

MARLBORO TOWNSHIP COUNCIL MEETING

December 15, 2022

The Marlboro Township Council held a Council Meeting on December 15, 2022 at 7:00 P.M. at the Marlboro Municipal Complex located at 1979 Township Drive, Marlboro, New Jersey.

Council President Qazi 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 published in the Asbury Park Press on December 21, 2021; was sent to the Asbury Park Press, the Star Ledger, News Transcript and the Board of Education Office on December 13, 2022; 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 Deputy Municipal Clerk called the Roll.

PRESENT: Council Vice President DiNuzzo, Councilwoman Marder, Councilman Milman and Council President Qazi. Councilman Scalea was absent.

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

Council Speaks Out: Councilwoman Marder wished everyone a happy holiday and provided her support for the open space agenda item. Councilman Milman wished everyone happy holidays. Council Vice President DiNuzzo also wished everyone a happy holiday season. Council President Qazi offered updates for the Department of Public Works and the Marlboro Township Police Department and wished everyone a happy holiday and happy new year.

Administration Report: Mayor Hornik stated that the Marlboro holiday lighting was a wonderful multicultural event. The 14<sup>th</sup> annual Multi-cultural day was spectacular and he thanked Deputy Mayor Terry Lau and the multi-cultural committee. The Mayor offered his condolences to the family of James (Jimmy) Mione who passed on December 7<sup>th</sup>, 2022. Jimmy served as a Marlboro Councilman from 2002-2005 and served as council President. He was a life member of the Robertsville Volunteer Fire Company #1, Fire Commissioner, and active in veteran's affairs. Mayor Hornik provided his support for several items listed on the agenda. There have been several accidents on Route 9 near the border of Marlboro and Old Bridge resulting in serious injury and fatalities by vehicles crossing the center line. Including, recently, a young father,

Arturo Tlapa Luna, a longtime employee of the Marlboro Pizza and Pasta Factory. The Mayor requested the support of council for an ordinance that would levy fines, penalties or imprisonment for anyone who trespasses on private property for the purpose of stealing a vehicle. The Mayor submitted a resolution to Council to authorize the penalties outlined in this ordinance to take effect immediately. In closing, Mayor Hornik wished everyone a happy holiday.

Councilwoman Marder moved that the regular Council meeting minutes of November 10, 2022 be approved. This was seconded by Council Vice President DiNuzzo, and passed on a roll call vote of 4 - 0 in favor. Councilman Scalea was absent.

Council Vice President DiNuzzo moved that the closed executive session meeting minutes of November 10, 2022 be approved. This was seconded by Councilman Milman, and passed on a roll call vote of 4 - 0 in favor. Councilman Scalea was absent.

Councilwoman Marder introduced a motion to open the public hearing for Ordinance #2022-012 (An Ordinance Amending and Supplementing Various License and Permit Fees) this was seconded by Council Vice President DiNuzzo and approved by unanimous voice vote (Councilman Scalea was absent). The Council President asked if anyone from the public wished to speak.

With no one from the public wishing to speak, Council Vice President DiNuzzo offered a motion to close the public hearing, seconded by Councilman Milman and approved by unanimous voice vote (Councilman Scalea was absent).

The following Ordinance #2022-012 (An Ordinance Amending and Supplementing Various License and Permit Fees) was introduced by reference, offered by Council Vice President DiNuzzo, seconded by Councilman Milman and passed on a roll call vote of 4 - 0 in favor (Councilman Scalea was absent).

ORDINANCE #2022-012

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; UNIFORM CONSTRUCTION CODE; PARKING AT MUNICIPAL FACILITIES; RETURNED CHECK FEES; WATER UTILITY SYSTEM CONNECTION FEES; AND RECREATION & SWIM PROGRAMS

Council Vice President DiNuzzo introduced a motion to open the public hearing for Ordinance #2022-013 (An Ordinance Repealing Ordinance #2021-025 Amending Chapter 4 and Chapter 220 - Responsibilities of Officers and Employees) this was seconded by Councilman Milman and

approved by unanimous voice vote (Councilman Scalea was absent). The Council President asked if anyone from the public wished to speak.

Robert Renna of 48 Samantha Drive asked the council what was specifically changed from the original ordinance. Township Attorney Louis N. Rainone, Esq., the current changes in the ordinance were all administrative and are normally passed by resolution on an annual basis. Having an ordinance just means that a resolution does not need to be passed every year.

John Gibardi - 1 Hudson Bay Terrace thanked the mayor to returning the zoning board appointments to the council.

Council Vice President DiNuzzo offered a motion to close the public hearing, seconded by Councilman Milman and approved by unanimous voice vote (Councilman Scalea was absent).

The following Ordinance #2022-013 (An Ordinance Repealing Ordinance #2021-025 Amending Chapter 4 and Chapter 220 - Responsibilities of Officers and Employees) was introduced by reference, offered by Council Vice President DiNuzzo, seconded by Councilman Milman and passed on a roll call vote of 3 - 0 in favor (Councilman Scalea was absent).

ORDINANCE #2022-013

AN ORDINANCE REPEALING ORDINANCE 2021-25 AMENDING CHAPTER  
4 AND 220 RESPONSIBILITIES OF OFFICERS AND EMPLOYEES

Council Vice President DiNuzzo introduced a motion to open the public hearing for Ordinance #2022-014 (An Ordinance Extinguishing and Vacating the Rights of the Public in a Right-of-Way at Block 275, Lot 44.01 Situated North of Longfellow Drive (A/K/A Longfellow Terrace in the Township of Marlboro) this was seconded by Councilman Milman and approved by unanimous voice vote (Councilman Scalea was absent). The Council President asked if anyone from the public wished to speak.

With no one from the public wishing to speak, Council Vice President DiNuzzo offered a motion to close the public hearing, seconded by Councilman Milman and approved by unanimous voice vote (Councilman Scalea was absent).

The following Ordinance #2022-014 (An Ordinance Extinguishing and Vacating the Rights of the Public in a Right-of-Way at Block 275, Lot 44.01 Situated North of Longfellow Drive (A/K/A Longfellow Terrace in the Township of Marlboro) was introduced by reference, offered by Councilman Milman, seconded by Councilwoman Marder and passed on a roll call vote of 4 - 0 in favor (Councilman Scalea was absent).

ORDINANCE #2022-014

ORDINANCE EXTINGUISHING AND VACATING THE RIGHTS OF THE PUBLIC IN A RIGHT-OF-WAY AT BLOCK 275, LOT 44.01 SITUATED NORTH OF LONGFELLOW DRIVE (A/K/A LONGFELLOW TERRACE) IN THE TOWNSHIP OF MARLBORO, COUNTY OF MONMOUTH

Councilwoman Marder introduced a motion to open the public hearing for Ordinance #2022-015 (An Ordinance of the Township of Marlboro Prohibiting the Trespass Upon Private Property for the Purpose of Tampering with or Committing the Theft or Unlawful Taking of a Motor Vehicle and Prescribing the Penalties Therefore) this was seconded by Council Vice President DiNuzzo and approved by unanimous voice vote (Councilman Scalea was absent). The Council President asked if anyone from the public wished to speak.

With no one from the public wishing to speak, Councilwoman Marder offered a motion to close the public hearing, seconded by Council Vice President DiNuzzo and approved by unanimous voice vote (Councilman Scalea was absent).

The following Ordinance #2022-015 (An Ordinance of the Township of Marlboro Prohibiting the Trespass Upon Private Property for the Purpose of Tampering with or Committing the Theft or Unlawful Taking of a Motor Vehicle and Prescribing the Penalties Therefore) was introduced by reference, offered by Council Vice President DiNuzzo, seconded by Councilwoman Marder and passed on a roll call vote of 4 - 0 in favor (Councilman Scalea was absent).

ORDINANCE #2022-015

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO PROHIBITING THE TRESPASS UPON PRIVATE PROPERTY FOR THE PURPOSE OF TAMPERING WITH OR COMMITTING THE THEFT OR UNLAWFUL TAKING OF A MOTOR VEHICLE AND PRESCRIBING THE PENALTIES THEREFORE

The following resolution #2022-264 (Authorizing the Immediate Effectiveness of Ordinance #2022-015 Pursuant to N.J.S.A. 40:69A-181b) was introduced by reference, offered by Councilwoman Marder, seconded by Councilman Milman and passed on a roll call vote of 4 - 0 in favor. Councilman Scalea was absent.

RESOLUTION #2022-264

RESOLUTION AUTHORIZING THE IMMEDIATE EFFECTIVENESS  
OF ORDINANCE #2022-015 PURSUANT TO N.J.S.A. 40:69A-181

WHEREAS, Ordinance #2022-015 has been introduced and is currently pending second reading and adoption at the December 15, 2022 meeting of the Township Council; and

WHEREAS, pursuant to N.J.S.A. 40:69A-181 the Township Council has the power to provide for the immediate effectiveness of any ordinance by adopting a resolution declaring an emergency and at least two-thirds of all the members of the Council vote in favor of such resolution.

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. Ordinance #2022-015 is hereby declared to be effective immediately pursuant to N.J.S.A. 40:69A-181 with two-thirds of all of the members of the Council declaring an emergency and voting in favor of this Resolution.
3. This Resolution shall take effect immediately.

SO RESOLVED, as aforesaid.

The following resolution #2022-265 (Authorizing the Township of Marlboro 2023 Insurance Program (Property, Liability, Workman's Compensation)) was introduced by reference, offered by Council Vice President DiNuzzo, seconded by Councilman Milman and passed on a roll call vote of 4 - 0 in favor. Councilman Scalea was absent.

RESOLUTION #2022-265

A RESOLUTION AUTHORIZING THE RENEWAL OF MEMBERSHIP IN THE  
MONMOUTH MUNICIPAL JOINT INSURANCE FUND AND ADOPTING THE  
MONMOUTH MUNICIPAL JOINT INSURANCE FUND'S SAFETY AND  
COMPLIANCE PROGRAM

WHEREAS, the Monmouth Municipal Joint Insurance Fund (hereinafter the "Fund") is a duly chartered Municipal Insurance Fund as authorized by NJSA 40A:10-36 et seq., and

WHEREAS, the Township of Marlboro ("Municipality") is currently a member of the Fund; and

WHEREAS, said renewed membership terminates as of December 31, 2022 unless renewed earlier by agreement between the Municipality and the Fund; and

WHEREAS, the Municipality desires to renew said membership; and

WHEREAS, it is the policy of the Fund to achieve the best and most practical degree of freedom from accidents and/or injuries; and

WHEREAS, the Fund endeavors to ensure that all of their members' employees, volunteers and public are provided with a safe and healthy environment, free from recognized hazards through a comprehensive Safety and Compliance Program; and

WHEREAS, the Administrator of the Township of Marlboro has reviewed the Fund's Safety and Compliance Program and has recommended that it be adopted by the Governing Body in concert with the renewal.

NOW, THEREFORE, BE IT RESOLVED, AS FOLLOWS:

1. The Township of Marlboro hereby renews its membership in the Monmouth Municipal Joint Insurance Fund for a three (3) year period, beginning January 1, 2023 and ending December 31, 2025 (12:01 am).
2. The Township of Marlboro agrees to adopt the Monmouth County Municipal Joint Insurance Fund's Safety and Compliance Program.
3. The Mayor and Municipal Clerk are hereby authorized to execute the agreement to renew membership annexed hereto and made a part hereof and to deliver same to the Monmouth Municipal Joint Insurance Fund evidencing the Municipality's intention to renew its membership.

The following resolution #2022-266 (Authorizing the Purchase of Voice Over IP (VOIP) Services) was introduced by reference, offered by Councilwoman Marder, seconded by Councilman Milman and passed on a roll call vote of 4 - 0 in favor. Councilman Scalea was absent.

RESOLUTION #2022-266

RESOLUTION AUTHORIZING THE PURCHASE OF VOICE OVER IP  
(VOIP) SERVICES FOR MARLBORO TOWNSHIP

WHEREAS, at the end of 2021 the Township of Marlboro deployed a new campus-wide Voice Over IP ("VOIP") cloud based phone system; and

WHEREAS, the cloud hosted VOIP phone system replaced a legacy system no longer supported by the manufacturer, and allowed for greater communication flexibility and ability to survive failures and disasters; and

WHEREAS, the Township is in need of procuring the required cloud based Voice Over IP (VOIP) services, including licensing for the handsets and users to connect to the cloud system, cloud based voicemail and auto-attendant capabilities, various circuits including the data circuits and rental of the components required to support a failover to local on premises controllers; and

WHEREAS, the Township is authorized to purchase the required 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 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 Chief Information Officer has recommended, in a memo dated December 2, 2022 that the Township purchase the VOIP services from SHI International under the Bergen County Cooperative #19-34 in an amount totaling \$61,237.32; and

WHEREAS, funds will be certified by the Chief Financial Officer upon the adoption of the 2023 municipal budget in the amount of \$61,237.32 in Current Account #01-201-31-162-232; and

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

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.

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

The following resolution #2022-267 (Amending Resolution #2021-336 for Diesel and Unleaded Fuel for 2022 and Authorizing State Contracts for Diesel and Unleaded Fuel for 2023) was introduced by reference, offered by Council Vice President DiNuzzo, seconded by Councilman Milman and passed on a roll call vote of 4 - 0 in favor. Councilman Scalea was absent.

RESOLUTION #2022-267

A RESOLUTION AMENDING RESOLUTION #2021-336 FOR 2022 FUEL SUPPLIES AND AUTHORIZING A 2023 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, Police, First Aid and Fire District vehicles; 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 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, the Township Council, by way of Resolution #2021-336 authorized the purchase of \$900,000.00 in fuel for the Township, Board of Education, Police, First Aid and Fire District vehicles for 2022; and

WHEREAS, due to the spike in fuel prices during the year, the Township may require additional fuel supply in excess of the annual authorization through the end of December 31, 2022; 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 the fuel supplies required through year end 2022 and fiscal year 2023 from Griffith-Allied Trucking, LLC under the State Contracts; and

WHEREAS, in a memo dated November 30, 2022, the 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; and

WHEREAS, it is estimated that the Township may require additional authorization not to exceed \$100,000.00 totaling \$1,000,000.00 through the end of 2022; and

WHEREAS, the Township anticipates the need for fuel supplies not to exceed \$1,000,000.00 for fiscal year 2023; and

WHEREAS, the estimated totals represent the anticipated cost of gasoline and fuel purchased for Township, Board of Education, First Aid and Fire District vehicles; and

WHEREAS, for the anticipated fuel supplies required through year end 2022, funds will be certified by the Chief Financial Officer in Current Account #01-201-31-168-238 at the time of order.

WHEREAS, for the anticipated fuel supplies for 2023, funds will be certified by the Chief Financial Officer in Current Account #01-201-31-168-238 upon adoption of the 2023 budget and/or 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 \$1,000,000.00, \$100,000.00 for the remainder of 2022 and \$1,000,000.00 for 2023.

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

The following resolution #2022-268 (Authorizing a Contract for the Provision of De-Icing Material Through the Monmouth County Cooperative Purchasing Program for 2023) was introduced by reference, offered by Council Vice President DiNuzzo, seconded by Councilwoman Marder and passed on a roll call vote of 4 - 0 in favor. Councilman Scalea was absent.

RESOLUTION #2022-268

RESOLUTION AUTHORIZING A CONTRACT FOR THE PROVISION OF DE-ICING MATERIAL (SODIUM CHLORIDE TREATED WITH LIQUID MAGNESIUM CHLORIDE AND ORGANIC BASED PERFORMANCE ENHANCER) FOR THE DEPARTMENT OF PUBLIC WORKS 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 secure a contract authorization for de-icing material from multiple sources including through the Monmouth County Cooperative Purchasing Program; and

WHEREAS, funds have been certified by the Chief Financial Officer in the amount of \$381,550.00 (5,000 tons) in trust account #11-228-55-020; and

WHEREAS, funds in the amount of \$381,550.00 representing the balance (5,000 tons) authorized will be certified by the Chief Financial Officer upon adoption of the 2023 budget and/or 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, for up to 10,000 tons, not to exceed \$763,100.00, 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, for up to 10,000 tons, not to exceed \$763,100.00, 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

The following resolution #2022-269 (Authorizing a Contract for the Provision of De-Icing Material Through the Somerset County Cooperative Purchasing Program for 2023) was introduced by reference, offered by Council Vice President, seconded by Councilman Milman and passed on a roll call vote of 4 - 0 in favor. Councilman Scalea was absent.

RESOLUTION #2022-269

RESOLUTION AUTHORIZING A CONTRACT FOR THE PROVISION OF DE-ICING MATERIAL (SODIUM CHLORIDE TREATED WITH LIQUID MAGNESIUM CHLORIDE AND ORGANIC BASED PERFORMANCE ENHANCER) FOR THE DEPARTMENT OF PUBLIC WORKS THROUGH BIDS OBTAINED BY THE SOMERSET COUNTY COOPERATIVE PURCHASING PROGRAM UNDER SOMERSET COUNTY CO-OPERATIVE CONTRACT NUMBER CC-0054-22

WHEREAS, the Somerset County Cooperative Purchasing Program conducted a public bidding process and awarded a contract to Morton Salt, Inc., 444 West Lake Street, Suite 3033, Chicago, IL 60606 for the provision of de-icing material (treated sodium chloride) at a price of \$90.68 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 Somerset 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 Morton Salt, Inc. has agreed to extend the pricing provided to Somerset

County to Marlboro Township through the Somerset 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 \$90.68 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 secure a contract authorization for de-icing material from multiple sources including through the Somerset County Cooperative Purchasing Program; and

WHEREAS, funds will be certified by the Chief Financial Officer upon adoption of the 2023 budget and/or 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 \$90.68 per ton, for up to 6,000 tons, not to exceed \$544,080.00, pursuant to the bid obtained by the Somerset 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 Morton Salt, Inc., 444 West Lake Street, Suite 3033, Chicago, IL 60606 at a price of \$90.68 per ton, for up to 6,000 tons, not to exceed \$544,080.00, pursuant to the bid obtained by the Somerset County Cooperative Purchasing Program.

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 Administrator
- c. Township Chief Financial Officer
- d. Township Public Works Department

The following resolution #2022-270 (Amending Resolution #2022-047 Authorizing State Contracts, Monmouth County Cooperative Contracts ESCNJ Cooperative Contracts and Somerset County Cooperative Contracts for Auto/Truck Parts for 2022) was introduced by reference, offered by Council Vice President DiNuzzo, seconded by Councilman Milman and passed on a roll call vote of 4 - 0 in favor. Councilman Scalea was absent.

RESOLUTION #2022-270

RESOLUTION AMENDING RESOLUTION #2022-047 FOR AWARD OF STATE, COUNTY 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 26, 2022, 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 #2022-047); 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 2022 vehicle and equipment maintenance and repair activity, the Department of Public Works hereby recommends the following no-cost amendment to the authorization provided for under Resolution #2022-047, as follows:

<b>Monmouth County Cooperative Purchasing</b>				
<b>Vendor</b>	<b>Contact Number</b>	<b>Amount</b>	<b>Transfer +/-</b>	<b>New Total</b>
Mid Atlantic Truck Center	F-14-2022	\$25,000.00	\$3,000.00	\$28,000.00
Van Winkle Auto Supply	F-25-2022	\$8,000.00	(\$4,000.00)	\$4,000.00
Memphis Equipment Corp.	F-19-2021	\$10,000.00	\$0.00	\$10,000.00
Jesco	F-46-2020	\$2,500.00	\$0.00	\$2,500.00
Varga Transmissions	F-5-2022	\$5,000.00	\$0.00	\$5,000.00
Freehold Dodge	F-35-2021	\$35,000.00	\$4,000.00	\$39,000.00
Sea Coast Chevrolet	F-57-2021	\$5,000.00	\$0.00	\$5,000.00
C&M Auto Parts	F-3-2022	\$2,500.00	\$0.00	\$2,500.00
	F-25-2022	\$2,500.00	\$0.00	\$2,500.00
Brices Auto Supply	F-34-2021	\$3,000.00	\$0.00	\$3,000.00
Electro Batteries, Inc.	F-35-2022	\$5,000.00	\$0.00	\$5,000.00
Service Tire Truck Center	F-12-2022	\$10,000.00	\$0.00	\$10,000.00
At Northern New Jersey LLC	F-14-2022	\$25,000.00	(\$2,000.00)	\$23,000.00
Allied Diesel	F-55-2020	\$3,000.00	(\$3,000.00)	\$0.00
Sea Breeze Ford - CHANGED TO SEACOAST CHEVROLET	F-57-2021	\$3,000.00	\$2,000.00	\$5,000.00
		<b>\$144,500.00</b>	<b>\$0.00</b>	<b>\$144,500.00</b>

Somerset County Co-Op				
Vendor	Contract Number	Amount	Transfer +/-	New Total
D&B Auto	CC0113-22-2	\$26,048.38	\$4,000.00	\$30,048.38
Eastern Auto Parts	CC0113-22-1	\$8,000.00	(\$4,000.00)	\$4,000.00
		\$34,048.38	\$0.00	\$34,048.38

State Contract				
Vendor	Contract Number	Amount	Transfer +/-	New Total
C & M Auto Parts	86059	\$20,000.00	\$0.00	\$20,000.00
Service Tire Truck Center	20-FLEET-00948	\$20,000.00	\$22,209.63	\$42,209.63
Chemung Supply	88262	\$15,000.00	\$0.00	\$15,000.00
Creston Hydraulics	40823	\$7,500.00	\$0.00	\$7,500.00
	89297	\$7,500.00	\$0.00	\$7,500.00
	88272	\$0.00	\$16,500.00	\$16,500.00
A & K Equipment	88273	\$10,000.00	\$0.00	\$10,000.00
Brown Hunterdon Mack	42082	\$15,000.00	(\$15,000.00)	\$0.00
D & W Diesel	42124	\$5,500.00	\$2,000.00	\$7,500.00
Norman's Auto Services	21-GNSV1-01498	\$5,000.00	\$0.00	\$5,000.00
Norcia	42083, 89298	\$3,500.00	\$0.00	\$3,500.00
Perth Amboy Springs	89276	\$7,500.00	\$2,000.00	\$9,500.00
David Weber Oil	20-FLEET-01343	\$18,000.00		\$18,000.00
Varga Transmission Center	40828	\$7,000.00	\$0.00	\$7,000.00
Trius, Inc.	85856	\$30,000.00	\$0.00	\$30,000.00
Sea Coast Chevrolet	40799	\$3,000.00	(\$1,500.00)	\$1,500.00
Aurora Environmental	42274	\$10,000.00	\$20,000.00	\$30,000.00
Kaldor Emergency Lighting	42123	\$15,000.00	(\$10,000.00)	\$5,000.00
Linde Gas & Equipment	83289; 83290	\$2,500.00	\$0.00	\$2,500.00
HA DeHart	88264	\$10,000.00	(\$2,000.00)	\$8,000.00
Joseph Fazzio Steel	19-FLEET-01112	\$5,000.00	\$0.00	\$5,000.00
B. J. and M. Auto	89295	\$2,500.00	\$0.00	\$2,500.00
NAPA Genuine Parts Company - CLOSED	42104	\$20,000.00	(\$20,000.00)	\$0.00
	42093	\$50,000.00	(\$6,048.38)	\$43,951.62
Fastenal	19-FLEET-00565	\$5,500.00	\$1,500.00	\$7,000.00
Edwards Tire - CLOSED	20-FLEET-00948	\$55,000.00	(\$42,161.25)	\$12,838.75
Air Brake & Equipment	42086	\$2,500.00	\$0.00	\$2,500.00
	89279	\$2,500.00	\$0.00	\$2,500.00

Campbell Freightliner	89264	\$2,500.00	\$0.00	\$2,500.00
	42074	\$2,500.00	\$2,500.00	\$5,000.00
Freehold Ford	86005	\$15,000.00	\$7,000.00	\$22,000.00
Storr Tractor	43038	\$10,500.00	\$0.00	\$10,500.00
Stephan L.Green trailer	19-FLEET-00880	\$3,000.00	\$0.00	\$3,000.00
Gabrielli Kenworth	83009	\$7,500.00	\$0.00	\$7,500.00
Lawson	42111	\$3,000.00	\$0.00	\$3,000.00
Hoover Truck Center	89257	\$5,000.00	(\$2,000.00)	\$3,000.00
Custom Bandag Inc.	20-FLEET-00948	\$5,000.00	\$15,000.00	\$20,000.00
Mid Atlantic Truck	42075	\$10,000.00	\$0.00	\$10,000.00
Finger's Radiator	89253	\$3,000.00	\$0.00	\$3,000.00
A & A Truck Parts	19-GNSV1-00652	\$2,000.00	\$0.00	\$2,000.00
Johnson & Tower, Inc.	42098	\$10,000.00	\$0.00	\$10,000.00
Sanitation Truck Repair	89290	\$2,500.00	\$0.00	\$2,500.00
Allied Diesel Service	42107	\$3,000.00	\$0.00	\$3,000.00
Elite Emergency Lights	17-FLEET-00749	\$5,000.00	\$0.00	\$5,000.00
		\$444,500.00	(\$10,000.00)	\$434,500.00

Educational Services Commission of New Jersey				
Vendor	Contract Number	Amount	Transfer +/-	New Total
Sanitation Equipment Corporation	20/21 - 55	\$7,500.00	(\$6,500.00)	\$1,000.00
Foley Inc.	18/19 - 25	\$25,000.00	\$0.00	\$25,000.00
Storr Tractor	18/19 - 25	\$15,000.00	(\$1,000.00)	\$14,000.00
Trius, Inc	18/19 - 25	\$10,000.00	\$4,000.00	\$14,000.00
Hudson County Motors	20/21 - 55	\$4,000.00	(\$4,000.00)	\$0.00
Groff	18/19 - 25	\$2,000.00	\$0.00	\$2,000.00
David Weber Co.	18/19 - 19	\$5,000.00	\$0.00	\$5,000.00
Omaha Standard	20/21 - 55	\$15,000.00	\$2,500.00	\$17,500.00
Parts Authority, LLC	20/21 - 38	\$10,000.00	\$15,000.00	\$25,000.00
W.E. Timmerman	20/21 - 55	\$3,000.00	\$0.00	\$3,000.00
		\$96,500.00	\$10,000.00	\$106,500.00
		<b>\$719,548.38</b>	<b>\$0.00</b>	<b>\$719,548.38</b>

; 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, the Township Council desires to approve the recommended amendment to Resolution 2022-047 as reflected in the table above ("New Total") for the State Contract, Monmouth County, Somerset County and ESCNJ Cooperative Contracts authorizations for the purchase of AUTO, TRUCK, HEAVY EQUIPMENT AND LAWN MOWER PARTS AND SUPPLIES; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the amendment to Resolution #2022-047 as reflected in the table above ("New Total") for the State Contract, Monmouth County, Somerset County and ESCNJ Cooperative Contracts authorizations for the purchase of AUTO, TRUCK, HEAVY EQUIPMENT AND LAWN MOWER PARTS AND SUPPLIES is hereby approved.

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

The following resolution #2022-271 (Authorizing Multi-Party Agreement between NJDOT, El at Route 79, LLC and the Township of Marlboro for Route 79 Traffic Control Improvements) was introduced by reference, offered by Council Vice President DiNuzzo, seconded by Councilwoman Marder and passed on a roll call vote of 4 - 0 in favor. Councilman Scalea was absent.

RESOLUTION #2022-271

A RESOLUTION AUTHORIZING MULTI-PARTY AGREEMENT BETWEEN THE NEW JERSEY DEPARTMENT OF TRANSPORTATION, EL AT ROUTE 79 AND THE TOWNSHIP OF MARLBORO FOR ROUTE 79 TRAFFIC CONTROL IMPROVEMENTS

WHEREAS, a traffic condition exists at the intersection of Route 79 (M.P 4.4) and Arcadia Boulevard, in the Township of Marlboro, in the County of Monmouth, which requires the installation of a Flashing Beacon System; and

WHEREAS, it is necessary to expedite the safe movement and conduct of pedestrian and vehicular traffic; and

WHEREAS, the EL at Marlboro, LLC has indicated its willingness to install a Flashing Beacon System at said intersection; and

WHEREAS, the State of New Jersey has proposed a form of Agreement pertaining to operation and maintenance of said Flashing Beacon System;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Municipal Clerk of the said Township of Marlboro, be and are hereby authorized to enter into an Agreement with the State of New Jersey, acting through its Commissioner of Transportation, for the purpose aforesaid, a copy of said Agreement being attached hereto and made a part hereof.

BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk of the Township of Marlboro, be and hereby are authorized to execute said Agreement.

The following resolution #2022-272 (Approving Fire Commissioner Salaries for 2023) was introduced by reference, offered by Councilwoman Marder, seconded by Councilman Milman and passed on a roll call vote of 4 - 0 in favor. Councilman Scalea was absent.

RESOLUTION #2022-272

RESOLUTION APPROVING THE FIRE COMMISSIONER SALARIES FOR 2023

WHEREAS, Fire Districts No. 1, 2 and 3 of Marlboro Township authorized and approved 2023 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 2023 as follows:

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

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro hereby approve the 2023 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

The following resolution #2022-273 (Authorizing 2023 Temporary Budget) was introduced by reference, offered by Councilwoman Marder, seconded by Councilman Milman and passed on a roll call vote of 4 - 0 in favor. Councilman Scalea was absent.

RESOLUTION #2022-273

AUTHORIZING 2023 TEMPORARY BUDGET

WHEREAS, N.J.S.A. 40A:4-19 provides for temporary appropriations to be made by the governing body within the first 30 days of the beginning of the fiscal year to provide for the period for the first three months of the new fiscal year, and

WHEREAS, the total of the appropriations so made shall not exceed 26.25% of the total of the appropriations made for all purposes in the budget for the preceding fiscal year excluding appropriations made for interest and debt redemption charges and capital improvement fund, and

WHEREAS, twenty-six point twenty-five percent (26.25%) of the Township of Marlboro budget for calendar year 2022, excluding debt service and capital improvement fund is \$9,803,896.69, and

WHEREAS, twenty-six point twenty-five percent (26.25%) of the Township of Marlboro Water Utility budget for calendar year 2022, excluding debt service and capital improvement fund is \$2,481,025.46, and

WHEREAS, twenty-six point twenty-five percent (26.25%) of the Township of Marlboro Recreation and Swim Utility budget for calendar year 2022, excluding debt service and capital improvement fund is \$786,661.95, and

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the following temporary appropriations are made for the first three months of calendar year 2023 according to the schedule attached hereto and a made a part hereof.

The following resolution #2022-274 (Confirming Emergency Contracts with and Payments to Lucas Construction Group, Inc. for the Provision of Emergency Water Main Repairs and Ferguson Enterprises, LLC 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) was introduced by reference, offered by Councilwoman Marder, seconded by Councilman Milman and passed on a roll call vote of 4 - 0 in favor. Councilman Scalea was absent.

RESOLUTION #2022-274

A RESOLUTION CONFIRMING EMERGENCY CONTRACTS WITH AND PAYMENTS TO LUCAS CONSTRUCTION GROUP, INC. FOR THE PROVISION OF EMERGENCY WATER MAIN REPAIRS AND FERGUSON ENT., LLC 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, the Department of Public Works Water Utility Division has reported water emergencies in various areas of the Township designated as EM# 22-05, 22-07, 22-09, 22-10, 22-13, 22-14, 22-15, 22-16, 22-17, 22-18, 22-19, 22-20, 22-21, 22-22, 22-23 and 22-25; 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 vendor, LUCAS CONSTRUCTION GROUP, INC., PO BOX 8939, RED BANK, NEW JERSEY, 07701 to provide the emergency repairs related to the above mentioned emergencies invoiced pursuant to the contract in an amount of \$281,969.96; and

WHEREAS, pursuant to N.J.S.A. 40A:11-6, the Township contacted its existing water distribution product supplier, FERGUSON ENT., LLC, 190 Oberlin Ave, Lakewood, NJ 08701 to provide the necessary emergency water distribution products related to the above mentioned emergencies invoiced pursuant to the contract in an amount not to exceed \$80,010.73; and

WHEREAS, the Chief Financial Officer previously certified the availability of funds in an amount not to exceed \$361,980.69 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 FERGUSON ENT., LLC for emergency water distribution products.

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

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

As the Consent Agenda, the following resolutions were introduced by reference, offered by Councilwoman Marder, seconded by Councilman Milman and passed on a roll call vote of 4 - 0 in favor (Councilman Scalea was absent).

RESOLUTION #2022-275

AUTHORIZING APPLICATION FY2024 FOR FUNDING FOR FARMLAND PRESERVATION THROUGH THE PLANNING INCENTIVE GRANT (PIG) PROGRAM OFFERED BY THE STATE OF NEW JERSEY AGRICULTURAL DEVELOPMENT COMMITTEE (SADC)

WHEREAS, the Township has utilized the Planning Incentive Grant (PIG) Program offered by the State Agricultural Development Committee (SADC) to preserve and protect qualified farmland in Marlboro that might otherwise be developed, most recently, the Stattel Farm(stand) parcel on Routes 520 and 79 and the VanMater Farm on Route 79 near the Freehold border which is expected to close by the end of 2022; and

WHEREAS, farmland preservation is an important part of keeping Marlboro green and maintaining the quality of life residents enjoy; and

WHEREAS, the Township has an approved Municipal Comprehensive Farmland Preservation Plan on file with SADC which identifies "target farms" for preservation; and

WHEREAS, in order to be eligible for continued funding to pursue the preservation of target farms, the Township must file an annual application which requires a resolution of the municipal governing body; and

WHEREAS, the Township Agricultural Advisory Committee has reviewed the Township's proposed Fiscal Year 2024 submission to SADC; and

WHEREAS, N.J.S.A. 2:76-17.4(c) and N.J.S.A. 2:76-17A.4(b) require comprehensive farmland preservation plans be reviewed and readopted at least every 10 years; and

WHEREAS, pursuant to SADC Policy P-55, Municipal PIG towns may receive grants up to \$20,000 (not to exceed 50% of the eligible costs) to update their farmland preservation plans; and

WHEREAS, the Township is in the process of updating its farmland preservation plan; and

WHEREAS, the Township Council of the Township of Marlboro supports the continued preservation of farmland through the use of State grant funding to defray the cost of doing so.

NOW THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro that the Business Administrator is hereby authorized to submit an application to the SADC requesting additional funding in the Fiscal Year 2024 cycle.

BE IT FURTHER RESOLVED, that the Business Administrator is authorized to submit an application to the SADC for grant funding to update the Township's farmland preservation plan as required.

RESOLUTION #2022-276

RESOLUTION AMENDING A PROFESSIONAL SERVICES CONTRACT  
WITH KENNETH BIEDZYNSKI, ESQ. OF THE FIRM OF GOLDZWEIG,  
GREEN, EIGER & BIEDZYNSKI, LLC FOR ETHICS BOARD COUNSEL  
SERVICES FOR THE TOWNSHIP OF MARLBORO FOR THE YEAR 2022

WHEREAS, on January 6, 2022, the Township Council adopted Resolution #2022-017 authorizing a contract for ETHICS BOARD ATTORNEY for the period of January 1, 2022 through December 31, 2022; and

WHEREAS, said contract was awarded pursuant to a fair and open process in accordance with the provisions of N.J.S.A 19:44A-20.5; and

WHEREAS, on February 24, 2022 Council approved Resolution #2022-070 to increase the contract not to exceed amount from \$7,000.00 to \$14,000.00 for additional work associated with the ongoing investigation of a complaint; and

WHEREAS, on August 8, 2022 Kenneth Biedzynski, Esq. of the firm of Goldzweig, Green, Eiger & Biedzynski, LLC requested an increase of \$10,000.00 for additional work associated with the ongoing investigation of a complaint; and

WHEREAS, in a communication dated August 9, 2022, the Chairwoman of the Ethics Board has recommended the proposed increase in the contract amount.

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 an amendment to the Professional Services Contract with KENNETH BIEDZYNSKI, ESQ. OF THE FIRM GOLDZWEIG, GREEN, EIGER & BIEDZYNSKI, LLC pursuant to a fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.4, increasing the contract amount by \$10,000.00 for a total contract not to exceed amount of \$24,000.00.
2. The Chief Financial Officer has certified funds in the amount of \$10,000.00 in Current Account 01-201-20-035-226.
3. That a certified copy of this Resolution shall be provided to each of the following:
  - a. Goldzweig, Green, Eiger & Biedzynski, LLC
  - b. Township Business Administrator
  - c. Chief Financial Officer
  - d. Township Ethics Board

RESOLUTION #2022-277

AUTHORIZING SUPPORT FOR THE  
NEW JERSEY DEPARTMENT OF TRANSPORTATION  
ROUTE 9 IMPROVEMENTS, THROCKMORTON LANE TO POOR FARM ROAD, MILEPOST  
124.04 TO 126.91

WHEREAS, the Township of Marlboro is concerned with safety of the traveling public on the "Safe Corridors" of State Highways 9 and 18 which traverse the Township; and

WHEREAS, there have been several high profile accidents on State Highway Route 9 near or at the Old Bridge and Marlboro municipal boundary line resulting in serious injury and fatalities from vehicles crossing the center median; and

WHEREAS, the Township of Old Bridge had requested the New Jersey State Department of Transportation (NJDOT) to evaluate safety improvements along New Jersey State Highway (NJSH) Route 9 corridor in Old Bridge Township, and;

WHEREAS, the NJDOT Subject Matter Experts prepared and submitted a Problem Statement for NJSH Route 9 between Throckmorton Lane and Poor Farm Road (project limits), Milepost 124.04 to 126.91, in November 2019, and met with Old Bridge Township Officials and Professionals in December 2019 to review their findings, and;

WHEREAS, the NJDOT prepared a Pedestrian Road Safety Audit (PRSA) within the project limits which entails a safety assessment with a goal of identifying safety issues and developing a range of alternatives to improve multimodal accessibility, mobility and safety, dated September 2021, and:

WHEREAS, NJDOT used the findings from the PRSA and previous meetings with Old Bridge Township to prepare Preliminary Preferred Alternative Plans for the project, which was presented to the Township of Old Bridge (Township) at a virtual meeting in May 2022, and;

WHEREAS, the Old Bridge Township Mayor and Administrator raised concerns that the limits of the project improvements did not extend to the municipal boundary line with the Borough of Sayreville to the north and the Township of Marlboro to the south, as there are additional safety concerns outside the project limits, and;

WHEREAS, the NJDOT Office of Community and Constituent Relations, Regional Coordinator, elevated the Township's concerns to a NJDOT supervisor, however, due to restrictions in funding additional improvements and the limits as identified in the project's Problem Statement, additional corridor improvements would have to be reviewed under a separate project, and;

WHEREAS, although Marlboro Township is in support of this project there is a need for additional safety improvements to be addressed by a future project extending from the project limits to the northern and southern municipal boundary lines.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Township of Marlboro support the New Jersey Department of Transportation Route 9 Improvements, Throckmorton Lane to Poor Farm Road, Milepost 124.04 to 126.91, with the condition that NJDOT further investigate safety concerns along the entire length of NJSH Route 9 in the Township of Old Bridge through the Marlboro municipal boundary line.

BE IT FURTHER RESOLVED, that upon passage of the Resolution four (4) original signed and sealed resolutions, will be returned to the appropriate authority at New Jersey Department of Transportation and a copy remain on file at the office of the Municipal Clerk.

RESOLUTION #2022-278

A RESOLUTION RENEWING PARTICIPATION IN VARIOUS COOPERATIVE PRICING SYSTEMS

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the Township of Marlboro has previously entered into Cooperative Pricing Agreements with the following entities:

New Jersey Educational Services Commission (NJESC)	#65-MCESCCPS	R.2017-248
Union County	#8UCCP	R.2016-245
Hunterdon County Educational Services Commission (HCESC)	#34HUNCCP	R.2017-249
Somerset County	#2SOCCP	R.2018-229
Bergen County	#CK-04-BERGEN	R.2013-189

WHEREAS, the New Jersey Educational Services Commission, Union County, Somerset County, Bergen County and the Hunterdon County Educational Services Commission, hereinafter referred to as the "Lead Agencies" have offered voluntary participation in Cooperative Pricing Systems for the purchase of goods and services;

WHEREAS, Mayor Jonathan L. Hornik and the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey continue to support the use of these Cooperative Pricing Systems with the goal of providing goods and services at the lowest cost to taxpayers.

NOW, THEREFORE BE IT RESOLVED, as follows:

TITLE

This RESOLUTION shall be known and may be cited as the Cooperative Pricing Resolution of the Township of Marlboro.

AUTHORITY

Pursuant to the provisions of *N.J.S.A. 40A:11-11(5)*, the Mayor is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

CONTRACTING UNIT

The Lead Agencies shall be responsible for complying with the provisions of the *Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.)* and all other provisions of the revised statutes of the State of New Jersey.

EFFECTIVE DATE

This resolution shall take effect immediately upon passage.

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

- a. New Jersey Educational Services Commission
- b. Union County Cooperative Pricing System
- c. Hunterdon County Educational Services Commission
- d. Somerset County Cooperative Pricing System
- e. Bergen County Cooperative Pricing System
- f. Township Business Administrator
- g. Township Chief Financial Officer

RESOLUTION #2022-279

RESOLUTION AUTHORIZING MEMBER PARTICIPATION IN A  
COOPERATIVE PRICING SYSTEM

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, NJEdge.Net, Inc. ("NJEdge"), hereinafter referred to as the "Lead Agency" has offered voluntary participation in a Cooperative Pricing System known as the "EdgeMarket Cooperative" for the purchase of goods and services (#269EMCP); and

WHEREAS, on December 15, 2022, the governing body of the Township of Marlboro, situated in the County of Monmouth, State of New Jersey,

duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services; and

WHEREAS, the Township of Marlboro within the County of Monmouth, State of New Jersey, desires to participate in the EdgeMarket Cooperative; and

NOW, THEREFORE BE IT RESOLVED, as follows:

TITLE

This RESOLUTION shall be known and may be cited as the Cooperative Pricing Resolution of the Township of Marlboro.

AUTHORITY

Pursuant to the provisions of N.J.S.A. 40A:11-11(5), et seq., the Mayor is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

CONTRACTING UNIT

This Lead Agency shall be responsible for complying with the provisions of the Local Public Contracts Law, 40A:11-11(5), et seq., and all other provisions of the revised statutes of the State of New Jersey.

RESOLUTION #2022-280

RESOLUTION AUTHORIZING THE RENEWAL  
OF AN AMUSEMENT GAMES LICENSE TO  
PLAY BIG ZONE, INCORPORATED

WHEREAS, Play Big Zone, Incorporated, 74 Ottawa Road South, Marlboro, NJ 07746 has submitted an application to the Office of the Municipal Clerk for the renewal of an Amusement Games License pursuant to the Amusement Games Licensing Law, N.J.S.A. 5:8-100 et seq., and such regulations as promulgated under Chapter 3, Office of Amusement Games Control, N.J.A.C. 13:3-1.1 et seq., to operate at its location at 300 Campus Drive, Unit G/H, Morganville, New Jersey; and

WHEREAS, N.J.A.C. 13:3-1.13(a) provides that no license shall be issued in any municipality unless and until the issuance thereof has been authorized by a resolution duly adopted by the municipal governing body which shall, among other things, specifically recite that the premises to be licensed are located in a recognized amusement park in the municipality; and

WHEREAS, Ordinance #2020-004 designates 300 Campus Drive, Unit G/H, Morganville New Jersey, located in Zone IOR (Industrial Office Research District) as a Recognized Amusement Park in accordance with N.J.A.C. 13:3-1.5; and

WHEREAS, the Municipal Clerk has deemed the application of Play Big Zone, Incorporated complete.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro that Play Big Zone, Incorporated is hereby granted an Amusement Games License to operate at its location at 300 Campus Drive, Unit G/H, Morganville, New Jersey; and

WHEREAS, pursuant to N.J.A.C. 13:3-1.13(b), a certified copy of this resolution, together with a copy of the application endorsed to show the granting of the license, and fees shall be forwarded to the Legalized Games of Chance Control Commission within three business days of the Township license being granted by the Township Council of the Township of Marlboro.

RESOLUTION #2022-281

RESOLUTION AUTHORIZING 2022 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 2022 Municipal Budget as follows:

CURRENT:			
	Account	From	To
01-201-28-145-101	Recreation Salaries & Wages	\$ 15,000.00	
01-201-20-030-226	Administration Other Expenses		\$ 10,000.00
01-201-20-046-101	Tax Collector Salaries & Wages		5,000.00
		<u>\$ 15,000.00</u>	<u>\$ 15,000.00</u>

RESOLUTION #2022-282

RESOLUTION AUTHORIZING UNEXPENDED 2021 BALANCES BUDGETED FOR SNOW  
REMOVAL TO BE LAPSED INTO THE SNOW REMOVAL RESERVE PURSUANT TO  
NJSA 40A:4-62.1

WHEREAS, NJSA 40A:4-62.1 permits a local unit to establish a snow  
removal reserve; and

WHEREAS, the Township of Marlboro has established a snow removal  
reserve; and

WHEREAS, once a snow removal reserve is established, unexpended  
balances budgeted annually for snow removal may be lapsed into the  
reserve; and

WHEREAS, due to the severity of the past several winter seasons,  
during which the Township utilized an extraordinary amount of de-icing  
agent to maintain the safety of the roadways, it is recommended that  
the Township transfer \$253,498.58 to the snow removal reserve.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the  
Township of Marlboro that \$253,498.58 of unexpended 2021 budget  
appropriations for snow removal be transferred to the snow removal  
reserve.

RESOLUTION #2022-283

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.

	<b>Cancellation Amount</b>
<b><u>Receivables</u></b>	
FY18 Highway Traffic Safety Grant	\$ 19,975.51
Total	\$ 19,975.51
<b><u>Appropriated Reserves</u></b>	
FY18 Highway Traffic Safety Grant	\$ 161.01
Total	\$ 161.01

RESOLUTION #2022-284

CANCELLATION OF CURRENT AND TRUST FUND DEPOSITS

WHEREAS, the Township of Marlboro Annual Financial Statement dated 12/31/21 reflected the amounts listed in the attached table in the Current Fund and the Trust Fund; and

WHEREAS, these account balances are dormant and/or no longer required.

NOW, THEREFORE, BE IT RESOLVED, that the amounts listed in the attached table are hereby cancelled into the Current Fund Balance account.

RESOLUTION #2022-285

CANCELLING UNEXPENDED CAPITAL FUND BALANCES

WHEREAS, certain capital ordinances within the Township of Marlboro 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.

RESOLUTION #2022-286

CANCELLING 2022 APPROPRIATIONS

WHEREAS, appropriations exist in the 2022 Recreation and Swim Utility Operating budget that have been deemed to not be needed for the operations of 2022; and

WHEREAS, it is permissible for appropriations to be cancelled to surplus in the year budgeted.

NOW, THEREFORE, BE IT RESOLVED, that a total of \$225,000.00 in 2022 appropriations be hereby cancelled and credited to Recreation and Swim Utility Operating Surplus as follows:

	<b>Cancellation Amount</b>
Salary & Wages	\$ 75,000.00
Other Expenses	150,000.00
Total	<u>\$ 225,000.00</u>

RESOLUTION #2022-287

RESOLUTION AUTHORIZING ACCEPTANCE OF DONATION FROM  
VARIOUS ENTITIES FOR THE MARLBORO TOWNSHIP ALLIANCE,  
POLICE DEPARTMENT K-9 UNIT, AND POLICE CADET PROGRAM

WHEREAS, various entities detailed on the attached schedule have made donations to the Marlboro Township Alliance, Police Department K-9 Unit, and Police Cadet Program; and

WHEREAS, there have been no promises of future employment, services, goods or other thing of value exchanged in return for said donations.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro that the donations as described herein are hereby accepted.

BE IT FURTHER RESOLVED, that the Township Council of the Township of Marlboro hereby extends it thanks and appreciation to the various donors for their support of the Marlboro Township Alliance, Police Department K-9 Unit, and Police Cadet Program.

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 Financial Officer
- c. Chief of Police

RESOLUTION #2022-288

A RESOLUTION APPROVING CLOSE OUT CHANGE ORDER TO THE EXISTING  
CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO AND MECO, INC.  
AND AUTHORIZING FINAL PAYMENT AND ACCEPTANCE OF THE  
2020 ROADWAY AND DRAINAGE IMPROVEMENT PROGRAM

WHEREAS, by Resolution #2021-167 the Township of Marlboro authorized the award of a contract to Meco, Inc. for the 2020 Roadway and Drainage Improvement Program (the "Project"); and

WHEREAS, a Closeout Change Order has been requested, resulting in a decrease in the adjusted contract amount after Change Order #1, approved by Resolution #2021-382, of \$2,227,391.20 to \$2,226,752.17, a net decrease of \$639.03; and

WHEREAS, in a letter dated November 30, 2022, the Township Engineer has indicated that the project was completed in accordance with the approved plans and specifications, including all previously issued punch list items and final inspection, the Township Engineer has recommended approval of the Closeout Change Order, acceptance of the Project improvements, and issuance of final payment in the amount of \$48,885.66; and

WHEREAS, pursuant to the terms of the contract, Meco, Inc. has provided a two-year maintenance bond in an amount equal to 15% of the final contract amount, or \$334,012.83; and

WHEREAS, the Township Council of the Township of Marlboro is amenable to approving the Closeout Change Order, accepting the Project improvements, and issuing a final payment to Meco, Inc. in the amount of \$48,885.66 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 the Closeout Change Order to the existing contract with Meco, Inc., be and is hereby approved, decreasing the adjusted contract total of \$2,227,391.20 to \$2,226,752.17, a net decrease of \$639.03.

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 \$48,885.66 for work completed by Meco, Inc. is hereby approved.

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

- a. Meco, Inc.
- b. Township Administrator
- c. Township Engineer
- d. Township Chief Financial Officer

RESOLUTION #2022-289

A RESOLUTION APPROVING CLOSE OUT CHANGE ORDER TO THE EXISTING CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO AND MESSERCOLA EXCAVATING CO., INC. AND AUTHORIZING FINAL PAYMENT AND ACCEPTANCE OF THE CHURCH ROAD DRAINAGE IMPROVEMENTS AND STREAM CLEANING

WHEREAS, by Resolution #2020-289 the Township of Marlboro authorized the award of a contract to Messercola Excavating Co., Inc. for the Church Road Drainage Improvements and Stream Cleaning (the "Project"); and

WHEREAS, a Closeout Change Order has been requested, resulting in a decrease in the original contract amount of \$119,915.00 to \$104,255.00, a net decrease of \$15,660.00; and

WHEREAS, in a letter dated November 30, 2022, the Township Engineer has indicated that the project was completed in accordance with the approved plans and specifications, including all previously issued punch list items and final inspection, the Township Engineer has recommended approval of the Closeout Change Order, acceptance of the Project improvements, and issuance of final payment in the amount of \$2,085.10; and

WHEREAS, pursuant to the terms of the contract, Messercola Excavating Co., Inc. has provided a two-year maintenance bond in an amount equal to 15% of the final contract amount, or \$15,638.25; and

WHEREAS, the Township Council of the Township of Marlboro is amenable to approving the Closeout Change Order, accepting the Project improvements, and issuing a final payment to Messercola Excavating Co., Inc. in the amount of \$2,085.10 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 the Closeout Change Order to the existing contract with Messercola Excavating Co., Inc., be and is hereby approved, decreasing the original contract total of \$119,915.00 to \$104,255.00, a net decrease of \$15,660.00.

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 \$2,085.10 for work completed by Messercola Excavating Co., Inc. is hereby approved.

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

- a. Messercola Excavating Co., Inc.
- b. Township Administrator
- c. Township Engineer
- d. Township Chief Financial Officer

RESOLUTION #2022-290

A RESOLUTION APPROVING CLOSE OUT CHANGE ORDER TO THE EXISTING CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO AND PRECISE CONSTRUCTION, INC. AND AUTHORIZING FINAL PAYMENT AND ACCEPTANCE OF MISCELLANEOUS RECREATION IMPROVEMENTS

WHEREAS, by Resolution #2021-271 the Township of Marlboro authorized the award of a contract to Precise Construction, Inc. for the Miscellaneous Recreation Improvements (the "Project"); and

WHEREAS, a Closeout Change Order has been requested, resulting in a zero dollar net decrease to the original contract amount of \$337,580.00; and

WHEREAS, in a letter dated November 30, 2022, the Township Engineer has indicated that the project was completed in accordance with the approved plans and specifications, including all previously issued punch list items and final inspection, the Township Engineer has recommended approval of the Closeout Change Order, acceptance of the Project improvements, and issuance of final payment in the amount of \$10,909.84; and

WHEREAS, pursuant to the terms of the contract, Precise Construction, Inc. has provided a two-year maintenance bond in an amount equal to 15% of the final contract amount, or \$50,637.00; and

WHEREAS, the Township Council of the Township of Marlboro is amenable to approving the Closeout Change Order, accepting the Project improvements, and issuing a final payment to Precise Construction, Inc. in the amount of \$10,909.84 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 the Closeout Change Order to the existing contract with Precise Construction, Inc., be and is hereby approved, a zero dollar net decrease in the original contract total of \$337,580.00.

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 \$10,909.84 for work completed by Precise Construction, Inc. is hereby approved.

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

- a. Precise Construction, Inc.
- b. Township Administrator
- c. Township Engineer
- d. Township Chief Financial Officer

RESOLUTION #2022-291

A RESOLUTION APPROVING CLOSE OUT CHANGE ORDER TO THE EXISTING CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO AND PRECISE CONSTRUCTION, INC. AND AUTHORIZING FINAL PAYMENT AND ACCEPTANCE OF THE NOLAN ROAD PARK IMPROVEMENTS, PHASE II

WHEREAS, by Resolution #2021-270 the Township of Marlboro authorized the award of a contract to Precise Construction, Inc. for the Nolan Road Park Improvements, Phase II (the "Project"); and

WHEREAS, a Closeout Change Order has been requested, resulting in a zero dollar net decrease to the original contract amount of \$239,797.50; and

WHEREAS, in a letter dated November 30, 2022, the Township Engineer has indicated that the project was completed in accordance with the approved plans and specifications, including all previously issued punch list items and final inspection, and has recommended approval of the Closeout Change Order, acceptance of the Project improvements, and issuance of final payment in the amount of \$13,987.52; and

WHEREAS, pursuant to the terms of the contract, Precise Construction, Inc. has provided a two-year maintenance bond in an amount equal to 15% of the final contract amount, or \$35,969.63; and

WHEREAS, the Township Council of the Township of Marlboro is amenable to approving the Closeout Change Order, accepting the Project improvements, and issuing a final payment to Precise Construction, Inc. in the amount of \$13,987.52 in order that the Project be

completed, such Project being in the interest 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 the Closeout Change Order to the existing contract with Precise Construction, Inc., be and is hereby approved, a zero dollar net decrease in the original contract total of \$239,797.50.

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 \$13,987.52 for work completed by Precise Construction, Inc. is hereby approved.

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

- a. Precise Construction, Inc.
- b. Township Administrator
- c. Township Engineer
- d. Township Chief Financial Officer

RESOLUTION #2022-292

RESOLUTION AUTHORIZING THE PURCHASE OF WIRELESS  
SERVICES FROM CELLCO PARTNERSHIP D/B/A VERIZON  
WIRELESS FOR THE MARLBORO TOWNSHIP OF MARLBORO UNDER  
STATE CONTRACT M4006 #22-TELE-05441

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, critical 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 will be certified to by the Chief Financial Officer in Current Account #01-201-31-162-232 at the time the 2023 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 the State Contract identified as M4006 #22-TELE-05441 in an amount not to exceed \$133,000.00.

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 #2022-293

RESOLUTION AUTHORIZING THE TOWNSHIP OF MARLBORO THROUGH THE MARLBORO DIVISION OF POLICE TO PARTICIPATE IN THE DEFENSE LOGISTICS AGENCY, LAW ENFORCEMENT SUPPORT OFFICE, 1033 PROGRAM TO ENABLE THE MARLBORO DIVISION OF POLICE TO REQUEST AND ACQUIRE EXCESS DEPARTMENT OF DEFENSE EQUIPMENT

WHEREAS, the United States Congress authorized the Defense Logistics Agency (DLA) Law Enforcement Support Office (LESO) 1033 Program to make use of excess Department of Defense personal property by making that personal property available to municipal, county and State law enforcement agencies (LEAs); and

WHEREAS, DLA rules mandate that all equipment acquired through the 1033 Program remain under the control of the requesting LEA; and

WHEREAS, participation in the 1033 Program allows municipal and county LEAs to obtain property they might not otherwise be able to afford in order to enhance community preparedness, response, and resiliency; and

WHEREAS, although property is provided through the 1033 Program at no cost to municipal and county LEAs, these entities are responsible for the costs associated with delivery, maintenance, fueling, and upkeep of the property, and for specialized training on the operation of any acquired property; and

WHEREAS, N.J.S.A. 40A:5-30.2 requires that the governing body of the municipality or county approve, by a majority of the full membership, both enrollment in, and the acquisition of any property through, the 1033 Program; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro that the Marlboro Division of Police is hereby authorized to enroll in the 1033 Program for no more than a one-year period, with authorization to participate terminating on December 31 of the year 2023; and

BE IT FURTHER RESOLVED, that the Marlboro Division of Police is hereby authorized to acquire items of non-controlled property designated "DEMIL A," which may include office supplies, office furniture, computers, electronic equipment, generators, field packs, non-military vehicles, clothing, traffic and transit signal systems, exercise equipment, farming and moving equipment, storage devices and containers, tools, medical and first aid equipment and supplies, personal protection equipment and supplies, construction materials, lighting supplies, beds and sleeping mats, wet and cold weather equipment and supplies, respirators, binoculars, and any other supplies or equipment of a non-military nature identified by the LEA, if it shall become available in the period of time for which this resolution authorizes, based on the needs of the Marlboro Division of Police, without restriction; and

BE IT FURTHER RESOLVED, that Marlboro Division of Police is hereby authorized to acquire any of the controlled property designated "DEMIL B through Q" in the attached schedule if it shall become available in the period of time for which this resolution authorizes; and

BE IT FURTHER RESOLVED, that Chief Peter J. Pezzullo of the Marlboro Division of Police shall develop and implement a full training plan and policy for the maintenance and use of the acquired property; and

BE IT FURTHER RESOLVED, that the Marlboro Division of Police shall provide a quarterly accounting of all property obtained through the 1033 Program which shall be available to the public upon request; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately and shall be valid to authorize requests to acquire "DEMIL A" property and "DEMIL B through Q" property that may be made available through the 1033 Program during the period of time for which this resolution authorizes; with Program participation and all property request authorization terminating on December 31st of the year 2023.

RESOLUTION #2022-294

A RESOLUTION AUTHORIZING THE EXTENSION OF A SINGLE SITE LICENSE AGREEMENT BETWEEN THE TOWNSHIP OF MARLBORO AND DIAMOND TOWERS II LLC TO OPERATE A WIRELESS COMMUNICATION FACILITY AND ANTENNAE FOR THE MARLBORO TOWNSHIP DEPARTMENT OF PUBLIC SAFETY

WHEREAS, the Township of Marlboro ("Township") entered into a Single Site License Agreement with Diamond Towers II LLC ("Diamond Towers") in order to install, operate and maintain a wireless communications facility and antennae ("Communications Facility") located at Wilson Avenue, Matawan, New Jersey (the "Premises") for use by the Marlboro Township Department of Public Safety in order to preserve the health, safety and welfare of the citizens of the Township of Marlboro, Monmouth County, New Jersey; and

WHEREAS, on April 16, 2015 (Ordinance #2015-5) the Township Council of the Township of Marlboro authorized the extension of the Single Site License Agreement with Diamond Towers; and

WHEREAS, on March 2, 2017 (Resolution #2017-110) the Township Council of the Township of Marlboro authorized another the extension of the Single Site License Agreement with Diamond Towers; and

WHEREAS, on May 2, 2019 (Resolution #2019-165) the Township Council of the Township of Marlboro authorized another extension of the Single Site License Agreement with Diamond Towers; and

WHEREAS, on February 18, 2021 (Resolution #2021-106) the Township Council of the Township of Marlboro authorized another extension of the Single Site License Agreement with Diamond Towers; and

WHEREAS, on March 10, 2022 (Resolution #2022-086) the Township Council of the Township of Marlboro authorized another extension of the Single Site License Agreement with Diamond Towers; and

WHEREAS, the Township Department of Public Safety wishes to extend the Single Site License Agreement with Diamond Towers for an additional one (1) year renewal term for compensation in the amount of five thousand five hundred forty two and no cents (\$5,542.00); and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract be renewed with Diamond Towers for a period of one year through December 31, 2023.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Municipal Clerk to witness, contracts with Diamond Towers in accordance with the Ordinance, this resolution, and in a form to be approved by the Township Attorney.

BE IT FURTHER RESOLVED, that funds for this agreement will be certified by the Chief Financial in Current Account #01-201-25-212-216212 in an amount not to exceed \$5,542.00 at the time of 2023 budget adoption.

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

- a. Diamond Towers II LLC
- b. Township Business Administrator
- c. Chief of Police
- d. Chief Financial Officer

RESOLUTION #2022-295

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

WHEREAS, the Township of Marlboro and the Township of Monroe entered into a Shared Services Agreement dated March 10, 2022; and

WHEREAS, the shared service agreement included a fee schedule, "which shall be updated periodically through the adoption of resolutions" by the Township of Marlboro and the Township of Monroe; and

WHEREAS, the Township of Marlboro has adopted new rates for the Marlboro Swim Club for 2023; and

WHEREAS, the Township of Monroe wishes to continue to offer its residents membership in the Marlboro Swim Club; and

NOW, THEREFORE, BE IT RESOLVED, that the following amended EXHIBIT A is agreed upon and adopted by the parties; and

BE IT FURTHER RESOLVED, that all other terms of the Shared Services Agreement dated March 10, 2022 shall remain in effect; and

BE IT FURTHER RESOLVED, that in the event the current public health emergency requires that membership fees be increased in order to compensate for the cost of enhanced safety measures or to accommodate membership or attendee restrictions based upon guidance issued by Federal, State or County authorities, in accordance with the terms of the agreement, the updated fee schedule will be presented to

the governing bodies in both the Township of Marlboro and the Township of Monroe for consideration.

RESOLUTION #2022-296

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

WHEREAS, the Township of Marlboro and the Township of Colts Neck entered into a Shared Services Agreement dated April 12, 2012; and

WHEREAS, the shared service agreement included a fee schedule, "which shall be updated periodically through the adoption of resolutions" by the Township of Marlboro and the Township of Colts Neck; and

WHEREAS, the Township of Marlboro has adopted new rates for the Marlboro Swim Club for 2023; and

WHEREAS, the Township of Colts Neck wishes to continue to offer its residents membership in the Marlboro Swim Club; and

NOW, THEREFORE, BE IT RESOLVED, that the following amended EXHIBIT A is agreed upon and adopted by the parties; and

BE IT FURTHER RESOLVED, that all other terms of the Shared Services Agreement dated April 12, 2012 shall remain in effect; and

BE IT FURTHER RESOLVED, that in the event the current public health emergency requires that membership fees be increased in order to compensate for the cost of enhanced safety measures or to accommodate membership or attendee restrictions based upon guidance issued by Federal, State or County authorities, in accordance with the terms of the agreement, the updated fee schedule will be presented to the governing bodies in both the Township of Marlboro and the Township of Colts Neck for consideration.

RESOLUTION #2022-297

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

WHEREAS, Marlboro and Manalapan entered into a Shared Services Agreement dated June 5, 2008; and

WHEREAS, the shared service agreement included a fee schedule, "which shall be updated periodically through the adoption of resolutions" by the Township of Marlboro and the Township of Manalapan; and

WHEREAS, the Township of Marlboro has adopted new rates for the Marlboro Swim Club for 2023; and

WHEREAS, the Township of Manalapan wishes to continue to offer its residents membership in the Marlboro Swim Club; and

NOW, THEREFORE, BE IT RESOLVED, that the following amended EXHIBIT A is agreed upon and adopted by the parties; and

BE IT FURTHER RESOLVED, that all other terms of the Shared Services Agreement dated June 5, 2008 remain in effect; and

BE IT FURTHER RESOLVED, that in the event the current public health emergency requires that membership fees be increased in order to compensate for the cost of enhanced safety measures or to accommodate membership or attendee restrictions based upon guidance issued by Federal, State or County authorities, in accordance with the terms of the agreement, the updated fee schedule will be presented to the governing bodies in both the Township of Marlboro and the Township of Manalapan for consideration.

RESOLUTION #2022-298

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

WHEREAS, the Township of Marlboro and the Township of Old Bridge entered into a Shared Services Agreement dated March 1, 2018; and

WHEREAS, the shared service agreement included a fee schedule, "which shall be updated periodically through the adoption of resolutions" by the Township of Marlboro and the Township of Old Bridge; and

WHEREAS, the Township of Marlboro has adopted new rates for the Marlboro Swim Club for 2023; and

WHEREAS, the Township of Old Bridge wishes to continue to offer its residents membership in the Marlboro Swim Club; and

NOW, THEREFORE, BE IT RESOLVED, that the following amended EXHIBIT A is agreed upon and adopted by the parties; and

BE IT FURTHER RESOLVED, that all other terms of the Shared Services Agreement dated March 1, 2018 shall remain in effect; and

BE IT FURTHER RESOLVED, that in the event the current public health emergency requires that membership fees be increased in order to compensate for the cost of enhanced safety measures or to accommodate membership or attendee restrictions based upon guidance issued by Federal, State or County authorities, in accordance with the terms of the agreement, the updated fee schedule will be presented to the governing bodies in both the Township of Marlboro and the Township of Old Bridge for consideration.

RESOLUTION #2022-299

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

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

WHEREAS, the Township of Marlboro Department of Recreation is in need of refereeing and scorekeeper services for the 2023/2024 Fall/Winter basketball seasons; and

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

WHEREAS, the BOOSTER CLUB has proposed continuing to provide refereeing and scorekeeper services for the 2023/2024 Fall/Winter basketball seasons and registration of program participants with various regional leagues; and

WHEREAS, the total value of the services to be provided for 2023/2024 are estimated based upon 2022/2023 registration figures and activity, and shall not exceed \$29,203.00 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 by the Chief Financial Officer for this purpose upon adoption of the 2023 Recreation

Utility budget for the services described above from Accounts #09-201-55-400-285427 and #09-201-55-400-288427.

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 the Municipal Clerk to enter into an agreement, in a form acceptable to the Township Attorney with the MARLBORO BASKETBALL BOOSTER CLUB, INC. for the services described above.

RESOLUTION #2022-300

RESOLUTION AUTHORIZING RENEWAL OF 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 2023 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 2023 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 2023 are estimated based upon the 2022 season and shall not exceed \$153,628.00 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 by the Chief Financial Officer for this purpose upon adoption of the 2023 Recreation Utility budget under accounts #09-201-55-400-285409, #09-201-55-400-285426, #09-201-55-400-296409 and #09-201-55-400-296426.

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 #2022-301

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$114,107.46 as per Schedule "A",

WHEREAS, the holders of the above-mentioned tax sale certificates are entitled to the amount of the sale plus interest and costs,

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro that the amount of \$114,107.46 be refunded to the certificate holders as per Schedule "A",

SCHEDULE "A"

<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>LIENHOLDER</u>	<u>AMOUNT</u>
2020-026	178/290/C0141	FNA DZ, LLC 120 N Lasalle St., Suite 1220 Chicago, IL 60602 Assessed Owner: Nikiforova, Natalya	114,107.46

Citizen's Voice: Frank Festa of 1727 Ramapo Way, Scotch Plains said that he has not received engineering approval to proceed with building on his commercial property.

Walter Solomon of 43 Samantha Drive mentioned his ongoing concerns with the construction at 606 Robert Court.

Geoffrey Krenkel of 41 Samantha Drive expressed his ongoing concerns with the construction at 606 Robert Court.

Robert Renna of 48 Samantha Drive spoke of his ongoing concerns with the construction at 606 Robert Court.

Paul Fins of 11 Ede Drive spoke about the tax collection schedule over a holiday weekend. He believes there should be a longer grace period when there is a holiday weekend.

Alan Ginsberg wanted to thank Marlboro's Chief of Police for the well thought out and well spoken presentation regarding the communication system at the last Council meeting.

At 8:26 p.m., Councilwoman Marder moved that the meeting be adjourned. This was seconded by Council Vice President DiNuzzo, and as there was no objection; the Deputy Municipal Clerk was asked to cast one ballot.

MINUTES APPROVED: JANUARY 19, 2023

OFFERED BY: DINUZZO

AYES: 4

SECONDED BY: MILMAN

NAYS: 0

ABSENT: SCALEA

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SUSAN A. BRANAGAN,  
MUNICIPAL CLERK  
011923

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JUNED QAZI,  
COUNCIL PRESIDENT