

MARLBORO TOWNSHIP COUNCIL MEETING

December 29, 2021

The Marlboro Township Council held its regularly scheduled meeting on December 29, 2021 at 7:00 P.M. via conference call 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 December 23, 2021; published in the Asbury Park Press on December 21, 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, Council Vice President Metzger, Councilman Scalea and Council President Cantor (all councilmembers via conference call).

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

Councilwoman Mazzola moved that the Council meeting minutes of December 16, 2021 be approved. This was seconded by Councilman Metzger, and passed on a roll call vote of 5 - 0 in favor.

The following 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 and seconded by Councilwoman Mazzola. Council President Cantor opened the Public Hearing on Ordinance #2021-024. As there was no one who wished to speak, the public hearing was closed and the ordinance was passed on a roll call vote of 4 - 0 in favor. Council President Cantor abstained.

ORDINANCE #2021-024

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 All salary ordinances heretofore adopted are hereby repealed, and all other parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed.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

As the Consent Agenda, the following resolutions were introduced by reference, offered by Councilwoman Mazzola, seconded by Council Vice President Metzger and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION #2021-397

RESOLUTION APPROVING THE FIRE COMMISSIONER SALARIES FOR 2022

WHEREAS, Fire Districts No. 1, 2 and 3 of Marlboro Township authorized and approved 2022 annual compensation for the Board of Fire Commissioners; and

WHEREAS, N.J.S.A. 40A:14-88 requires the salaries of members of Board of Commissioners of Fire Districts to be reviewed and approved annually by the governing body; and

WHEREAS, the Township Council of the Township of Marlboro has reviewed the proposed annual compensation for the following members of the Board of Fire Commissioners for 2022 as follows:

	FD No. 1	FD No. 2	FD No. 3
Chairperson	\$ 6,500	\$ 8,000	\$ 8,000
Vice Chairperson	\$ 6,500	\$ 8,000	\$ 8,000
Secretary	\$ 6,500	\$ 8,000	\$ 8,000
Treasurer	\$ 6,500	\$ 8,000	\$ 9,000
Commissioner	\$ 6,500	\$ 8,000	\$ 8,000

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro hereby approve the 2022 annual compensation of the Board of Fire Commissioners of the Fire Districts No. 1, 2 and 3 of Marlboro Township.

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

- a. Fire District No. 1
- b. Fire District No. 2
- c. Fire District No. 3

RESOLUTION #2021-398

RESOLUTION AMENDING AWARD OF STATE CONTRACTS, MONMOUTH COUNTY COOPERATIVE CONTRACTS AND ESCNJ COOPERATIVE CONTRACTS TO VARIOUS VENDORS FOR THE PURCHASE OF AUTO, TRUCK, HEAVY EQUIPMENT AND LAWN MOWER PARTS AND SUPPLIES FOR THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, on January 21, 2021, the Township Council authorized the Department of Public Works to utilize various vendors approved under State Contracts, Monmouth County Cooperative Contracts and Educational Service Commission of New Jersey (ESCNJ) Cooperative Contracts for the PURCHASE OF AUTO, TRUCK, HEAVY EQUIPMENT AND LAWN MOWER PARTS AND SUPPLIES (Resolution #2021-063); and

WHEREAS, based upon the nature of vehicle and equipment maintenance and repairs throughout the year, the types and quantities of parts required from vendors may differ from what was initially authorized and anticipated; and

WHEREAS, due to the nature of 2021 vehicle and equipment maintenance and repair activity, the Department of Public Works hereby recommends the following no-cost amendments to the State contract authorization pursuant to Resolution #2021-063, as follows:

Monmouth County Cooperative Purchasing				
Vendor	Contact Number	Amount	Change +/-	New Total
Mid Atlantic Truck Center	F-85-2019	\$15,000.00	\$ 28,000.00	\$ 43,000.00
Van Winkle Auto Supply	F-88-2020	\$8,000.00	\$ (8,000.00)	\$ -

Memphis Equipment Corp.	F-19-2021	\$10,000.00		\$ 10,000.00
Jesco	F-46-2020	\$2,500.00		\$ 2,500.00
Varga Transmissions	F-65-2019	\$5,000.00		\$ 5,000.00
Freehold Dodge	F-35-2021	\$20,000.00	\$ 8,000.00	\$ 28,000.00
Sea Coast Chevrolet	F-57-2021	\$5,000.00		\$ 5,000.00
C&M Auto Parts	F-34-2921	\$5,000.00		\$ 5,000.00
Brices Auto Supply	F-34-2021	\$3,000.00	\$ (3,000.00)	\$ -
Electro Batteries, Inc.	F-84-2019	\$5,000.00	\$ (5,000.00)	\$ -
Edwards Tire	F-28-2020	\$10,000.00	\$ (10,000.00)	\$ -
Brenntag Lubricants	F-56-2021	\$10,000.00	\$ (10,000.00)	\$ -
Allied Diesel	F55-2020	\$3,000.00		\$ 3,000.00
Educational Services Commission of New Jersey				
Vendor	Contract Number	Amount	Change +/-	New Total
Sanitation Equipment Corporation	17/18 - 30	\$7,500.00		\$ 7,500.00
Foley Inc.	18/19 - 25	\$25,000.00		\$ 25,000.00
Storr Tractor	18/19 - 25	\$15,000.00		\$ 15,000.00
Trius, Inc	18/19 - 25	\$10,000.00		\$ 10,000.00
Gabrielli Kenworth	17/18 - 30	\$10,000.00		\$ 10,000.00
Omaha Standard	17/18 - 30	\$15,000.00		\$ 15,000.00
State Contract				
Vendor	Contract Number	Amount	Change +/-	New Total
C & M Auto Parts	86059	\$15,000.00	\$ 5,000.00	\$ 20,000.00
Service Tire Truck Center	20-FLEET-00948	\$20,000.00		\$ 20,000.00
Route 1 Chrysler Dodge	89305	\$15,000.00	\$ (15,000.00)	\$ -
Chemung Supply	V00014194	\$10,000.00	\$ 5,000.00	\$ 15,000.00
Creston Hydraulics	40823, 89297, 88272	\$15,000.00		\$ 15,000.00
A & K Equipment	88273	\$7,500.00		\$ 7,500.00
Brown Hunterdon Mack	42103-42082-89269	\$15,000.00	\$ (2,000.00)	\$ 13,000.00
D & W Diesel	42124	\$5,500.00		\$ 5,500.00
Norman's Auto Services	40174	\$3,000.00	\$ (3,000.00)	\$ -
Quality Auto Glass	40176	\$3,000.00	\$ 1,000.00	\$ 4,000.00
Norcia	42083, 85864, 89298	\$3,500.00	\$ (3,000.00)	\$ 500.00
Perth Amboy Springs	89276	\$7,500.00	\$ 3,000.00	\$ 10,500.00
David Weber Oil	20-FLEET-01343	\$18,000.00		\$ 18,000.00
Varga Transmission Center	40828	\$7,000.00		\$ 7,000.00
Trius, Inc.	85439-85856	\$30,000.00		\$ 30,000.00
Sea Coast Chevrolet	40799	\$3,000.00		\$ 3,000.00
Foley Equipment	V00004579	\$15,000.00	\$ 12,000.00	\$ 27,000.00
Aurora Environmental	42274	\$5,500.00	\$ 7,000.00	\$ 12,500.00
Kaldor Emergency Lighting	42123	\$15,000.00	\$ (7,500.00)	\$ 7,500.00
Praxair Distribution	83289	\$2,500.00		\$ 2,500.00
HA DeHart	88264	\$10,000.00	\$ (5,000.00)	\$ 5,000.00
W. E. Timmerman Co.	85857	\$2,500.00		\$ 2,500.00

Joseph Fazio Steel	19-FLEET-01112	\$5,000.00		\$ 5,000.00	
B. J. and M. Auto	40857, 89295	\$2,500.00		\$ 2,500.00	
NAPA Auto Parts (F & C Auto)	42104	\$65,000.00	\$ 5,000.00	\$ 70,000.00	
Fastenal	19-FLEET-00565	\$5,500.00		\$ 5,500.00	
Edwards Tire	V00000769	\$55,000.00		\$ 55,000.00	
Air Brake & Equipment	42086, 89279	\$5,000.00	\$ (2,000.00)	\$ 3,000.00	
Campbell Freightliner	89264-42074	\$5,000.00		\$ 5,000.00	
Freehold Ford	19-FLEET-00918	\$15,000.00	\$ 2,000.00	\$ 17,000.00	
Storr Tractor	43038	\$10,500.00	\$ 2,500.00	\$ 13,000.00	
Groff Tractor	17 - FLEET - 00202	\$2,000.00		\$ 2,000.00	
Stephan L.Green trailer	19-FLEET-00880	\$3,000.00		\$ 3,000.00	
Gabrielli kenworth	83009	\$7,500.00		\$ 7,500.00	
Lawson	85850-42111-43023	\$3,000.00		\$ 3,000.00	
Franklin Griffith	85580	\$2,500.00	\$ 5,000.00	\$ 7,500.00	
Hoover Truck Center	89257	\$5,000.00	\$ (5,000.00)	\$ -	
Custom Bandag Inc.	V00002954	\$5,000.00	\$ (5,000.00)	\$ -	

; 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, a municipality is also authorized to purchase AUTO, TRUCK, HEAVY EQUIPMENT AND LAWN MOWER PARTS AND SUPPLIES from bids obtained by a cooperative purchasing system such as the Monmouth County or ESCNJ pricing systems pursuant to the authority provided by N.J.S.A. 40A:11-11(6); and

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

WHEREAS, the Township Council desires to approve the recommended amendment to the State Contracts, Monmouth County and ESCNJ Cooperative Contracts authorization for the purchase of AUTO, TRUCK, HEAVY EQUIPMENT AND LAWN MOWER PARTS AND SUPPLIES.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase AUTO, TRUCK, HEAVY EQUIPMENT AND LAWN MOWER PARTS AND SUPPLIES from the aforementioned vendors and under the State Contracts, Monmouth County and ESCNJ Cooperative Contracts identified above.

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

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

RESOLUTION #2021-399

RESOLUTION AUTHORIZING A CONTRACT FOR THE PROVISION OF DE-
ICING MATERIAL (SODIUM CHLORIDE TREATED WITH LIQUID
MAGNESIUM CHLORIDE AND ORGANIC BASED PERFORMANCE ENHANCER)
THROUGH BIDS OBTAINED BY THE MONMOUTH COUNTY COOPERATIVE
PURCHASING PROGRAM UNDER MONMOUTH COUNTY CO-OPERATIVE
CONTRACT NUMBER F-19-2022

WHEREAS, the Monmouth County Cooperative Purchasing Program conducted a public bidding process and awarded a contract to Riverside Industrial Complex, 355 Newbold Road, Fairless Hills, Pennsylvania 19030 for the provision of de-icing material (treated sodium chloride) at a price of \$76.31 per ton; and

WHEREAS, the Township is authorized to purchase de-icing material (treated sodium chloride) from bids obtained from a cooperative pricing system such as the Monmouth County Cooperative Purchasing Program pursuant to the authority provided by N.J.S.A. 40A:11-11(6); and

WHEREAS, the Public Works Department has indicated that Riverside Industrial Complex has agreed to extend the pricing provided to Monmouth County to Marlboro Township through the Monmouth County Cooperative Purchasing Program; and

WHEREAS, at this time, 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 \$76.31 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 in the amount of \$190,775.00 have been certified by the Chief Financial Officer in account 11-228-55-020, with additional amounts as needed to be certified by the Chief Financial Officer as needed to respond to winter weather emergencies 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 Riverside Industrial Complex at a price of \$76.31 per ton as needed, pursuant to the bid obtained by the Monmouth County Cooperative Purchasing Program.

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 Riverside Industrial Complex, whose address is 355 Newbold Road, Fairless Hills, Pennsylvania 19030 at a price of \$76.31 per ton as needed, pursuant to the bid obtained by the Monmouth County Cooperative Purchasing Program.

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

- a. Riverside Industrial Complex
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Township Public Works Department

RESOLUTION #2021-400

RESOLUTION AUTHORIZING AWARD OF ESCNJ COOPERATIVE
CONTRACT (#20/21-09) TO UNITED FORD LLC FOR THE PURCHASE
OF VEHICLES AND RELATED EQUIPMENT FOR THE TOWNSHIP OF
MARLBORO CONSTRUCTION CODE DIVISION

WHEREAS, the Township of Marlboro as part of its 2021 capital program authorized the purchase of a replacement vehicle for the Marlboro Township Construction Code Division (850-1); and

WHEREAS, the Township's multi-year capital program anticipates replacement vehicles and equipment required for the Construction Code Division projected out over six years; and

WHEREAS, vendors have expressed that availability of vehicles and equipment is limited due to the ongoing computer chip shortage and supply chain issues; and

WHEREAS, in order to maintain the vehicle replacement schedule set forth in its multi-year capital program, and in light of the ongoing computer chip shortage and supply chain issues affecting the availability of said vehicles, it is recommended to purchase a vehicle and equipment for the Construction Code Division utilizing existing funding as described herein; and

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

WHEREAS, United Ford LLC, was awarded the ESCNJ Cooperative Contract #20/21-09 for the 2022 Ford Ranger Base Vehicle and the additional manufacturer equipment in an amount not to exceed \$34,476.99; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to purchase the replacement vehicle and related equipment to be utilized by the Construction Code Division; and

WHEREAS, funds are available and have been certified by the Chief Financial Officer in an amount not to exceed \$34,476.99 from utility account #16-201-56-850-297850; and

WHEREAS, the Township Council desires to approve the purchase of the replacement vehicle and related equipment.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase the replacement vehicle for the Marlboro Township Construction Code Division from United Ford LLC under the ESCNJ Cooperative Pricing System (#20/21-09) in a total amount not to exceed \$34,476.99.

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

- a. Business Administrator
- b. Township Chief of Police
- c. Chief Financial Officer
- d. Insurance

RESOLUTION #2021-401

RESOLUTION AUTHORIZING THE EXECUTION OF A DEVELOPER'S
AGREEMENT BY AND BETWEEN H&S BUILDERS, LLC AND THE TOWNSHIP
OF MARLBORO

WHEREAS, H&S Builders, LLC (the "Developer") is the contract purchaser and developer of certain real property known as Block 180, Lots 83.14 in the Township of Marlboro, County of Monmouth, State of New Jersey (hereinafter referred to as the "Property"); and

WHEREAS, an application was originally made by Crine Realty, Inc. to the Marlboro Township Planning Board ("Planning Board") for Preliminary and Final Major Subdivision and Site Plan Approval through Application No. PB-1110-14 to construct thirteen (13) single-family homes and a stormwater management lot, as outlined in Resolution No. PB-1110-14 granting Preliminary and Final Major Subdivision Approval, which was adopted on January 15, 2020 (hereinafter the "Project"); and

WHEREAS, the approved Subdivision and Site Plan calls for certain improvements, and, though the Developer is not the original applicant to the Planning Board, the Developer has agreed to be bound by all responsibilities and obligations as though the original applicant and to construct those improvements as shown on the Approved Plan and records before the Planning Board, all of which were made part of a Developer's Agreement attached hereto as Attachment A; and

WHEREAS, the Township Attorney has reviewed the attached agreements; and

WHEREAS, after analysis and review, the Township has determined it is in its best interest to enter into the Developer's Agreement in a form substantially similar to the attached agreement, subject to the review and approval of the Township Attorney; and

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

1. The foregoing recitals are hereby incorporated by reference as if fully set forth herein.
2. The Mayor and Municipal Clerk be and are hereby authorized to execute the Developer's Agreement with H&S Builders, LLC, for the purpose of memorializing the obligations and commitments of H&S Builders, LLC, in a form substantially similar to the attached agreement, subject to the review and approval of the Township Attorney.
3. This Resolution shall take effect immediately.

SO RESOLVED, as aforesaid.

RESOLUTION #2021-402

RESOLUTION AUTHORIZING THE PURCHASE OF WIRELESS SERVICES FROM CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS FOR THE MARLBORO TOWNSHIP OF MARLBORO UNDER STATE CONTRACT #82583

WHEREAS, the Township of Marlboro is in need of wireless service for use by certain personnel including those who require wireless voice and/or mobile data for their operational functions; and

WHEREAS, the Township of Marlboro currently utilizes Verizon Wireless for cellular telephone service; and

WHEREAS, the Township also utilizes Verizon Wireless internet access for vehicles, laptops and remote facilities, critically important for the continuity of operations during the public health emergency; 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, funds in the amount of \$133,000.00, including an additional \$19,000.00 related to operations under the public health emergency will be certified to by the Chief Financial Officer in Current Account #01-201-31-162-232 at the time the 2022 budget is adopted; and

WHEREAS, the Township Council desires to approve the purchase of said wireless services.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase wireless services from CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS, One Verizon Way, Basking Ridge, NJ 07920, under State Contract #82583 in an amount not to exceed \$133,000.00; and

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

- a. Township Business Administrator
- b. Chief Information Officer
- c. Chief Financial Officer

RESOLUTION #2021-403

RESOLUTION AUTHORIZING THE PURCHASE OF VOICE OVER
IP (VOIP) AND PLAIN OLD TELEPHONE SERVICES (POTS)
FOR THE MARLBORO TOWNSHIP IT DEPARTMENT

WHEREAS, the Township of Marlboro authorized project 2018-033-08 in order to migrate and upgrade its legacy phone system from the current end-of-life equipment to a modern IP based and cloud hosted platform; and

WHEREAS, the authorized cloud hosted VOIP phone system will allow for greater communication flexibility and ability to survive failures and disasters; and

WHEREAS, in order to continue the project and maximize these new capabilities the Township is in need of procuring the required cloud-based Voice over IP (VOIP) hosting and software; and

WHEREAS, the Township is authorized to purchase the VOIP Hosting and Software from bids obtained from a cooperative pricing system such as the Bergen County Cooperative Pricing System pursuant to the authority provided by N.J.S.A. 40A:11-11(6); and

WHEREAS, SHI International has provided a quote under the Bergen County Cooperative #19-34 for the required VOIP Hosting and Software in the amount of \$61,237.32; and

WHEREAS, the Township of Marlboro is also in need of additional Plain Old Telephone Services (POTS) to support faxes, fire and burglar alarms, in order to ensure uninterrupted services in the event of a communication outage; and

WHEREAS, individual POTS service was not available on any State Contracts or approved Cooperatives, for which the Township has solicited a low quote for a two year term, in an annual amount of \$18,000.00 for a total amount not to exceed \$36,000.00 from Block Line Systems, LLC dba Telesystem; and

WHEREAS, the Chief Information Officer has recommended, in a memo dated December 2, 2021 that the Township purchase the VOIP and Backup Software from SHI International under the Bergen County Cooperative #19-34 in an amount totaling \$61,237.32, and the POTS from Block Line Systems, LLC dba Telesystem in an annual amount of \$18,000.00, for a total of two years not to exceed \$36,000.00; and

WHEREAS, funds will be certified by the Chief Financial Officer upon the adoption of the 2022 municipal budget in the amount of \$79,237.32 in Current Account #01-201-31-162-232; and

WHEREAS, the Township Council desires to approve the purchase of said VOIP Hosting and Software and POTS.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase VOIP hosting and backup software from SHI INTERNATIONAL CORP, 290 Davidson Ave, Somerset, NJ 08873, under Bergen County Cooperative #19-34 in an amount not to exceed \$61,237.32 and the POTS from Block Line Systems, LLC dba Telesystem, 2700 Oregon Road, Northwood, OH 43619 in an annual amount of \$18,000.00 for a total of two years in an amount not to exceed \$36,000.00.

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

- a. Township Business Administrator
- b. Chief Information Officer
- c. Chief Financial Officer

RESOLUTION #2021-404

RESOLUTION AUTHORIZING N.J.S.A.11A:4-1.3 ("ALTERNATE ROUTE") AS AN ADDITIONAL HIRING PRACTICE FOR ENTRY-LEVEL LAW ENFORCEMENT OFFICERS OF THE MARLBORO TOWNSHIP DIVISION OF POLICE

WHEREAS, the Township of Marlboro, Monmouth County, State of Jersey (hereinafter referred to as the "Township") is a jurisdiction governed by Title 11A and the Civil Service regulations and rules established under Title 4A of the Administrative Code; and

WHEREAS, P.L.2021, Chapter 7 permits municipalities to hire police officers who may not have taken an open competitive examination for the title of Police Officer, but are otherwise duly qualified, have completed training, and hold a valid NJ Police Training Commission Certificate as Police Officer (Basic Course for Police Officer); and

WHEREAS, recently adopted State legislation, Bill S-3220, approved as P.L.2021, C.7, would permit a municipality to exempt any person for an entry-level law enforcement person from taking the Civil Service law enforcement exam, as long as they have completed the full Basic Course for Police Officers training course at a school

approved and authorized by the New Jersey Police Training commission; and

WHEREAS, the legislation would also require that a municipal or county police department may hire a person under this exemption only upon adoption of a conflict of interest and nepotism policy; and

WHEREAS, the Township has duly established written policies governing nepotism and conflicts of interest; and

WHEREAS, in order to effectuate this policy, a municipality must affirmatively "opt in" by adopting a Resolution authorizing such a hiring policy; and

WHEREAS, Chief of Police, Peter Pezzullo, has recommended that the Township effectuate this policy and "opt in" to this program in the interests of efficiency, expediency, and the promotion of public safety within the Township; and

WHEREAS, this "opt in" provision shall remain valid until changed by a rescinding resolution of the Governing Body.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Council of the Township of Marlboro for the reasons set forth above that the Township hereby authorizes such hiring policies related to the examination exemption as set forth in Bill S-3220, P.L.2021, c.7.

BE IT FURTHER RESOLVED that copy of this Resolution shall be transmitted to the

a. New Jersey Civil Service Commission

RESOLUTION #2021-405

A RESOLUTION OF THE TOWNSHIP OF MARLBORO IN MONMOUTH COUNTY,
NEW JERSEY RENEWING A SHARED SERVICES AGREEMENT BETWEEN THE
TOWNSHIP OF MARLBORO AND THE BOROUGH OF MATAWAN TO PROVIDE
ANIMAL CONTROL SERVICES

WHEREAS, on January 29, 2015 the Township of Marlboro (the "Township") authorized a shared services agreement (Resolution #2015-063) with the Borough of Matawan ("Borough") for animal control services including emergency response for domestic animal incidents, emergency response for sick or dangerous wildlife and enforcement of the Borough's ordinances pertaining to domestic animals; and

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

WHEREAS, the Township of Marlboro ("Marlboro") and the Borough of Matawan ("Matawan") 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 has the personnel as well as the necessary contracts in place to provide the specified services; and

WHEREAS, the Township and the Borough of Matawan wish to extend the agreement to include calendar year 2022; and

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

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Township 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 the Municipal Clerk are hereby authorized to execute the Shared Services Agreement annexed hereto as EXHIBIT A.
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 #2021-406

RESOLUTION APPROVING CLOSE OUT AND AUTHORIZING PARTIAL
FINAL PAYMENT AND ACCEPTANCE FOR THE PURCHASE AND
INSTALLATION OF REPLACEMENT PLAYGROUND EQUIPMENT FOR THE
TOWNSHIP OF MARLBORO RECREATION DEPARTMENT

WHEREAS, on April 22, 2021, (Resolution #2021-173), the Township of Marlboro authorized the award of contracts under the Educational Services Commission of NJ (ESCNJ) Contract #20/21-06 to Marturano Recreation Co. in the amount not to exceed \$247,197.08 and under Educational Services Commission of NJ (ESCNJ) Contract #20/21-02 to Rubberecycle in the amount of \$49,605.20 for the purchase and installation of replacement playground equipment and rubber mulch at Marlin Park ,Wicker Park and Nolan Park("Project"); and

WHEREAS, funds for the project were previously certified as available by the Chief Financial Officer in the amount not to exceed \$296,802.28 in Capital Accounts #04-215-21-04L-145288 and #04-215-20-05G-145288.

WHEREAS, the playground equipment and rubber mulch was installed and completed at Marlin Park and Wicker Park; and

WHEREAS, upon completion of the installation the Township received a Certification of Compliance covering the playground components sold on Order #102821 and #102818, certifying that the products identified comply with all rules, bans, standards of regulations applicable to the product under the "Consumer Product Safety Improvement Act of 2008", Sections 101, 102, 103 and 108; and

WHEREAS, in a communication dated May 3, 2021 confirming that the installation of the playground equipment at Marlin and Wicker Park was performed by certified installers per manufacturer's specifications, which meet or exceed Consumer Product Safety Commission (CPSC)guidelines and ASTM International (formerly known as American Society for Testing and Materials) standards; and

WHEREAS, the Township has received a copy of the applicable playground equipment warranty and certificates of insurance; and

WHEREAS, the Director of Recreation has recommended acceptance of the project improvements and the issuance of the partial payment in the amount of \$147,785.09 to Marturano Recreation Co. and partial payment of \$29,917.00 to Rubberecycle, LLC; and

WHEREAS, the Township Council is in agreement with the recommendation as presented.

BE IT FURTHER RESOLVED, that the improvements be and are hereby accepted for the Project, and that partial payment in the amount of \$147,785.09 be made to Marturano Recreation Co., Brook 35 Park, 2130 Route 35 Building B, Suite 222, Sea Girt, New Jersey 087 and partial payment of \$29,917.00 to Rubberecycle, LLC, 1985 Rutgers University Boulevard, Lakewood, New Jersey 08701.

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

- a. Business Administrator
- b. Chief Financial Officer
- c. Director of Recreation

RESOLUTION #2021-407

A RESOLUTION AMENDING A PROFESSIONAL AGREEMENT BETWEEN REMINGTON & VERNICK ENGINEERS (RVE) AND THE TOWNSHIP OF MARLBORO FOR LICENSED SITE REMEDIATION PROFESSIONAL (LSRP) AND REMEDIAL INVESTIGATION SERVICES IN CONNECTION WITH BLOCK 127, LOT 11 (NOLAN ROAD PARK) PURSUANT TO A FAIR AND OPEN PROCESS IN ACCORDANCE WITH N.J.S.A. 19:44A-20.5

WHEREAS, the Township has been awarded \$345,000.00 in grants by the Monmouth County Park System for improvements to Nolan Road Park ("grant"); and

WHEREAS, the grant agreements require a preliminary environmental assessment be performed, and the identification of any potential areas of concern; and

WHEREAS, on February 26, 2015 (Resolution #2015-113) the Township authorized a Preliminary Assessment and Site Inspection (PASI) to be performed; and

WHEREAS, the PASI Report identified two (2) areas of concern (AOCs) which required a second-level Site Investigation (SI); and

WHEREAS, on April 16, 2015 (Resolution #2015-163) the Township authorized a Site Investigation (SI) to be performed; and

WHEREAS, the SI Report identified soil contamination in connection with the two (2) AOCs requiring that Licensed Site Remediation Professional (LSRP) and remediation investigation services be secured by the Township ("Professional Services"); and

WHEREAS, on June 22, 2016 (Resolution #2016-208) the Township authorized REMINGTON & VERNICK ENGINEERS (RVE) to establish a Program Interest (PI) number for the site, register a Licensed Site Remediation Professional (LSRP) with New Jersey Department of Environmental Protection (NJDEP), delineate and assess impacts identified during a former Site Investigation (SI) and complete and submit a Remedial Investigation Report (RIR); and

WHEREAS, on April 20, 2017 (Resolution #2017-141) the Township authorized RVE to provide additional LSRP services in order to

further delineate previous detections above applicable remediation standards, as well as prepare updates to the existing RIR including recommendations for site closure; and

WHEREAS, on December 14, 2017 (Resolution #2017-363) the Township authorized RVE to provide additional LSRP services including additional soil sampling in order to provide the necessary data to determine the boundary of remedial responsibility; and

WHEREAS, on August 9, 2018 (Resolution #2018-254), the Township authorized RVE to provide LSRP services to include preparation of remediation work specifications, oversight of remediation work, preparing institutional controls and deed restriction documents including public notifications, and filing of the required paperwork with the NJDEP to obtain a site wide RAO; and

WHEREAS, in a letter dated December 13, 2021, RVE has requested a final amendment to the professional services contract to incorporate extensive fencing design correspondence between the Township, Monmouth County and the New Jersey Department of Environmental Protection (NJDEP) in order to arrive at a fencing and signage plan which will serve as the engineering control for the remediation of the Park, and ongoing communications with the neighboring residential property owners; and

WHEREAS, RVE has requested a final amendment totaling \$9,900.00 for the remaining work to be completed; and

WHEREAS, the Township seeks a final authorization for the completion of the LSRP work required in order to complete the Nolan Road Park improvements and obtain grant reimbursement from the County Open Space Grant program; and

WHEREAS, such services are to be performed and rendered by a person or persons licensed and authorized by law to practice such engineering services, and accordingly, such services constitute professional services exempt from public bidding pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-5(1) (a) (i); and

WHEREAS, the Township of Marlboro and RVE have previously entered into a Professional Services Contract, awarded under a fair and open process, and seek to amend such Contract to expand the scope of services to include the Professional Services (as defined hereinabove) for the Project by way of its Alternate Township Engineer at a fee not to exceed \$9,900.00 for such Professional Services, as further described and set forth in RVE's proposal, attached hereto and made a part hereof; 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 \$9,900.00 are available in Capital Account #04-215-18-01C-060288 for this purpose; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the Township of Marlboro to amend its contract with RVE to provide the required additional Professional Services for the Project in accordance with the Proposal; 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 the Professional Services Contract between RVE and the Township of Marlboro, to expand the scope of services to include professional engineering services by way of its Alternate Township Engineer, at a fee not to exceed \$9,900.00 for such Professional Services, as further described and set forth in RVE's Proposal dated December 13, 2021, be and is hereby amended.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Municipal Clerk to witness, in a form legally acceptable to the Township Attorney, the amendment to the Professional Services Contract described herein.

BE IT FURTHER RESOLVED, that this Professional Services Contract 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 \$9,900.00 for such additional Professional Services for the Project as described in the Proposal.

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 shall be published pursuant to law, and a certified copy of this Resolution shall be provided to each of the following:

- a. REMINGTON & VERNICK ENGINEERS
- b. Township Business Administrator
- c. Chief Financial Officer
- d. Township Engineer

At 7:23 p.m., Council Vice President Metzger moved that the meeting be adjourned. This was seconded by Councilwoman Marder, and as there was no objection, the Municipal Clerk was asked to cast one ballot.

MINUTES APPROVED: JANUARY 26, 2022

OFFERED BY: SCALEA

AYES: 2

SECONDED BY: MARDER

NAYS: 0

ABSTAIN: DINUZZO, MILMAN, QAZI

SUSAN A. BRANAGAN,
MUNICIPAL CLERK
012622

JUNED QAZI,
COUNCIL PRESIDENT