 1 b	Membership and other fees, Marlboro Swim Club	\$98.00
Fee for use of the facility by a competitive swim team or other outside organization. Not to exceed.	Parks and Recreation Facilities; 265-18 F 1	Membership and other fees, Marlboro Swim Club	\$175.00/ hour
Additional miscellaneous fees: Other special events. Not to exceed.	Parks and Recreation Facilities; 265-18 G (3) c	Membership and other fees, Marlboro Swim Club	\$100.00/ person
Guest book coupons. The fee for a guest book of 20 coupons.	Parks and Recreation Facilities; 265-21 A	Membership and other fees, Marlboro Swim Club	\$80.00

BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that the following sections of Article III of Chapter 265 ("Parks and Recreation Facilities, Marlboro Swim Club") of the Marlboro Township Code are hereby removed:

Specific Provision	Code Location	Type of Fee, Charge or Rate
Early bird membership	18 A 1 a, 18 A 1 b, 18 A 1 c	Membership and other fees, Marlboro Swim Club
Mid-season membership	18 A 4 a 1, 18 A 4 a 2, 18 A 4 3 18 B 2 a, 18 B 2 b, 18 B 2 c	Membership and other fees, Marlboro Swim Club

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

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

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

The following Resolution #2021-322/Ordinance #2021-024 (An Ordinance Amending Chapter 4, Article XX of the Code of the Township of Marlboro and Fixing the Salaries of Various Officers and Employees) was introduced by reference, offered by Councilman Scalea, seconded by Councilwoman Mazzola and passed on a roll call vote of 4 - 0 in favor. Council Vice President Metzger was absent.

RESOLUTION #2021-322

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

ORDINANCE #2021-24

ORDINANCE AMENDING CHAPTER 4, ARTICLE XX
(ADMINISTRATION OF GOVERNMENT, OFFICERS AND EMPLOYEES)
AND FIXING THE SALARIES OF VARIOUS
OFFICERS AND EMPLOYEES OF THE
TOWNSHIP OF MARLBORO
2022

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 December 16, 2021 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 #2021-24

ORDINANCE AMENDING CHAPTER 4, ARTICLE XX
(ADMINISTRATION OF GOVERNMENT, OFFICERS AND EMPLOYEES)
AND FIXING THE SALARIES OF VARIOUS
OFFICERS AND EMPLOYEES OF THE
TOWNSHIP OF MARLBORO
2022

BE IT ORDAINED by the Township Council of the Township of Marlboro, County of Monmouth, as follows:

SECTION 1. The salaries of the hereinafter designated Township officers and employees in accordance with Schedule "A" are attached hereto.

SECTION 2. All salary ordinances heretofore adopted are hereby repealed, and all other parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION 3. This Ordinance shall take effect upon passage and publication as required by law.

The following Resolution #2021-323/Ordinance #2021-025 (An Ordinance Amending Chapter 4 and Chapter 220 of the Code of the Township of Marlboro Concerning the Appointment and Responsibilities of Certain Officers and Employees) was introduced by reference, offered by Councilman Scalea, seconded by Councilwoman Mazzola and passed on a roll call vote of 4 - 0 in favor. Council Vice President Metzger was absent.

RESOLUTION #2021-323

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

ORDINANCE #2021-025

AN ORDINANCE AMENDING CHAPTER 4 AND CHAPTER 220 OF THE CODE OF THE TOWNSHIP OF MARLBORO CONCERNING THE APPOINTMENT AND RESPONSIBILITIES OF CERTAIN OFFICERS AND EMPLOYEES

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 December 16, 2021 at 7:00 p. m. at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE #2021-025

AN ORDINANCE AMENDING CHAPTER 4 AND CHAPTER 220 OF THE CODE OF THE TOWNSHIP OF MARLBORO CONCERNING THE APPOINTMENT AND RESPONSIBILITIES OF CERTAIN OFFICERS AND EMPLOYEES

BE IT ORDAINED, by the Township Council of the Township of Marlboro that the Code of the Township of Marlboro is hereby amended as follows:

SECTION 1. § 4-11 "Order of Business" is hereby amended to read as follows in pertinent part as follows:

At the organization meeting, the Council shall adopt a resolution designating the order of business at each regular meeting, and such order of business shall prevail until amended or changed by the Council.

- (1) The proposed agenda for each meeting shall be compiled by the Municipal Clerk and the Township Business Administrator. The Municipal Clerk shall make the proposed agenda available to the public and the press upon request, after same has been made available to Council. Any member of Council may add an item to the agenda prior to the agenda being made available to the press. All ordinances and resolutions shall be distributed to the Council no later than the second business day preceding the meeting of the Council unless exigency requires a shorter time frame.
- (2) The Council may amend the agenda at the council meeting upon the determination that a need to amend the agenda exists. A majority of Council members present must agree that a need exists in order to add an item for discussion.

SECTION 2. § 4-18 "Removals" is hereby deleted

SECTION 3. § 4-36 "Appointment; term" is hereby amended to read as follows in pertinent part as follows:

There shall be an Office of the Tax Assessor, the head of which shall be the Tax Assessor. The Tax Assessor shall be appointed by the Mayor; with the advice and consent of the Council, for a term of four years commencing on July 1 next following the appointment. The Office of the Tax Assessor shall be subject to such general administrative procedures and requirements as are other departments of the Township, including, but not limited to, the preparation and submission of an annual budget and of such periodic budget reports as are generally required of departments.

SECTION 4. § 4-37 "Duties of the Tax Assessor" is hereby amended to read as follows in pertinent part as follows:

The duties of the Tax Assessor shall be as prescribed by law. The Tax Assessor shall perform such other duties which are related to his work as are prescribed by the Mayor and Township Council. The Tax Assessor is authorized to negotiate settlements of appeals or complaints filed with the Monmouth County Board of Taxation, or the Tax Court and to authorize settlements of such appeals without obtaining Township Council's approval in the event the settlement involves a refund or credit less than the local bid threshold per parcel per tax year on behalf of the Township of Marlboro.

SECTION 5. § 4-49 "Division of Central Purchasing" is hereby amended

to read as follows in pertinent part as follows:

- A. There shall be within the Department of Administration a division of Central Purchasing, the head of which shall be the Business Administrator.
- B. Powers and duties. As the head of the Division of Central Purchasing, the Business Administrator shall:
 - (1) Purchase, store and distribute all supplies, materials and equipment, and contract for all services required by any department, office or agency of the Township government, and contracts awarded for any supplies, materials or equipment or contractual services shall be pursuant to a written requisition from the head of the department, office or agency whose appropriation will be charged and the certification that a sufficient unencumbered balance of appropriation is available to pay therefor. All such contracts shall conform to the provisions relating to Township contracts generally as set forth.
 - (2) Establish and enforce specifications with respect to such services, supplies, materials and equipment.
 - (3) Supervise the inspection of all deliveries of supplies, materials and equipment and the rendition of contractual services and determine their quality, quantity and conformance with specifications.
 - (4) Have charge of any and all central storerooms and warehouses which may be established.
 - (5) Transfer to or between departments, offices and agencies, and from or to central stores, such supplies, materials and equipment as need appears and arrange for the sale of surplus or obsolete items therefor, subject to the provisions of Subsection B(6).
 - (6) Attend to and conduct through his office the sale at auction of the following items of personal property as herein provided:
 - (a) Upon the direction of the Police Department, such goods, chattels, automobiles or other property coming into the possession of the Police Department under and by virtue of the provisions of N.J.S.A. 40A:14-157.

- (b) Such goods, chattels and other property coming into the possession of the Municipal Clerk from any institution, department or agency of the Township.
- (c) Abandoned automobiles.
- [1] The Purchasing Agent shall process the sale of abandoned automobiles, through the State Division of Motor Vehicles, Form C 087 AVJ, request for motor vehicles, junk title certificate and shall comply with all applicable requirements of N.J.S.A. 39:10A-1. Such forms shall be furnished by the Police Department.
- [2] The cost of the aforesaid certificate shall be added to the auction price bid.
- [3] The purchaser at said sale shall remove all license plates from the automobile and deliver same to the Purchasing Agent, who, in turn, shall forward said plates to the State Division of Motor Vehicles.
- [4] It is hereby made a condition of redemption by the owner that he obtain and deliver to the Purchasing Agent a certification by the Violations Clerk of the Municipal Court that there are no outstanding traffic violations involving said automobile.
- [5] The cost of the motor vehicle junk title certificate shall be added to the charges to be paid by the owner upon redemption before sale.
- [6] All moneys shall be paid to and received by the Division of Central Purchasing and shall be deposited with the Township.

C. Purchasing Agent.

- (1) There is hereby created the position of Purchasing Agent for the Township of Marlboro.
- (2) The Purchasing Agent shall be appointed by the Mayor.
- (3) The Purchasing Agent is required to possess a valid Qualified Purchasing Agent certificate, as issued by the New Jersey Division of Local Government Services, Department of Community Affairs.
- (4) The Purchasing Agent shall have, on behalf of the Township Council of the Township of Marlboro, the authority, responsibility and accountability for the purchasing

activity pursuant to Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.); to prepare public advertising for and to receive bids and requests for proposals for the provision or performance of goods, services and construction contracts; to award contracts pursuant to New Jersey law in accordance with the regulations, forms and procedures promulgated by state regulatory agencies; and conduct any activities as may be necessary or appropriate to the purchasing function of the Township of Marlboro. The bid threshold shall be that amount established in accordance with to N.J.S.A 40A:11-3(c).

- (5) The Business Administrator, is authorized to award a contract, without competitive bidding on behalf of the Township for performance of any work, or the furnishing of any services, materials or supplies when the cost or price of such contract does not exceed, in the contract year, the bid threshold established by pursuant to N.J.S.A 40A:11-3(c). The Business Administrator, or his/her designee, shall prepare requests for resolution for purchases or commodities or services over the bid threshold following the procurement guidelines established by statute.

SECTION 6. § 4-57 Division of Tax Collection.

- A. There shall be within the Department of Finance a Division of Tax Collection, the head of which shall be the Tax Collector of the Township, appointed by the Mayor for a term of four years.
- B. The Division shall:
 - (1) Receive and collect all current and delinquent real and personal property taxes and charges, receive penalties and interest pursuant to law and account for all collections in such form and number and at such times as may be prescribed or approved by the Director of Finance.
 - (2) Make, or cause to be made, and certify searches for taxes and other liens on real property in the Township as may be authorized by law, and charge and collect for the use of the Township the fee required pursuant to law for any such search.
 - (3) Perform the functions of a collector of taxes under general laws, including, without limitation thereto, the

preparation and mailing of tax bills and the maintenance of tax accounting records in such manner as may be prescribed or approved by the Director of Finance, and assist the Division of Assessment in the preparation of the annual tax list and duplicate.

- (4) Deposit, daily, to the credit of the Township, all moneys received, in one or more depositories selected by the Council; maintain full and complete records and accounts of all sums collected and received according to such procedures and systems as may be prescribed or approved by the Director of Finance and make such periodic reports and accounting of the funds of the Township collected, received and deposited as may be required, which reports and accounting shall be filed as a public record with the Municipal Clerk.
- (5) Enter into installment payment agreements for tax arrears and delinquent water charges, in the case of hardships, in an amount not to exceed One Thousand (\$1,000.00) Dollars and said installment payment agreements are to provide that all taxes or other charges are to be kept current as they become due and shall require prompt payments of the installment payments agreed to.

SECTION 7. § 4-62 "Municipal Prosecutor" is hereby amended to read as follows in pertinent part as follows:

There shall be within the Department of Law a Municipal Prosecutor, appointed by the Director of Law. The Municipal Prosecutor shall be an attorney at law of New Jersey. It shall be the duty of the Municipal Prosecutor to act on behalf of the state, the complaining witness and the Township in all the following specific instances:

- A. In all cases involving crimes of violence which are indictable.
- B. In all cases of death by automobile.
- C. In all cases of drunk driving.
- D. In all cases involving assault of a police officer.
- E. In all cases of bastardy where the Township is complainant.
- F. In all Zoning Ordinance violations where for any reason the counsel to the Board of Adjustment does not appear.

- G. In special cases at the express instance and written request of the Judge, the Mayor or the Township Council.

SECTION 8. § 4-63 "Public Defender" is hereby amended to read as follows in pertinent part as follows:

- A. The Public Defender shall be appointed by the Director of Law. He/she shall be an attorney at law of the State of New Jersey and shall serve as Public Defender in all cases as may be required; provided, however, that such Public Defender shall be available at the call of the Municipal Judge, who shall assign the Public Defender for a specific case where the interest of justice so requires. The Public Defender shall serve for a term of one year commencing on January 1. Vacancies shall be filled for the unexpired term.
- B. Fee for representation by Public Defender. Any person applying for representation by the Public Defender shall pay to the Municipal Court an application fee of \$200. Upon application to the Court, the Municipal Judge may waive this application fee, in whole or in part, if the Judge determines, in his or her discretion, that the application fee represents an unreasonable burden upon the person seeking such representation.

BE IT FURTHER ORDAINED, that Section 220-8(A) of the Code of the Township of Marlboro shall be amended to read as follows:

- A. Establishment and composition.
 - (1) A Zoning Board of Adjustment is hereby established pursuant to N.J.S.A. 40:55D-69 et seq., as amended, consisting of seven residents of the Township of Marlboro appointed by the Mayor to serve for terms of four years from January 1 of the year of their appointment. The terms of the members first appointed shall be so determined that to the greatest practicable extent the expiration of such terms shall be distributed evenly over the first four years after their appointment, provided that the initial term of no member shall exceed four years. Thereafter, the term of each member shall be for four years. Nothing in this chapter shall, however, be construed to affect the term of any present member of the Zoning Board of Adjustment, all of whom shall continue in office until the completion of the term for which they were appointed.
 - (2) No member of the Zoning Board of Adjustment may hold any elective office or position under the Township, except that one member may be a member of the Planning Board.

- (3) A vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term only.
- (4) There shall be two alternative members appointed by the Mayor and designated as "Alternate No. 1" and "Alternate No. 2," each for a term of two years. Alternate members may participate in discussions of the proceedings but not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.
- (5) Quorum. If the Zoning Board of Adjustment lacks a quorum because any of its regular or alternate members is prohibited by N.J.S.A. 40:55D-69 from acting on a matter due to the member's personal or financial interest therein, Class IV members of the Planning Board shall be called upon to serve, for that matter only, as temporary members of the Zoning Board of Adjustment. The Class IV members of the Planning Board shall be called upon to serve in order of seniority of continuous service to the Planning Board until there are the minimum number of members necessary to constitute a quorum to act upon the matter without any personal or financial interest therein, whether direct or indirect. If a choice has to be made between Class IV members of equal seniority, the Chairman of the Planning Board shall make the choice.

BE IT FURTHER ORDAINED, that this ordinance shall take effect in a time and manner prescribed by law.

Councilwoman Marder introduced a motion for the removal of Resolution #2021-348 (Authorizing 2021 Appropriation Transfers) from the Consent Agenda. This was seconded by Councilman Scalea, and passed on a roll call vote of 4 - 0 in favor. Council Vice President Metzger was absent.

The following Resolution #2021-348 (Authorizing 2021 Appropriation Transfers) was introduced by reference, offered by Councilwoman Marder, seconded by Councilwoman Mazzola and passed on a roll call vote of 4 - 0 in favor. Council Vice President Metzger was absent.

RESOLUTION #2021-348

RESOLUTION AUTHORIZING 2021 BUDGET TRANSFERS

WHEREAS, N.J.S.A. 40A: 4-58 provides for appropriation transfers during the last two (2) months of the fiscal year, when it has been determined that it is necessary to expend for any of the

purposes specified in the budget an amount in excess of the sum appropriated therefore and where it has been further determined that there is an excess in any appropriation over and above the amount deemed to be necessary to fulfill the purpose of such appropriation.

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Marlboro does hereby authorize the transfers among the Calendar Year 2021 Municipal Budget as follows:

CURRENT:		
Account	From	To
Administration Salaries & Wages	\$ 45,000.00	
Engineering Salaries & Wages	80,000.00	
Zoning Salaries & Wages	50,000.00	
Employee Insurance Other Expenses	114,000.00	
Fire Prevention Bureau Salaries & Wages	35,000.00	
Emergency Management Salaries & Wages	80,000.00	
Township Council Other Expenses		\$ 600.00
Central Computer Office Salaries & Wages		3,000.00
Tax Collector Salaries & Wages		9,200.00
Legal Other Expenses		40,000.00
Planning Board Contractual Other Expenses		75,000.00
Recycling Salaries & Wages		6,800.00
Snow Removal Salaries & Wages		59,600.00
Snow Removal Other Expenses		20,400.00
Grounds Maintenance Other Expenses		50,000.00
Public Works Salaries & Wages		4,700.00
Water Other Expenses		5,700.00
Natural Gas Other Expenses		4,000.00
Gasoline Other Expenses		120,000.00
Landfill Disposal Costs Other Expenses		5,000.00
	<u>\$ 404,000.00</u>	<u>\$ 404,000.00</u>

Council President Cantor abstained from voting on the Consent Agenda and left the council chambers. In the absence of Council President Cantor and Council Vice President Metzger, Councilwoman Marder chaired the meeting.

As the Consent Agenda, the following resolutions were introduced by reference, offered by Councilman Scalea, seconded by Councilwoman Mazzola and passed on a roll call vote of 3 - 0 in favor. Abstained: Council President Cantor abstaining. Council Vice President Metzger was absent.

RESOLUTION #2021-324

A RESOLUTION CONFIRMING EMERGENCY CONTRACTS WITH AND PAYMENTS TO 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 2020 and 2021, the Department of Public Works Water Utility Division has reported water emergencies in various areas of the Township designated as EM 2007, 2021, 2030, 2032, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2048, 2101, 2104, 2105, 2108, 2109, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2119, 2122, 2123, 2124, 2125, 2126, 2130, 2132, 2134, 2135, 2136, 2139, 2140 & 2142; 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., PO BOX 8939, RED BANK, NEW JERSEY, 07701 to provide the emergency repairs related to the above mentioned emergencies in an amount of \$512,039.96; 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 \$80,095.39; and

WHEREAS, the Chief Financial Officer previously certified the availability of funds in an amount not to exceed \$592,135.35 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. Lucas Construction Group, INC., P.O. Box 8939, Red Bank, NJ
- b. WATER WORKS SUPPLY CO., INC. Core & Main LP PO BOX 28330
ST LOUIS MO 63146
- c. Business Administrator
- d. Chief Financial Officer
- e. Director of Public Works

RESOLUTION #2021-325

RESOLUTION ADJUSTING THE ANNUAL LOSAP CONTRIBUTION AND
CERTIFYING LIST OF QUALIFIED VOLUNTEER MEMBERS

WHEREAS, a Length of Service Award Program (LOSAP) was approved by referendum in 2001 to reward members of the Marlboro First Aid Squad and the Morganville First Aid Squad for their services to the residents of Marlboro Township, in accordance with Chapter 399 of the Laws of 1997; and

WHEREAS, the Township of Marlboro makes annual LOSAP contributions for the volunteers who meet the annual qualifications as certified by the LOSAP Chairman of both the Marlboro and Morganville First Aid Squads, and

WHEREAS, the Township of Marlboro passed Ordinance 2008-2 in 2008 which prospectively increased the annual LOSAP contribution by the amount of the regional Consumer Price Index, and

WHEREAS, the regional CPI (Consumer Price Index) for the purpose of adjusting the annual LOSAP contribution made on behalf of every qualifying volunteer was 0.8%, making the annual contribution \$1,353.28 per qualifying participant, and

WHEREAS, pursuant to N.J.S.A. 40A:14-191, emergency service organizations participating in a LOSAP shall annually certify to the sponsoring agency a list of all volunteer members who have qualified for credit under the LOSAP program for the previous year; and

WHEREAS, upon receipt of the certified list from the emergency service organizations, the sponsoring agency shall review the list and upon finding that the list is accurate, approval shall be made by resolution of the governing body; and

WHEREAS, Marlboro First Aid Squad submitted a certified list, approved by the Township Council on October 7, 2021 via Resolution 2021-303; and

WHEREAS, Marlboro First Aid Squad submitted a revised certified list on November 2, 2021; and

WHEREAS, the Plan Administrator has reviewed the attached certified list of qualified volunteer members submitted by the Marlboro First Aid Squad and recommends approval by the Township Council.

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

1. The Township Council hereby approves the certified list of volunteer members who have qualified for credit under the LOSAP program for 2020, a copy of which is attached hereto and made part of this resolution.
2. The Municipal Clerk and the Marlboro First Aid Squad are hereby directed to post said certified list for a period of 30 days as required by the governing State statutes.

RESOLUTION #2021-326

A RESOLUTION APPROVING FINAL CLOSE OUT CHANGE ORDER TO THE EXISTING CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO AND LUCAS CONSTRUCTION GROUP AND AUTHORIZING ACCEPTANCE OF "PROVISION OF THE 2020 WATER DISTRIBUTION SYSTEM MISCELLANEOUS GATE VALVE PREVENTATIVE MAINTENANCE PROGRAM" FOR THE TOWNSHIP OF MARLBORO WATER UTILITY DIVISION

WHEREAS, on July 16, 2020 by Resolution #2020-197 the Township of Marlboro authorized the award of a contract to LUCAS CONSTRUCTION GROUP for the 2020 Gate Valve Preventative Maintenance Program ("Project"); and

WHEREAS, a Final Close Out Change Order has been requested resulting in a decrease in the original contract amount of \$319,300.00 to \$304,334.94, a net decrease of \$14,965.06; and

WHEREAS, in a memo dated August 27, 2021 the Engineering Project Manager has confirmed that the project has been completed in

accordance with the approved plans and specifications and has recommended approval of the Final Close Out Change Order; and

WHEREAS, pursuant to the terms of the contract, LUCAS CONSTRUCTION GROUP has provided the required warranty documentation of a maintenance bond in an amount of \$304,334.94.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a Final Close Out Change Order to the existing contract with the LUCAS CONSTRUCTION GROUP be and is hereby approved, decreasing the original contract amount of \$319,300.00 to \$304,334.94, a net decrease of \$14,965.06.

BE IT FURTHER RESOLVED, by the Township Council of the Township of Marlboro, that the Project improvements be and are hereby accepted for work completed by LUCAS CONSTRUCTION GROUP and is hereby approved.

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

- a. LUCAS CONSTRUCTION GROUP
- b. Township Business Administrator
- c. Director of Public Works
- d. Engineering Project Manager
- e. Chief Financial Officer

RESOLUTION #2021-327

RESOLUTION AMENDING A PROFESSIONAL SERVICES CONTRACT
WITH LOUIS N. RAINONE, ESQ. OF RAINONE COUGHLIN
MINCHELLO, LLC FOR TOWNSHIP ATTORNEY SERVICES FOR THE
TOWNSHIP OF MARLBORO

WHEREAS, the Township entered into an agreement with LOUIS N. RAINONE, ESQ. of RAINONE COUGHLIN MINCHELLO, LLC to provide Township Attorney services, awarded pursuant to a fair and open process in accordance with the provisions of N.J.S.A 19:44A-20.5 (Resolution #2020-13); and

WHEREAS, the contract contains a provision "For litigation matters, other special projects, including, but not limited to Affordable Housing issues, and such other matters as may be assigned to the Township Attorney by the Township's Mayor and/or Council from time to time at an hourly rate of One Hundred and Sixty Five Dollars (\$165.00) per hour for attorneys and Seventy Five Dollars (\$75.00) per hour for para-professionals and law clerks."; and

WHEREAS, the Township Attorney was authorized to handle several matters of litigation which resulted in additional work in excess of the initial contract estimate; and

WHEREAS, the Township Attorney was also authorized to perform legal services in the matter of Middlesex Water Company's Rate increase Petition to the New Jersey Board of Public Utilities dated May 20, 2021, under a shared services agreement with the Old Bridge Municipal Utilities Authority (OBMUA) pursuant to Resolution #2021-275, for which the Township will be reimbursed for 50% of the cost by the OBMUA; and

WHEREAS, it is recommended that an increase of \$30,000.00 is necessary to provide for Township Attorney services through the end of 2021, requiring an amendment to the 2021 contract for a total of \$300,000.00; and

WHEREAS, the value of the Professional Services Contract will exceed \$17,500.00 in the aggregate; and

WHEREAS, the Chief Financial Officer has certified that funds in the amount of \$30,000.00 are available for this purpose from Account #05-201-55-500-226030; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

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 and approves of an amendment to the Professional Services Contract with LOUIS N. RAINONE, ESQ. of RAINONE COUGHLIN MINCHELLO, LLC pursuant to a fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.5; and

2. The Professional Services Contract has been awarded without competitive public bidding pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-5(1) (a) (i); and

3. The Professional Services Contract provides for compensation at the rates set forth in the proposal dated November 23, 2020, in an additional amount not to exceed \$30,000.00; and

4. That notice of the award of this contract amendment shall be published in accordance with law; and

5. That a certified copy of this Resolution shall be provided to each of the following:

- a. RAINONE COUGHLIN MINCHELLO, LLC
- b. Township Administrator
- c. Township Chief Financial Officer

RESOLUTION #2021-328

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

WHEREAS, on Tuesday, July 6, 2021, the Department of Public Works reported a severe electrical storm resulting in the failure of the municipal complex chiller (EM #21-28); and

WHEREAS, as a result of the failure of the chiller unit and extraordinary hot and wet summer weather, high humidity levels developed within the municipal complex; and

WHEREAS, on Thursday, August 23, 2021, the Division of Police reported "recent locations of mold growth" in offices on the police side of the municipal complex (EM #21-43); and

WHEREAS, a claim was immediately filed with the Township's insurance carrier and the Department of Public Works began soliciting quotations for the work to be performed from qualified vendors recommended by the Township's insurance carrier; and

WHEREAS, various police administrative personnel were temporarily relocated until the necessary work could be performed; and

WHEREAS, on September 22, 2021, the Township received a "15 day letter" (UPA Number 181747) from the New Jersey Department of Health referencing "alleged hazards...visible mold in the police department in multiple areas" further necessitating that immediate action be taken; and

WHEREAS, during the remediation process, it was discovered that a water pipe located in the ceiling was leaking and would need to be replaced along with ceiling tiles throughout the police side of the municipal complex; and

WHEREAS, the Township incurred additional expenses on an emergency basis associated with the project including expansion of electric service within the complex and temporary relocation of staff; 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 mold condition needed to be addressed on an expedited basis in order to address issues of 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 employed the services of existing contract vendors or those holding state or cooperative contracts to provide the necessary goods and services wherever possible; and

WHEREAS, the Chief Financial Officer previously certified the availability of funds in an amount not to exceed \$525,826.46 per SCHEDULE A below.

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 mold remediation on the police side of the municipal complex.

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 #2021-329

A RESOLUTION CONSENTING TO THE MAYOR'S APPOINTMENT OF
ROBYN WOLFE TO THE MARLBORO TOWNSHIP ETHICS BOARD

WHEREAS, Section 4-102 of the Code of the Township of Marlboro establishes the Marlboro Township Ethics Board; and

WHEREAS, said Board shall consist of six (6) members who shall be appointed by the Mayor with the advice and consent of the Township Council; and

WHEREAS, the members of the Marlboro Township Ethics Board shall be chosen by virtue of their known and consistent reputation for integrity and their knowledge of local government affairs; and

WHEREAS, there is a vacancy in one of the five (5) year term appointments; and

WHEREAS, the Township Council desires to consent to the Mayor's appointment of ROBYN WOLFE to the Marlboro Township Ethics Board for an unexpired term ending March 31, 2025.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that it hereby consents to the Mayor's appointment of ROBYN WOLFE to the Marlboro Township Ethics Board for an unexpired term ending March 31, 2025.

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

- a. ROBYN WOLFE
- b. ETHICS BOARD CHAIR

RESOLUTION #2021-331

AMENDING 2021 COUNCIL MEETING SCHEDULE

BE IT RESOLVED, by the Township Council of the Township of Marlboro is desirous to amend the 2021 council meeting schedule to include December 2, 2021. All meetings shall be held at 7:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

NOW, THEREFORE, BE AND IT IS FURTHER RESOLVED, that notice of this meeting date, shall be emailed to the Asbury Park Press, the Star Ledger, News Transcript and published in accordance with the requirements of the Open Public Meetings Act and N.J.S.A. 10:4-18 and posted on the Township's website at <https://www.marlborno-nj.gov/township-council-agendas-and-minutes> .

December 2, 2021

RESOLUTION #2021-332

A RESOLUTION AUTHORIZING AN AMENDMENT TO A PROFESSIONAL
SERVICES CONTRACT BETWEEN CME ASSOCIATES AND THE
TOWNSHIP OF MARLBORO FOR SUPPLEMENTARY PROFESSIONAL
PLANNER SERVICES

WHEREAS, the Township of Marlboro and CME Associates previously entered into a Professional Services Contract for TOWNSHIP PLANNER (Resolution #2021-020); and

WHEREAS, the Township of Marlboro requires supplementary TOWNSHIP PLANNER services due to the absence of the Township Zoning Officer ("Project"); and

WHEREAS, the Township of Marlboro and CME Associates seek to amend the Professional Services Contract for TOWNSHIP PLANNER, awarded under a fair and open process, to include the supplementary Professional Services (as defined hereinabove) at a fee not to exceed \$75,000.00 for such Professional Services; and

WHEREAS, the value of the Professional Services Contract will exceed \$17,500.00 in the aggregate; and

WHEREAS, funds in the amount of \$75,000.00 will be certified by the Chief Financial Officer in Current Account 01-201-21-071-280 upon the completion of the 2021 appropriation transfers in accordance with N.J.S.A. 40A: 4-58; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the Township of Marlboro to amend its contract with CME Associates to provide the required additional Professional Services for the Project; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that an amendment to the Professional Services Contract between CME Associates and the

Township of Marlboro, to expand the scope of services as described hereinabove by way of its Township Planner ("Professional Services"), at a fee not to exceed \$75,000.00 for such Professional Services, be and is hereby authorized.

BE IT FURTHER RESOLVED, that this Professional Services Contract amendment is awarded without competitive bidding pursuant to N.J.S.A. 40A:11-5(1)(a)(i) and shall provide for compensation in an amount not to exceed \$75,000.00 for such additional Professional Services for the Projects.

BE IT FURTHER RESOLVED, that a copy of the Professional Services Contract and this Resolution shall be available for public inspection in the office of the Municipal Clerk.

BE IT FURTHER RESOLVED, notice of award of the Professional Services Contract amendment shall be published pursuant to law, and a certified copy of this Resolution shall be provided to each of the following:

- a. CME Associates, 1460 Route 9 South, Howell, NJ 07731
- b. Township Business Administrator
- c. Chief Financial Officer
- d. Township Engineer

RESOLUTION #2021-333

A RESOLUTION AUTHORIZING THE REMOVAL OF HAZARDOUS
OVERGROWN VEGETATION AND THE RECORDING OF A LIEN BY THE
TAX COLLECTOR ON THE PROPERTY LOCATED AT 1 BRUSH NECK
ROAD (BLOCK 369 LOT 1), MARLBORO, NEW JERSEY

WHEREAS, the Administration has been advised by the Zoning Officer that a nuisance and hazardous condition in the form of extremely over-grown grass, weeds and brush exists on the property known as 1 Brush Neck Road (Block 369 Lot 1); and

WHEREAS, attempts to abate and remediate such nuisance and hazardous condition have been unsuccessful; and

WHEREAS, pursuant to Chapter 278, Section 188 of the Code of the Township of Marlboro entitled "Abatement of hazard or nuisance by Township; lien.", the Municipality has the authority to abate a nuisance as authorized under N.J.S.A. 40:48-2.14 and "shall cause the cost as shown thereon to be charged against said lands"; and

WHEREAS, the Township has taken the necessary enforcement action and has abated the nuisance located at 1 Brush Neck Road (Block 369 Lot 1) at a total cost of \$2,126.05; and

WHEREAS, it is recommended that the amount of \$2,126.05 incurred by the Municipality to abate the nuisance be recorded as a lien against the property.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, being the governing body thereof, that the Tax Collector is hereby authorized to record a lien against the property known as 1 Brush Neck Road (Block 369 Lot 1) in the amount of \$2,126.05 to reflect the costs incurred by the Municipality to abate the nuisance to be added to the taxes next to be assessed and levied, the same to bear interest at the same rate as taxes which shall be collected and enforced by the same officers and in the same manner as taxes.

RESOLUTION #2021-334

A RESOLUTION AUTHORIZING THE REMOVAL OF HAZARDOUS
OVERGROWN VEGETATION AND THE RECORDING OF A LIEN BY THE
TAX COLLECTOR ON THE PROPERTY LOCATED AT 27 HAMILTON
AVENUE (BLOCK 176 LOT 83), MARLBORO, NEW JERSEY

WHEREAS, the Administration has been advised by the Zoning Officer that a nuisance and hazardous condition in the form of extremely over-grown grass, weeds and brush exists on the property known as 27 Hamilton Avenue (Block 176 Lot 83); and

WHEREAS, attempts to abate and remediate such nuisance and hazardous condition have been unsuccessful; and

WHEREAS, pursuant to Chapter 278, Section 188 of the Code of the Township of Marlboro entitled "Abatement of hazard or nuisance by Township; lien.", the Municipality has the authority to abate a nuisance as authorized under N.J.S.A. 40:48-2.14 and "shall cause the cost as shown thereon to be charged against said lands"; and

WHEREAS, the Township has taken the necessary enforcement action and has abated the nuisance located at 27 Hamilton Avenue (Block 176 Lot 83) at a total cost of \$864.01; and

WHEREAS, it is recommended that the amount of \$864.01 incurred by the Municipality to abate the nuisance be recorded as a lien against the property.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, being the governing body thereof, that the Tax Collector is hereby authorized to record a lien against the property known as 27 Hamilton Avenue (Block 176 Lot 83) in the amount of \$864.01 to reflect the costs incurred by the Municipality to abate

the nuisance to be added to the taxes next to be assessed and levied, the same to bear interest at the same rate as taxes which shall be collected and enforced by the same officers and in the same manner as taxes.

RESOLUTION #2021-335

A RESOLUTION AUTHORIZING THE REMOVAL OF HAZARDOUS
OVERGROWN VEGETATION AND THE RECORDING OF A LIEN BY THE
TAX COLLECTOR ON THE PROPERTY LOCATED AT 103 BUCKLEY
ROAD (BLOCK 417 LOT 13), MARLBORO, NEW JERSEY

WHEREAS, the Administration has been advised by the Zoning Officer that a nuisance and hazardous condition in the form of extremely over-grown grass, weeds and brush exists on the property known as 103 Buckley Road (Block 417 Lot 13); and

WHEREAS, attempts to abate and remediate such nuisance and hazardous condition have been unsuccessful; and

WHEREAS, pursuant to Chapter 278, Section 188 of the Code of the Township of Marlboro entitled "Abatement of hazard or nuisance by Township; lien.", the Municipality has the authority to abate a nuisance as authorized under N.J.S.A. 40:48-2.14 and "shall cause the cost as shown thereon to be charged against said lands"; and

WHEREAS, the Township has taken the necessary enforcement action and has abated the nuisance located at 103 Buckley Road (Block 417 Lot 13) at a total cost of \$110.88; and

WHEREAS, it is recommended that the amount of \$110.88 incurred by the Municipality to abate the nuisance be recorded as a lien against the property.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, being the governing body thereof, that the Tax Collector is hereby authorized to record a lien against the property known as 103 Buckley Road (Block 417 Lot 13) in the amount of \$110.88 to reflect the costs incurred by the Municipality to abate the nuisance to be added to the taxes next to be assessed and levied, the same to bear interest at the same rate as taxes which shall be collected and enforced by the same officers and in the same manner as taxes.

RESOLUTION #2021-336

A RESOLUTION AUTHORIZING CONTRACT WITH GRIFFITH-ALLIED TRUCKING, LLC FOR THE PURCHASE OF ULTRA LOW SULFUR DIESEL AND 87 OCTANE UNLEADED GAS FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS UNDER NJ STATE CONTRACTS #19-FLEET-00978 and #19-FOOD-01105

WHEREAS, the Marlboro Township fuel dispensing and management system ("fuel system") is used to fuel Township, Board of Education, First Aid and Fire District vehicles throughout the Township; and

WHEREAS, the Township of Marlboro Department of Public Works is in need of Ultra Low Sulfur Diesel and 87 Octane Unleaded Gas to maintain the fuel dispensing and management system; 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, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey for the Department of Public Works to obtain said fuel from Griffith-Allied Trucking, LLC; and

WHEREAS, in a memo dated November 5, 2021 Director of Public Works has recommended that the Township purchase said fuel from Griffith-Allied Trucking, LLC under State Contracts #19-FLEET-00978 and #19-FOOD-01105 in an amount not to exceed \$900,000.00; and

WHEREAS, the estimated total represents the annual cost of gasoline and fuel purchased for the municipality, school district, fire district, first aid departments and other entities; and

WHEREAS, funds will be certified by the Chief Financial Officer in Current Account #01-201-31-168-238 at the time of order.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to contract with Griffith-Allied Trucking, LLC whose address is P.O. Box 392, Manville, NJ 08835 for the purchase of ULTRA LOW SULFUR DIESEL AND 87 OCTANE UNLEADED GAS FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS UNDER NJ STATE CONTRACTS #19-FLEET-00978 and #19-FOOD-01105 in an amount not to exceed \$900,000.00.

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

- a. Griffith-Allied Trucking, LLC
- b. Business Administrator
- c. Director of Public Works
- d. Chief Financial Officer

RESOLUTION #2021-337

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF MARLBORO AND THE WESTERN MONMOUTH UTILITIES AUTHORITY TO PROVIDE FOR SNOW PLOW OPERATOR CONTRACT SERVICES FOR THE MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, on September 9, 2021 (Resolution #2021-288) the Township Council of the Township of Marlboro reauthorized a shared services agreement with the Western Monmouth Utilities Authority to provide for SNOW PLOW OPERATOR CONTRACT SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS; and

WHEREAS, an amendment is required, due to an increase of the operator hourly rate from \$140.00 per hour to \$160.00 per hour, resulting in an estimated increase in the shared service agreement amount by \$3,000.00; and

WHEREAS, the additional authorization is necessary in order to maintain the proper operation of the Township snowplowing services, being in the interest of the public health, safety and welfare.

WHEREAS, the Mayor and Township Council have indicated their desire to accept the amendment as set forth herein.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that an amendment to the shared services agreement with Western Monmouth Utilities Authority whose address is 103 Pension Road, Manalapan, NJ 07726, be authorized in a total amount of \$3,000.00.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Municipal Clerk to witness, the amended shared services agreement with Western Monmouth Utilities Authority in accordance with this resolution, and in a form to be approved by the Township Attorney.

BE IT FURTHER RESOLVED, that the Chief Financial Officer has certified funds in the amount of \$3,000.00 for the aforesaid contract in Trust Account #11-228-55-020.

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

- a. Western Monmouth Utilities Authority
- b. Township Business Administrator
- c. Director of Public Works
- d. Chief Financial Officer

RESOLUTION #2021-338

A RESOLUTION AUTHORIZING AN AMENDMENT OF THE SHARED
SERVICE AGREEMENT WITH THE COUNTY OF MONMOUTH
RECLAMATION CENTER FOR THE DISPOSAL OF DEBRIS FOR 2021
FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS
(DPW)

WHEREAS, on January 21, 2021 (Resolution #2021-061) the Township of Marlboro awarded a shared service agreement with THE COUNTY OF MONMOUTH RECLAMATION CENTER for the DISPOSAL OF DEBRIS FOR 2021 FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS; and

WHEREAS, on October 7, 2021 (Resolution #2021-305) the Township of Marlboro amended the shared service agreement with the COUNTY OF MONMOUTH RECLAMATION CENTER for the DISPOSAL OF DEBRIS FOR 2021 FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS in the amount of \$6,848.00; and

WHEREAS, in a memo dated October 25, 2021 the Director of Public works, indicated that the original authorizations did not include the disposal costs of Type 10 Waste and has recommended a second increase to the current agreement in the amount of \$5,000.00; and

WHEREAS, the additional authorization is necessary in order to maintain the proper disposal of Type 10 Waste for the Township; and

WHEREAS, funds are available and have been certified by the Chief Financial Officer in an amount not to exceed \$5,000.00 from Current Fund Account #01-201-32-170-233112; 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 an amendment to the shared service agreement with THE COUNTY OF MONMOUTH RECLAMATION CENTER, whose address is 6000 Asbury Avenue, Tinton Falls, NJ 07753 be approved in the amount of \$5,000.00.

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

- a. THE COUNTY OF MONMOUTH RECLAMATION CENTER
- b. Business Administrator
- c. Chief Financial Officer
- d. Director of Public Works

RESOLUTION #2021-339

RESOLUTION AUTHORIZING A CONTRACT FOR THE PROVISION OF DE-
ICING MATERIAL (TREATED SODIUM CHLORIDE) FOR THE TOWNSHIP OF
MARLBORO DEPARTMENT OF PUBLIC WORKS UNDER STATE CONTRACT
#20-FLEET-01519

WHEREAS, the State of New Jersey conducted a public bidding process and awarded a contract to Morton Salt, Inc., 123 North Wacker Drive, Chicago, IL 60606-1743 for the provision of de-icing material (treated sodium chloride) at a price of \$84.05 per ton; 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 Public Works Department has recommended the award of a contract on an as needed basis for de-icing material (treated sodium chloride) at the contract price of \$84.05 per ton; 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 de-icing material (treated sodium chloride); and

WHEREAS, funds will be certified by the Chief Financial Officer at the time of order; and

WHEREAS, the Marlboro Township Council, having considered the same, desires to authorize the purchase of de-icing material (treated sodium chloride) from Morton Salt, Inc., at a price of \$84.05 per ton as needed, pursuant to the contract authorized by the State of New Jersey Division of Purchase and Property in the Department of Treasury.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase de-icing material (treated sodium chloride) from Morton Salt, Inc., at a price of \$84.05 per ton as needed, pursuant to the contract authorized by the State of New Jersey Division of Purchase and Property in the Department of Treasury.

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

- a. Morton Salt, Inc.
- b. Township Business Administrator
- c. Chief Financial Officer
- d. Director of Public Works

RESOLUTION #2021-340

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO
MECO, INC. FOR THE IMPROVEMENTS TO WYNCREST ROAD

WHEREAS, the Township of Marlboro as part of its 2020 capital program (060-4) authorized improvements to Wyncrest Road ("Project"); and

WHEREAS, the Township was awarded a grant in the amount of \$215,000.00 from the New Jersey Department of Transportation (NJDOT) for the Project; and

WHEREAS, the Township of Marlboro authorized the receipt of bids (#2021-27) for the IMPROVEMENTS TO WYNCREST ROAD PROJECT and on October 27, 2021 received ten (10) bids therefore; and

WHEREAS, the ten (10) bids received are summarized as follows:

Bidder	Base Bid	Alt A.	Base & Alt
Meco Inc.	\$777,986.00	\$28,960.00	\$806,946.00
Earle Asphalt Co.	\$782,713.13	\$10,400.00	\$793,113.13
P & A Construction	\$800,236.04	\$14,460.00	\$814,696.04
Z Brothers Concrete Contractors	\$802,289.40	\$22,085.70	\$824,375.10
Black Rock Enterprises LLC	\$811,737.96	\$27,012.00	\$838,749.96
Lucas Brothers Inc.	\$830,830.00	\$28,960.00	\$859,790.00
S. Brothers Inc.	\$847,672.46	\$22,882.00	\$870,554.46
Jads Construction Co.	\$869,388.50	\$23,512.00	\$892,900.50
Your way construction Inc.	\$890,015.70	\$27,730.40	\$917,746.10
Capital Paving & Contracting LLC	\$917,550.76	\$8,012.00	\$925,562.76

; and

WHEREAS, the Township Engineer has reviewed the bids received and in a memo dated November 8, 2021, and, based upon the available authorizations for the Project, recommends that the Base Bid for the IMPROVEMENTS TO WYNCREST ROAD be awarded to Meco, Inc. as the

lowest bidder, whose address is P.O. Box 536, Clarksburg, NJ 08510, for the total bid price amount not to exceed \$777,986.00; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in Capital Accounts 04-215-20-05C-060288, 04-215-18-01C-060288 AND 04-215-20-10A-060288 for the project.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that the bid for the IMPROVEMENTS TO WYNCREST ROAD for the Township of Marlboro Department of Public Works be and is hereby awarded to Meco, Inc., whose address is P.O. Box 536, Clarksburg, NJ 08510 for a contract amount not to exceed \$777,986.00.

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

- a. Meco, Inc.
- b. Township Business Administrator
- c. Township Director of Public Works
- d. Township Engineer
- e. Township Chief Financial Officer

RESOLUTION #2021-341

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES FOR THE SITE IMPROVEMENTS AT THE SITE KNOWN AS STILLWELL ROAD HOLDINGS, LLC/BUCKLEY MANOR, BLOCK 421, LOTS 3 & 4, LOCATED ON BUCKLEY ROAD, TOWNSHIP OF MARLBORO, MONMOUTH COUNTY, NEW JERSEY 07746

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro has received a request from Mr. Terry Sherman, Countryside Developers, Inc, for the release of the Township held Performance Guarantees in the form of a Bond and Cash Deposit for the site improvements ("Public Improvements") on the Site known as "Stillwell Road Holdings, LLC/Buckley Manor" (the "Site"), property known as Block 421, Lots 3 and 4, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by Countryside Developers, Inc. (the "Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed the Township Engineer's report dated October 25, 2021, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the aforesaid report recommends that the current Bond and Cash Deposit amounts being held by the Township be released in their entirety; and

WHEREAS, the Township Council desires to release the performance guarantee Bond and Cash Deposit amounts in their entirety in accordance with the recommendation of the Township Engineer's report dated October 25, 2021.

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, Countryside Developers, Inc. for the site known as Stillwell Road Holdings, LLC/Buckley Manor, located on property known as Block 421, Lot 3 and 4, Township of Marlboro, New Jersey, shall be released as follows:

1. The Bond (Developers Surety and Indemnity Company, Bond No. 482411S), in the original amount of \$1,838,779.11, present amount of \$551,633.73 shall be released in its entirety.
2. The Cash Deposit, in the original amount of \$204,308.79 (excludes accrued interest), and present amount of \$61,292.64 (excludes accrued interest), shall be released in its entirety.

BE IT FURTHER RESOLVED, that the above releases shall be subject to the posting of any and all outstanding review and/or inspections fee charges to the time of the performance guarantee release, the posting of a two (2) year fifteen percent (15%) maintenance bond in the amount of \$255,385.99.

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

- a. Countryside Developers, Inc. (Stillwell Road Holdings, LLC)
- b. Developers Surety and Indemnity Company
- c. Sal Alfieri, Esq.
- d. Township Business Administrator
- e. Township Chief Financial Officer
- f. Township Engineer
- g. Township Attorney

RESOLUTION #2021-342

A RESOLUTION APPROVING AGREEMENT BETWEEN THE TOWNSHIP OF
MARLBORO AND THE NEW JERSEY DEPARTMENT OF TRANSPORTATION
(NJDOT) FOR THE DESIGN AND CONSTRUCTION OF
STATE HIGHWAY ROUTE 79

WHEREAS, the New Jersey Department of Transportation (NJDOT) will be updating the traffic intersections and repaving State Highway Route 79 through the Township of Marlboro (the "Project"); and

WHEREAS, the Project may require the construction of new, and/or the protection, relocation, and/or adjustment of facilities of the existing water distribution system which is owned and operated by the Marlboro Township Water Utility Division; and

WHEREAS, the Marlboro Township Water Utility Division (MTWUD) is not obligated by State law or the Agreement to relocate its own facilities at its own expense for this type of Project; and

WHEREAS, the New Jersey Department of Transportation has proposed a Project Agreement by which it takes full responsibility for the costs of the project in exchange for the MTWUD's cooperation, including reimbursement to the MTWUD for up to \$3,000.00 of engineering costs incurred related to the Project; and

WHEREAS, the Township fully supports the NJDOT Route 79 Project and the reimbursement to the MTWUD for its engineering costs.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, that the Township Council of the Township of Marlboro formally approves this agreement between the Township of Marlboro and the New Jersey Department of Transportation for the design and construction of State Highway Route 79.

BE IT FURTHER RESOLVED, by the Township Council of the Township of Marlboro, that Mayor is hereby authorized to execute and the Municipal Clerk witness the Project Agreement, subject to the review by the Township of Attorney, on behalf of the Township of Marlboro and that the Mayor's signature constitutes acceptance of the terms and conditions of the Project Agreement and approves the execution of the Project Agreement.

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

- a. Township Administrator
- b. Township Engineer
- c. Township Chief Financial Officer
- d. Rainone Coughlin Minchello, LLC

RESOLUTION #2021-343

AUTHORIZING A SHARED SERVICE AGREEMENT WITH MONMOUTH COUNTY TO PROVIDE MOD IV TAX SYSTEM SERVICES FOR THE MARLBORO TOWNSHIP DEPARTMENT OF FINANCE ASSESSMENT DIVISION

WHEREAS, the New Jersey Division of Taxation prescribes a uniform system of maintaining and reporting real estate tax information for municipalities and counties throughout the State, commonly known as the MOD IV Tax System; and

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A65-1, et seq., (the "Act") permits units of local government to share services for particular purposes and to effectuate agreements for any service of circumstance that will aid and encourage a reduction of local expenses; and

WHEREAS, the Township of Marlboro ("Marlboro") and the County of Monmouth ("the County") are public bodies corporate and politic of the State of New Jersey and are authorized under New Jersey law to enter into a Shares Service Agreement pursuant to the Act; and

WHEREAS, the County has the facilities to provide MOD IV Tax System services to the municipalities within Monmouth County, in compliance with the requirements established by the New Jersey Division of Taxation; and

WHEREAS, Monmouth County and the Township of Marlboro have negotiated a Shared Service 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 Marlboro Tax Assessor has recommended the proposed agreement in a memo dated October 27, 2021 as representing the best value for Marlboro taxpayers; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation of the Tax Assessor.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Mayor and Township Council 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 Service Agreement shall be open to public inspection in the Municipal Clerk's office and shall take

into effect upon adoption of a resolution and executions of the agreement by both parties.

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

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

- a. Township Business Administrator
- b. The County of Monmouth
- c. Chief Financial Officer

RESOLUTION #2021-344

AUTHORIZING THE TRANSFER OF TAX SALE CERTIFICATE PREMIUMS
FROM TRUST ACCOUNT TO CURRENT ACCOUNT

WHEREAS, pursuant to N.J.S.A. 54:5-33, premiums paid by purchasers of Tax Sale Certificates are escheated by the Municipality if a period of five (5) years passes without the Tax Sale Certificate being redeemed; and

WHEREAS, the Tax Collector's office has identified two (2) Tax Sale Certificates not redeemed after five (5) years, for which premiums have been paid.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, in the County of Monmouth, New Jersey, the following premiums shall be transferred from the Trust Account and placed into the Current Account:

Certificate	Date Purchased	Amount	Lien Holder	Block	Lot
2014-022	10/23/14	\$ 300.00	DSHC Enterprises LLC	146	34
2016-015	07/12/16	\$ 100.00	The Cityscape Group LLC	146	34

RESOLUTION #2021-345

2021 BEST PRACTICES INVENTORY

WHEREAS, the Township of Marlboro has received and completed the "2021 Best Practices Inventory" sent out on September 30, 2021 by the Division of Local Government Services, and

WHEREAS, the Chief Financial Officer has certified a score of 22 out of a possible 23; and

WHEREAS, the high percentage of positive responses on the 2021 Best Practices Worksheet qualifies the Township of Marlboro to receive 100% of its State Aid; and

WHEREAS, the Best Practices exercise, now in effect for the last twelve years, has reflected completely positively on the municipal operations of the Township of Marlboro.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro hereby acknowledges review of the 2021 Best Practices Inventory and hereby confirms the submission to the State of New Jersey.

RESOLUTION #2021-346

AUTHORIZING ADJUSTMENTS AND CANCELLATION TO GRANT RECEIVABLE AND APPROPRIATION RESERVE BALANCES

WHEREAS, the Township of Marlboro Financial Statements contain certain grant balances, and

WHEREAS, the cancellation of the grants listed is necessary to accurately represent the grant records maintained by the Township of Marlboro.

NOW, THEREFORE, BE IT RESOLVED, that the following adjustments and cancellations are hereby approved, and the Chief Financial Officer is authorized to make the appropriate entries to reflect this action.

	Cancellation Amount
<u>Receivables</u>	
Total	\$ -
<u>Appropriated Reserves</u>	
Hazardous Discharge Site Remediation	855.06
Total	\$ 855.06

RESOLUTION #2021-347

CANCELLATION OF TRUST FUND DEPOSITS

WHEREAS, the Township of Marlboro Annual Financial Statement dated 12/31/20 reflected an amount of \$2,561.70 in a "Reserve for Bid Deposits" in the Current Fund, and

WHEREAS, the "Reserve for Bid Deposits" has been dormant and is no longer required.

NOW, THEREFORE, BE IT RESOLVED, that the amount of \$2,561.70 remaining in the "Reserve for Bid Deposits" account in the Current Fund is hereby cancelled into the Current Fund Balance account.

RESOLUTION #2021-349

CANCELLING UNEXPENDED WATER UTILITY
CAPITAL FUND BALANCES

WHEREAS, certain capital ordinances within the Township of Marlboro Water Utility Capital Accounts have balances remaining for capital improvement authorizations previously authorized by the Township Council of the Township of Marlboro, Monmouth County, State of New Jersey, and

WHEREAS, certain projects for which remaining funding exists have been deemed as unnecessary or no longer needed, and

WHEREAS, the cancellation of these balances must be completed through resolution of this Governing Body,

NOW, THEREFORE, BE IT RESOLVED, that the following capital ordinances be cancelled in the amounts depicted with the funded balances being cancelled into capital surplus and the unfunded balances being recorded to reduce debt authorization.

Improvement Authorizations:		
Ordinance Number	Funded	Unfunded
2015-03	\$ 7,600.00	
2018-02	233,539.25	

RESOLUTION #2021-350

A RESOLUTION OF THE TOWNSHIP OF MARLBORO IN MONMOUTH COUNTY,
NEW JERSEY AUTHORIZING A SHARED SERVICES AGREEMENT FOR THE
WESTERN MONMOUTH ACTIVE SHOOTER TRAINING GROUP

WHEREAS, there have been numerous, well-publicized incidences of acts of violence involving active shooters in public spaces including schools; and

WHEREAS, the Township of Marlboro and the K-8 and Freehold Regional School Districts have entered into agreements to ensure that armed and trained school security officers under the command of the Marlboro Division of Police are stationed in Marlboro schools; and

WHEREAS, an active shooter scenario in Marlboro would likely result in a response from a number of different neighboring law enforcement agencies; and

WHEREAS, it is to the benefit of Marlboro and other neighboring Monmouth municipalities to coordinate training together on response and entry tactics, site command and organizational strategy; and

WHEREAS, Freehold Township ("Freehold") has agreed to serve as lead agency in a cooperative effort with Marlboro, Manalapan, Freehold Borough, Howell, Colts Neck, Englishtown, Allentown Borough and the Monmouth County Sheriff's Office to ensure the highest level of coordination by facilitating interdepartmental training on a regular basis for the joint response to active shooter and joint law enforcement emergencies ("Western Monmouth Active Shooter Training Group"); and

WHEREAS, Freehold has proposed an annual budget of \$8,000.00 to cover the costs of certain protective gear, simunitions, planning and execution materials and other incidental costs; and

WHEREAS, Freehold has proposed that the costs be shared on a proportional basis based upon the number of sworn officers in each department; and

WHEREAS, Marlboro's calculated share of the costs of participation in the consortium is \$1,000.00; and

WHEREAS, funds in the amount of \$1,000.00 have been certified by the Chief Financial Officer and are available in Account # 01-201-25-106-285; and

WHEREAS, the Township Council of the Township Marlboro desires to ensure that the highest level of trained and coordinated resources be available to respond to an event in Marlboro, and supports participation in the Western Monmouth Active Shooter Training Group to further that objective.

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 Municipal 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 Municipal Clerk are hereby authorized to execute a Shared Services Agreement in a form substantially similar to the document annexed hereto as EXHIBIT A, subject to review and approval by the Township Attorney.
4. A copy of the finalized Shared Services agreement shall be filed, for informational purposes, with the Division of Local Government Services in the Department of Community Affairs.

RESOLUTION #2021-351

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 COLTS NECK FOR
USE OF THE DECONTAMINATION FACILITY

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 the 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, the Township of Marlboro Office of Emergency Management (OEM) operates and maintains a decontamination facility at 1979 Township Drive, Marlboro, NJ 07746; and

WHEREAS, in response to a request from Colts Neck, the Marlboro OEM Coordinator has indicated that Marlboro is in a position to offer the decontamination facility, and has recommended that the shared services agreement with Colts Neck be extended through December 31, 2022; and

WHEREAS, Marlboro and Colts Neck have negotiated the terms of a Shared Services Agreement, in a form substantial similar to that annexed hereto as EXHIBIT A, which is incorporated into this resolution as if set forth at length herein.

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 Municipal 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 Municipal Clerk are hereby authorized to execute the Shared Services Agreement in a form substantially similar to that annexed hereto as EXHIBIT A, and in a form approved by the Township Attorney.
4. A copy of the finalized Shared Services agreement shall be filed, for informational purposes, with the Division of Local Government Services in the Department of Community Affairs.

RESOLUTION #2021-352

RESOLUTION RESCINDING RESOLUTION 2021-208 AND
AUTHORIZING AWARD OF VARIOUS STATE CONTRACTS AND ESCNJ
COOPERATIVE CONTRACT #20/21-09 FOR PURCHASE OF VEHICLES
AND RELATED EQUIPMENT FOR THE TOWNSHIP OF MARLBORO

WHEREAS, the Township of Marlboro as part of its 2018, 2020 and 2021 capital programs authorized the purchase of replacement police vehicles and equipment for the Division of Police, Department of Public Works and the Fire Prevention Bureau (Projects 106-2.2, 106-2.21, 106 -2.3, 106-2.8, 106-3.1, 106-2.8, 106-2.81, 120-14.2 and 104.1); and

WHEREAS, the Township Council approved Resolution #2021-208 authorizing the purchase of two (2) 2021 Dodge Durangos from Beyer Fleet Sales Services through the Cranford Police Cooperative

Contract #47-CPCPS (106-2.2 & 106-2.3); and

WHEREAS, Beyer has advised the Township that they are unable to supply these vehicles under the Cranford Cooperative Contract due to the ongoing computer chip shortage; and

WHEREAS, in order to maintain the police vehicle replacement schedule in the multi-year capital program, the Township has explored alternative options for vehicle replacement; and

WHEREAS, the Township is authorized to purchase the replacement vehicles and related equipment from bids obtained from a cooperative pricing system such as the Educational Services Commission of New Jersey (ESCNJ) Cooperative Pricing System pursuant to the authority provided by N.J.S.A. 40A:11-11(6); and

WHEREAS, Beyer Fleet Sales Services, was awarded the ESCNJ Cooperative Contract #20/21-09 for the 2022 Dodge Durango and related equipment in an amount not to exceed \$38,318.63 per unit; and

WHEREAS, in lieu of the model year 2021 vehicles previously authorized, the Division of Police has requested to purchase two (2) new 2022 Dodge Durangos and related equipment under the ESCNJ Cooperative Contract #20/21-09 for a total amount not to exceed \$76,637.26; 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, Hertrich Fleet Services, Inc., was awarded State Contract #19-FLEET-00953 for the 2022 Toyota Camry 4DR sedan and related equipment in an amount not to exceed \$22,050.00 for the Detective Bureau replacement vehicle (106-2.8); and

WHEREAS, in addition, the required equipment to outfit new vehicles for the Division of Police and the Department of Public Works is available under various State contracts for a total of \$4,111.37, as follows:

Project Year	Project ID	Amount	Vendor	Description	Contract #	Dept.
2021	106-2.81	\$3,454.35	Elite Vehicle Solutions	Emergency Equipment for Toyota Camry - Detective Bureau	17-FLEET-00749	PD
2018	120-14.2	\$192.42	Lawmen Supply	Big Sky Rack telescoping bar	22-FLEET-01813	PD
2021	120-14.2	\$464.60	Kaldor	DPW - Amber Lights	17-FLEET-00739	DPW

; and

WHEREAS, a number of the additional items of equipment to outfit Township vehicles and included in the multi-year capital program are not available on State Contracts or approved Cooperatives, for which the Township has solicited the following low quotations in the total amount of \$17,035.42:

Project Year	Project ID	Amount	Vendor	Description	Dept.
2020	106-2.21	\$849.00	General Sales Admin	Spot Lights	PD
2021	106-2.81	\$330.00	Elite Vehicle Solutions	Window Tint	PD
2021	120-14.2	\$237.22	Kaldor	Amber Flashing Light	DPW
2020	104.1	\$15,619.20	Elite Vehicle Solutions	Custom Cabinets	Fire

; and

WHEREAS, the requests have been reviewed by the Chief of Police, Superintendent of Public Works and Fire Official, and it is recommended that the Township purchase the above referenced vehicles and equipment utilizing State contracts and Cooperatives where available, and low price quotations where State contract and Cooperative pricing is not available; 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 replacement vehicles and required equipment for police, public works and fire prevention personnel; and

WHEREAS, funds are available and have been certified by the Chief Financial Officer in an amount not to exceed \$119,834.05 from Fire Trust Account 12-228-55-051, and Capital Accounts #04-215-18-01H-106297, #04-215-20-05D-106297, 04-215-20-08A-106297, 04-215-21-04G-120297 and #04-215-21-04E-106297; and

WHEREAS, the Township Council desires to approve the purchase of the replacement vehicles and related equipment as described above.

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 vehicles and equipment from the vendors as identified above in an amount not to exceed \$119,834.05.

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. Director of Public Works

- d. Fire Official
- e. Township Chief Financial Officer
- f. Insurance

RESOLUTION #2021-353

RESOLUTION AUTHORIZING AGREEMENT WITH THE MSA BOOSTERS,
INC. ("BOOSTER CLUB") FOR THE PROVISION OF REFEREEING AND
LEAGUE REGISTRATION SERVICES FOR THE MARLBORO TOWNSHIP
DEPARTMENT OF RECREATION SOCCER PROGRAM

WHEREAS, the BOOSTER CLUB is a not-for-profit organization which provides services on behalf of the residents who register for the soccer program to the Marlboro Township Department of Recreation; and

WHEREAS, the Township of Marlboro Department of Recreation is in need of refereeing services for the 2022 Spring and Fall soccer seasons; and

WHEREAS, the Township of Marlboro Department of Recreation must register soccer program participants with various regional leagues; and

WHEREAS, the BOOSTER CLUB has proposed to provide refereeing services for the 2022 Spring and Fall soccer seasons and ensure the registration of program participants with various regional leagues; and

WHEREAS, the total value of the services to be provided for 2022 are estimated based upon the 2021 season at and shall not exceed \$124,293.00 in the aggregate; and

WHEREAS, payments by the Township for such services are made following the submission of detailed records and confirmation of payments made by the Booster Club for such services; and

WHEREAS, the funds will be certified for this purpose upon adoption for the 2022 Recreation Utility budget under accounts # 09-201-55-400-285409 and # 09-201-55-400-296409.

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 Municipal Clerk to enter into an agreement with the BOOSTER CLUB, P.O. Box 436, Marlboro, New Jersey 07746 for the services described above.

RESOLUTION #2021-354

AUTHORIZING SUBMISSION OF A STRATEGIC PLAN FOR MARLBORO
TOWNSHIP MUNICIPAL ALLIANCE GRANT FOR FISCAL YEAR 2023

Governor's Council on Alcoholism and Drug Abuse
Fiscal Grant Cycle July 2020-June 2025 (FORM 1B)

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the Township Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Township Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Monmouth;

NOW, THEREFORE, BE IT RESOLVED, by the Township of Marlboro, County of Monmouth, State of New Jersey hereby recognizes the following:

1. The Township Council does hereby authorize submission of a strategic plan for the Marlboro Municipal Alliance grant for fiscal year 2023 in the amount of:

DEDR	\$ <u>18,700.00</u>
Cash Match	\$ <u>4,675.00</u>
In-Kind	\$ <u>14,025.00</u>

2. The Township Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

RESOLUTION #2021-355

LIEN REDEMPTION

WHEREAS, the rightful owner of a property have redeemed a tax sale certificate totaling \$10,564.93 as per Schedule "A",

WHEREAS, the holder of the above-mentioned tax sale certificate is 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 10,564.93 be refunded to the certificate holder as per Schedule "A",

SCHEDULE "A"

<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>LIENHOLDER</u>	<u>AMOUNT</u>
2020-031	206.05/27.02	US BANK for Pro Cap 8 50 S 16 th ST, STE 2050 Philadelphia, PA 19102 Assessed Owner: Milstein, Jeffrey & Lauren	10,564.93

RESOLUTION #2021-356

A RESOLUTION APPROVING CLOSE OUT CHANGE ORDER TO THE EXISTING CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO AND UNDERGROUND UTILITIES CORP. AND AUTHORIZING FINAL PAYMENT AND ACCEPTANCE OF THE HARBOR ROAD WASTEWATER PUMP STATION PROJECT

WHEREAS, by Resolution #2020-151 the Township of Marlboro authorized the award of a contract to Underground Utilities Corp. for the Harbor Road Wastewater Pump Station Project (the "Project"); and

WHEREAS, a Closeout Change Order has been requested resulting in a decrease in the original contract amount of \$758,394.00 to \$579,409.68, a net decrease of \$178,984.32; and

WHEREAS, the Township Engineer has confirmed that the project has been completed in accordance with the approved plans and specifications and has recommended approval of the Closeout Change Order, acceptance of the Project improvements, and issuance of final payment in the amount of \$11,588.19; and

WHEREAS, pursuant to the terms of the contract, Underground Utilities Corp. has provided a two-year maintenance bond in an amount equal to 15% of the final contract amount or \$86,911.45; and

WHEREAS, the Township Council of the Township of Marlboro is amenable to approving Closeout Change Order, accepting the Project improvements and issuing a final payment to Underground Utilities Corp. in the amount of \$11,588.19 in order that the Project be completed, such Project being in the interests of the public health, safety and welfare.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that Closeout Change Order to the existing contract with Underground Utilities Corp., with an address of 711 Commerce Road, Linden, NJ 07036, be and is hereby approved, decreasing the original contract total of \$758,394.00 to \$579,409.68, a net decrease of \$178,984.32.

BE IT FURTHER RESOLVED, by the Township Council of the Township of Marlboro, that the Project improvements be and are hereby accepted, and that final payment in the amount of \$11,588.19 for work completed by Underground Utilities Corp. is hereby approved.

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

- a. Underground Utilities Corp.
- b. Township Administrator
- c. Superintendent of Public Works
- d. Township Engineer
- e. Chief Financial Officer
- f. Township Attorney

RESOLUTION #2021-357

A RESOLUTION APPROVING FINAL CLOSE OUT CHANGE ORDER TO THE EXISTING CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO AND J.F. KIELY CONSTRUCTION CO. AND AUTHORIZING ACCEPTANCE OF "PROVISION OF THE 2021 WATER DISTRIBUTION SYSTEM MISCELLANEOUS GATE VALVE PREVENTATIVE MAINTENANCE PROGRAM" FOR THE TOWNSHIP OF MARLBORO WATER UTILITY DIVISION

WHEREAS, on July 15, 2021 by Resolution #2021-246 the Township of Marlboro authorized the award of a contract to J.F. KIELY CONSTRUCTION CO. for the 2021 Gate Valve Preventative Maintenance Program; and

WHEREAS, Final Close Out Change Order has been requested resulting in a decrease in the original contract amount of \$498,139.32 to \$446,069.62, a net decrease of \$52,069.70; and

WHEREAS, in a memo dated November 4, 2021 the Engineering Project Manager has confirmed that the project has been completed in accordance with the approved plans and specifications and has recommended approval of the Final Close Out Change Order; and

WHEREAS, pursuant to the terms of the contract, J.F. KIELY CONSTRUCTION CO. has provided the required warranty documentation of a maintenance bond in an amount of \$503,281.32.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that Final Close Out Change Order to the existing contract with J.F. KIELY CONSTRUCTION CO., whose address is 1 Radar Way, Tinton Falls, NJ 07724 be and is hereby approved, decreasing the original contract amount of \$498,139.32 to \$446,069.62, a net decrease of \$52,069.70.

BE IT FURTHER RESOLVED, by the Township Council of the Township of Marlboro, that the Project improvements be and are hereby accepted for work completed by J.F. KIELY CONSTRUCTION CO. and is hereby approved.

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

- a. J.F. KIELY CONSTRUCTION CO.
- b. Township Business Administrator
- c. Director of Public Works
- d. Engineering Project Manager
- e. Chief Financial Officer

RESOLUTION #2021-358

WHEREAS, the Tax Assessor has granted disabled veteran exemptions for the owners of the properties as per Schedule "A",

WHEREAS, pro-rated 2021 property taxes totaling \$1,675.34 need to be cancelled,

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro to direct the Tax Collector to cancel \$1,675.34 for 2021 taxes.

SCHEDULE "A"

BLOCK/LOT	EFFECTIVE DATE	PROPERTY INFORMATION	AMOUNT
322/5	11/4/2021	Cantor, Jeffrey A. & Ava M. 65 School Road West	\$1,675.34

At 7:24 p.m., Councilwoman Mazzola moved that the meeting be adjourned. This was seconded by Councilman Scalea, and as there was no objection, the Municipal Clerk was asked to cast one ballot.

MINUTES APPROVED: DECEMBER 02, 2021

OFFERED BY: SCALEA

AYES: 4

SECONDED BY: MAZZOLA

NAYS: 0

ABSENT: METZGER

SUSAN A. BRANAGAN,
MUNICIPAL CLERK
120221

JEFF CANTOR,
COUNCIL PRESIDENT