

MARLBORO TOWNSHIP COUNCIL MEETING

June 15, 2023

The Marlboro Township Council held its regularly scheduled meeting on June 15, 2023 at 7:00 P.M. at the Marlboro Township 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 sent to the Asbury Park Press, the Star Ledger and the Board of Education Office on June 13, 2023; published in the Asbury Park Press on November 16, 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, Councilman Scalea and Council President Qazi.

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: Councilman Milman asked that all residents be diligent with keeping their homes and cars lock to prevent theft. He also thanked the Marlboro Police Department for keeping Marlboro residents safe. Council Vice President DiNuzzo wished everyone a Happy Father's Day and Happy Juneteenth. Council President Qazi provided updates concerning the Township Police and Public Works departments.

Administration Report: Mayor Hornik offered updates about upcoming Township events in July: Marlboro summer concert with fireworks and National Night Out. He requested support from the council for the following agenda items: road improvement grants for Wyncrest Road, a portion of Robertsville Road, Brookside Circle, Union Hill Road, Woodstock Terrace and an upgrade to recreational parks and Topanemus Road sidewalk improvements. He recently testified before the state assembly in favor of reducing property taxes for seniors by fifty percent. The state assembly committee approved the bill and it has been referred to the state budget and appropriations committee. He would also be testifying in Trenton in favor of restoring the state budget cuts that will force the Freehold Regional High School District to reinstate courtesy busing this September. He wished all Marlboro Township graduates all the best in the next chapter of

their lives. He wished everyone a Happy Juneteenth and a Happy Father's Day. He hoped to see everyone at the Marlboro Farmers Market.

Presentation of the Law Enforcement Torch Run for the start of the Special Olympics. Officer James Caulfield of the Marlboro Police Department offered the presentation. Officer Caulfield recognized athletes and volunteers for their involvement in the Special Olympics. He presented Mayor Hornik with a plaque, thanking him for his continued support of the Marlboro Township Police Department, the Special Olympics and for all he continues to do for the Marlboro community.

Councilman Scalea moved that the Council meeting minutes of May 18, 2023 be approved. This was seconded by Council Vice President DiNuzzo, and passed on a roll call vote of 5 - 0 in favor.

Council Vice President DiNuzzo introduced a motion to open the public hearing for Ordinance #2023-015 (An Ordinance Amending Section 138-35 of the Marlboro Township Code, Entitled "Applicability of Title 39, Subtitle 1, to Certain Premises", to include Roadways within the Rosemont Community) this was seconded by Councilman Scalea and approved by unanimous voice vote. 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.

The following Ordinance #2023-015 (An Ordinance Amending Section 138-35 of the Marlboro Township Code, Entitled "Applicability of Title 39, Subtitle 1, to Certain Premises", to include Roadways within the Rosemont Community) was introduced by reference, offered by Councilman Milman, seconded by Council Vice President DiNuzzo and passed on a roll call vote of 5 - 0 in favor.

#### ORDINANCE #2023-015

AN ORDINANCE AMENDING CHAPTER 138, SECTION 35 OF THE CODE OF THE TOWNSHIP OF MARLBORO ENTITLED "APPLICABILITY OF TITLE 39, SUBTITLE 1, TO CERTAIN PREMISES"

Council Vice President DiNuzzo introduced a motion to open the public hearing for Ordinance #2023-016 (Ordinance Appropriating a \$66,000 Grant from the New Jersey Department of Community Affairs to be Received by the Township for Improvements to Playground Facilities) this was seconded by Councilwoman Marder and approved by unanimous voice vote. The Council President asked if anyone from the public wished to speak.

With no one from the public wishing to speak, Councilman Milman offered a motion to close the public hearing, seconded by Councilwoman Marder and approved by unanimous voice vote.

The following Ordinance #2023-016 (Ordinance Appropriating a \$66,000 Grant from the New Jersey Department of Community Affairs to be Received by the Township for Improvements to Playground Facilities) was introduced by reference, offered by Council Vice President DiNuzzo, seconded by Councilman Milman and passed on a roll call vote of 5 - 0 in favor.

ORDINANCE #2023-016

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN  
THE COUNTY OF MONMOUTH, NEW JERSEY,  
APPROPRIATING A \$66,000 GRANT TO BE RECEIVED  
BY THE TOWNSHIP FOR IMPROVEMENTS TO RECREATION  
FACILITIES IN PARKS IN AND FOR THE TOWNSHIP OF  
MARLBORO, IN THE COUNTY OF MONMOUTH, NEW  
JERSEY

The following Ordinance #2023-017 (Ordinance Appropriating a \$447,000 Grant From the New Jersey Department of Transportation to be Received by the Township for Topanemus Sidewalks) was introduced by reference, offered by Council Vice President DiNuzzo, seconded by Councilman Milman and passed on a roll call vote of 5 - 0 in favor.

ORDINANCE #2023-017

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE  
COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING A  
\$447,000 GRANT TO BE RECEIVED BY THE TOWNSHIP  
FOR IMPROVEMENTS TO TOPANEMUS ROAD SIDEWALKS IN  
AND FOR THE TOWNSHIP OF MARLBORO, IN THE COUNTY  
OF MONMOUTH, NEW JERSEY

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

Section 1. The \$447,000 grant expected to be received by the Township from the NJDOT Local Transportation Fund Program (Fiscal Year 2023) is hereby appropriated for the purpose of providing funds for improvements to Topanemus Road Sidewalks, including all work and materials necessary therefor and incidental thereto.

Section 2. The capital budget or temporary capital budget, as applicable, of the Township is hereby amended to conform with the

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

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

Councilwoman Marder introduced a motion to open the public hearing for FY2024 Application Community Development Block Grant (CDBG) Program - Greenbriar Road Improvements Phase II, this was seconded by Council Vice President DiNuzzo and approved by unanimous voice vote. The Council President asked if anyone from the public wished to speak.

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

The following resolution #2023-137 (Authorizing FY2024 Application Community Development Block Grant (CDBG) Program - Greenbriar Road Improvements Phase II) was introduced by reference, offered by Council Vice President DiNuzzo, seconded by Councilwoman Marder and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION #2023-137

Authorizing FY2024 Application Community Development Block Grant (CDBG) Program - Greenbriar Road Improvements Phase II

WHEREAS, the US Department of Housing and Urban Development is sponsoring the FY2024 Community Development Block Grant (CDBG) program which will provide funding through a consortium of Monmouth County municipalities of which Marlboro is a member; and

WHEREAS, the Township has been advised that it is eligible to apply for funding for Greenbriar Road Improvements Phase II (Murray Hill Terrace); and

WHEREAS, the Department of Public Works has identified several roadway and drainage improvements that are required within the Greenbriar Development which may be eligible for funding; and

WHEREAS, the Township of Marlboro is interested in seeking out alternative sources of funding for public improvements; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro wish to apply for funding under the FY2024 CDBG Program.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro that Marlboro Township hereby endorses the submission of a grant application for FY2024 CDBG funding for Greenbriar Road Improvements Phase II (Murray Hill Terrace).

Councilman Milman introduced a motion to open the public hearing for the 2023 Application to Monmouth County Municipal Park Improvement Grant Program Park System, this was seconded by Councilwoman Marder and approved by unanimous voice vote. 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 Councilman Scalea and approved by unanimous voice vote.

The following resolution #2023-138 (Authorizing 2023 Application to Monmouth County Municipal Park Improvement Grant Program Park System) was introduced by reference, offered by Councilwoman Marder, seconded by Council Vice President DiNuzzo and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION #2023-138

A RESOLUTION AUTHORIZING APPLICATION TO THE COUNTY OF MONMOUTH FOR OPEN SPACE TRUST FUNDS

WHEREAS, the Monmouth County Board of County Commissioners has approved an Open Space Trust Fund and established a Municipal Open Space Program to provide Program Grant funds in connection with municipal acquisition of lands for County Park, recreation, conservation and farmland preservation purposes, as well as for County recreation and conservation development and maintenance purposes; and

WHEREAS, the Governing Body of the Township of Marlboro desires to obtain County Open Space Trust Funds in the amount of \$215,000.00 to fund improvements to The "Tennent Road Walking Trail" project within the Township of Marlboro (Block 267, Lots 41 and 42); and

WHEREAS, the total cost of the project including all matching funds is \$430,000.00; and

WHEREAS, the Township of Marlboro is the owner of and controls the project site.

NOW, THEREFORE, BE IT RESOLVED, BY the Marlboro Township Council THAT:

1. Mayor Jonathan Hornik or his/her successor is authorized to (a) make an application to the County of Monmouth for Open Space Trust Funds, (b) provide additional application information and furnish such documents as may be required for the Municipal Open Space Grants Program and (c) act as the municipal contact person and correspondent of the above named municipality; and
2. The Township of Marlboro is committed to this project and will provide the balance of funding necessary to complete the project as described in the grant application in the form of non-county matching funds as required in the Policy and Procedures Manual for the Program; and
3. If the County of Monmouth determines that the application is complete and in conformance with the Monmouth County Municipal Open Space Program and the Policy and Procedures Manual for the Municipal Grants Program adopted thereto, the municipality is willing to use the approved Open Space Trust Funds in accordance with such policies and procedures, and applicable federal, state, and local government rules, regulations and statutes thereto; and
4. Mayor Jonathan Hornik or his/her successor is hereby authorized to sign and execute any required documents, agreements, and amendments thereto with the County of Monmouth for the approved Open Space Trust Funds; and
5. This resolution shall take effect immediately.

The following resolution #2023-139 (Authorizing Award of Bid - 2022 Road Improvement Program (Bid 2023-06)) was introduced by reference, offered by Councilman Milman, seconded by Councilman Scalea and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION #2023-139

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO MECO, INC. FOR  
THE 2022 ROADWAY IMPROVEMENT PROGRAM

WHEREAS, the Township of Marlboro as part of its 2022 and 2023 capital programs (060-01) authorized various road and drainage improvements ("Project"); and

WHEREAS, the Township of Marlboro authorized the receipt of bids (#2023-06) for the 2022 ROADWAY IMPROVEMENT PROGRAM, and on May 31, 2023 received five (5) bids, summarized as follows:

Bidder	Base Bid	Alt A	Alt B	Alt C	Alt D	Alt E	Base + Alts
Black Rock Enterprises, LLC	\$3,072,419.40	\$78,823.20	\$326,959.50	\$410,168.05	\$215,647.10	\$285,810.70	\$4,389,827.95
1316 Englishtown Road							
Old Bridge, NJ 08857							
Jads Construction Co.	\$2,278,523.34	\$52,500.30	\$288,217.65	\$302,346.60	\$163,163.55	\$234,941.85	\$3,319,693.29
P.O. Box 513							
South River, NJ 08882							
Lucas Brothers Inc.	\$2,424,424.00	\$49,049.00	\$298,298.00	\$365,365.00	\$179,180.00	\$236,236.00	\$3,552,552.00
80 Amboy Road							
Morganville, NJ 07751							
Meco, Inc.	\$2,175,693.50	\$38,875.30	\$253,356.07	\$290,400.75	\$150,280.75	\$205,270.75	\$3,113,877.12
P.O. Box 536							
Clarksburg, NJ 08510							
S.Brothers, Inc.	\$2,932,922.00	\$76,550.00	\$332,166.00	\$397,174.00	\$226,332.00	\$284,175.00	\$4,249,319.00
P.O. Box 317							
South River, NJ 08882							

; and

WHEREAS, the Township Engineer has reviewed the bids received and in a memo dated June 2, 2023, recommends that the Base Bid and Alternates A through E for the 2022 ROADWAY IMPROVEMENT PROGRAM be awarded to MECO, Inc. as the lowest bidder, whose address is P.O. Box 536, Clarksburg, New Jersey 08510, for the total bid price amount not to exceed \$3,113,877.12; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in General Capital, Water Capital and Escrow Accounts 04-215-18-04A-145288, 04-215-20-05G-145288, 06-215-22-08A-500288, 22-228-55-060-183000, 04-215-22-07A-060288 and 04-215-23-05D-060288 for the project.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that the bid for 2022 ROADWAY IMPROVEMENT PROGRAM for the Township of Marlboro Department of Public Works be and is hereby awarded to Meco, Inc., whose address is P.O. Box 536, Clarksburg, New Jersey 08510 for a contract amount not to exceed \$3,113,877.12.

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

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

The following resolution #2023-140 (A Resolution Authorizing an Amendment to a Professional Services Contract between CME Associates and the Township Of Marlboro for Professional Engineering Services in Connection With Road and Drainage Improvements) was introduced by reference, offered by Councilman Scalea, seconded by Councilwoman Marder and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION #2023-140

A RESOLUTION AUTHORIZING AN AMENDMENT TO A PROFESSIONAL SERVICES CONTRACT BETWEEN CME ASSOCIATES AND THE TOWNSHIP OF MARLBORO FOR PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH ROAD AND DRAINAGE IMPROVEMENTS

WHEREAS, the Township of Marlboro authorized various road, drainage, park, facility and water system improvements under its multi-year capital program, and adopted Resolution #2022-207 for various engineering services in connection with projects authorized in 2020 and 2022; and

WHEREAS, the Township will require construction management services for the work designed and bid pursuant to Resolution #2022-207, as well as additional professional engineering services, consisting of design, permitting, bid and construction phase services for the completion of capital projects authorized in 2018, 2020 and 2021, supplemental 2022 work, and road and drainage projects to be completed under its 2023 capital program ("Projects"), summarized as follows:

2018		
060-37.1	Above Ground Storage Tank (and DPW Parking Lot Reconstruction)	Construction Management
2020		
145-3C	H&L Fields Pathway and Lighting	Construction Management
20-122-120, 23-060-9, 23-060-27	Recreation Lot Lighting and Paving	Survey, Design, Bid, Construction Management

2021		
21-060-04, 23-060-03	Harbor Road Phase I (Rt 79 to County Bridge ML-12) (*Phase II (County Bridge ML-12 to Tennent Road) permitting is under review by the NJDEP)	Bid, Construction Management
2022		
060-01	Road Improvement Program	Construction Management
20-500-01	Water Main Replacement Road Resurfacing Mockingbird and Peacock	Construction Management
060-25	Buckley Road Stormwater Basin Project	Construction Management
060-26	Miscellaneous Stream Cleaning Project	Construction Management
060-01, 26	Improvements to School Road East Phase I (Brush Neck Rd to Driftwood Lane/Colts Neck) (*Phase II Brush Neck Rd to Dutch Lane Rd is under NJDEP jurisdiction)	Construction Management
060-56	Resurfacing of Gibson Drive Pathway	Construction Management
	Kara at Buckley Estates	Construction Management
2023		
060-01	Road Improvement Program	Design, Bid Construction Management
060-04	Improvements to Greenbriar (Murray Hill Terr)	Survey, Design, Bid Construction Management
060-26	Basin Embankment Restoration--Nolan Road	Survey, Design, Bid, Permitting, Construction Management

; and

WHEREAS, CME Associates has provided a proposal dated June 6, 2023 (the "Proposal") for the required professional services; and

WHEREAS, the Township of Marlboro and CME Associates have entered into a Professional Services Contract, awarded under a fair and open process, and seeks to amend such Contract to expand the scope of services to include the Professional Services for the Projects by way of its Township Engineers at a fee not to exceed \$379,000.00 for such Professional Services, as further described and set forth in CME'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 \$379,000.00 are available in Trust Fund Account 14-228-55-053 and Capital Account 04-215-23-05D-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 CME Associates to provide the required additional Professional Services 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 a Professional Services Contract between CME Associates and the Township of Marlboro, to expand the scope of services to include professional engineering services in connection with various capital improvements by way of its Township Engineers, at a fee not to exceed \$379,000.00 for such Professional Services, as further described and set forth in CME's Proposal, be and is hereby authorized.

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 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 \$379,000.00 for such additional Professional Services for the Projects 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. CME Associates
- b. Township Business Administrator
- c. Township Chief Financial Officer
- d. Superintendent of Public Works
- e. Division of Engineering

The following resolution #2023-141 (Authorizing an Amendment to Professional Services Contract with T&M Associates for Professional Engineering Services in Connection with 2023 Road Improvements) was introduced by reference, offered by Councilman Milman, seconded by Councilman Scalea and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION #2023-141

A RESOLUTION AUTHORIZING AN AMENDMENT TO A PROFESSIONAL SERVICES CONTRACT BETWEEN T&M ASSOCIATES AND THE TOWNSHIP OF MARLBORO FOR PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH IMPROVEMENTS TO TICETOWN ROAD

WHEREAS, the Township of Marlboro authorized Road Improvements to Ticetown Road between Greenwood Road and the Old Bridge border under its 2023 capital program, identified as project 2023-060-07 ("Project"); and

WHEREAS, on or about January 19, 2023, Mayor Hornik received notice of an award of grant for the Project of \$246,850.00 from the New Jersey Department of Transportation (NJDOT); and

WHEREAS, the Township is in need of professional engineering services, consisting of design, permitting, bid and construction phase services in connection with the Project ("Professional Services"); and

WHEREAS, T&M Associates has provided a proposal dated June 9, 2023 (the "Proposal") for the required professional services; and

WHEREAS, the Township of Marlboro and T&M Associates have entered into a Professional Services Contract, awarded under a fair and open process, and seeks to amend such Contract to expand the scope of services to include the Professional Services for the Project by way of its Alternate Township Engineer at a fee not to exceed \$73,800.00 for such Professional Services, as further described and set forth in T&M'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 \$73,800.00 are available in Capital Account 04-215-23-06A-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 T&M Associates 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 a Professional Services Contract between T&M Associates, whose address is 11 Tindall Road, Middletown, NJ 07748 and the Township of Marlboro, to expand the scope of services to include professional engineering services in connection with the Project by way of its Alternate Township Engineer, at a fee not to exceed \$73,800.00 for such Professional Services, as further described and set forth in T&M's Proposal, be and is hereby authorized.

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 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 \$73,800.00 for such additional Professional Services for the Project as described in the Proposals.

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. T & M Associates
- b. Township Business Administrator
- c. Township Chief Financial Officer
- d. Superintendent of Public Works
- e. Division of Engineering

The following resolution #2023-142 (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 Department Of Public Works Water Utility Division) was introduced by reference, offered by Councilman Scalea, seconded by Councilman Milman and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION #2023-142

A RESOLUTION 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

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, 22-25, 22-26, 22-28, 22-29, 22-30, 22-31, 22-32, 22-34, 22-35, 22-36, 22-37, 22-38, 22-39, 22-41, 22-42, 23-01, 23-02, 23-03, 23-04, 23-05, 23-06 and 23-07; 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 \$448,952.29; and

WHEREAS, pursuant to N.J.S.A. 40A:11-6, the Township contacted its existing water distribution product supplier, FERGUSON ENTERPRISES, 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 \$133,257.29; and

WHEREAS, the Chief Financial Officer previously certified the availability of funds in an amount not to exceed \$582,209.58 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

The following resolution #2023-143 (Authorizing the Marlboro Township Water Utility Division (MTWUD) to File a Petition of Intervention in the Matter of the Middlesex Water Company's 2023 Application for Approval of an Increase in its Rates for Water Service and Other Tariff Charges (BPU Docket WR2305)) was introduced by reference, offered by Council Vice President DiNuzzo, seconded by Councilwoman Marder and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION #2023-143

RESOLUTION AUTHORIZING THE MARLBORO TOWNSHIP WATER UTILITY DIVISION (MTWUD) TO FILE A PETITION OF INTERVENTION IN THE MATTER OF THE MIDDLESEX WATER COMPANY'S 2023 APPLICATION FOR APPROVAL OF AN INCREASE IN ITS RATES FOR WATER SERVICE AND OTHER TARIFF CHARGES (BPU DOCKET WR2305)

WHEREAS, the Middlesex Water Company (MWC) supplies the Marlboro Township Water Utility (MTWUD) with approximately 70% of its required water supply; and

WHEREAS, on May 20, 2021, MWC filed a petition with the New Jersey Board of Public Utilities (NJBPU) requesting an effective rate increase of approximately 61.50% for the MTWUD; and

WHEREAS, the Township intervened in the case in partnership with the Old Bridge Municipal Utilities Authority (OBMUA), and the NJBPU ultimately granted an increase of approximately 40% over two years beginning in 2022; and

WHEREAS, in a matter that is still ongoing (BPU Docket No. WR2203), on March 15, 2022, MWC filed another petition with the NJBPU requesting approval to raise an additional \$3,725,535 with \$175,516 to be absorbed by the MTWUD; and

WHEREAS, on May 15, 2023, MWC filed yet another petition with the NJBPU requesting an effective rate increase of approximately 37% for the MTWUD; and

WHEREAS, if granted, this additional request will add a further financial burden on MTWUD customers who are already bearing the cost of the significant increase granted to MWC by the NJBPU in 2021.

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of Marlboro of the County of Monmouth that the Township Attorney on behalf of the MTWUD is hereby authorized to petition the NJBPU for permission to intervene in Docket No. WR2305.

The following resolution #2023-144 (Authorizing Shared Services Agreement with Old Bridge Municipal Utilities Authority (OBMUA) for Professional Services - Middlesex Water Company Rate Application (BPU Docket WR2305)) was introduced by reference, offered by Councilman Scalea, seconded by Council Vice President DiNuzzo and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION #2023-144

AUTHORIZING THE TOWNSHIP TO ENTER INTO A SHARED SERVICES AGREEMENT WITH THE OLD BRIDGE MUNICIPAL UTILITY AUTHORITY TO PROVIDE PROFESSIONAL LEGAL AND EXPERT UTILITY RATE SERVICES IN THE MATTER OF THE MIDDLESEX WATER COMPANY'S RATE INCREASE PETITION TO THE NEW JERSEY BOARD OF PUBLIC UTILITIES DATED MAY 15, 2023 (BPU Docket No. WR2305)

WHEREAS, on May 20, 2021, MWC filed a petition with the New Jersey Board of Public Utilities (NJBPU) requesting an effective rate increase of approximately 61.50% for the MTWUD; and

WHEREAS, the Township intervened in the case in partnership with the Old Bridge Municipal Utilities Authority ("OBMUA") (hereinafter collectively referred to as the "Parties"), and the NJBPU ultimately granted an increase of approximately 40% over two years beginning in 2022; and

WHEREAS, in a matter that is still ongoing, on March 15, 2022, MWC filed another petition with the New Jersey Board of Public Utilities (NJBPU) requesting approval to raise an additional \$3,725,535 with \$175,516 to be absorbed by the MTWUD (BPU Docket No. WR2203); and

WHEREAS, on May 15, 2023, MWC filed a petition with the NJBPU requesting an effective rate increase of approximately 37% for the MTWUD (BPU Docket No. WR2305); and

WHEREAS, if granted, this additional request will add a further financial burden on MTWUD customers who are already bearing the cost of the significant increase granted to MWC by the NJBPU in 2021; and

WHEREAS, by Resolution #2023-143 approved on June 15, 2023, the Township Council authorized the Township Attorney on behalf of the Marlboro Township Water Utility Department (the "MTWUD") to petition the New Jersey Board of Public Utilities for permission to intervene in BPU Docket WR2305; and

WHEREAS, the OBMUA is a contract bulk purchaser of water from the MWC and also desires to intervene in the matter of the MWC rate increase petition; and

WHEREAS, the Township and OBMUA are in need of professional services and/or legal and expert utility rate analysis in support of its intervention in the matter of MWC Rate Increase Petition; and

WHEREAS, the OBMUA has entered into agreements for the requisite professional services pursuant to the Local Public Contracts Law (N.J.S.A. 40A:11, et seq.); and

WHEREAS, the Township and the OBMUA wish to enter into a Shared Services Agreement for professional services for legal and expert utility rate analysis on support of their intervention; and

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

WHEREAS, the Township and the OBMUA are public bodies corporate and political in 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 and the OBMUA have negotiated the terms of a Shared Services Agreement, a copy of which is annexed hereto and incorporated into this Resolution; and

WHEREAS, it is in the best economic interest of the Township residents and OBMUA rate payees to enter into this Shared Services Agreement; and

WHEREAS, the above parties desire to enter into a Shared Services Agreement ("Agreement") pursuant to the Uniform Shared Services and Consolidation Act (N.J.S.A. 40A:65-1 et seq.) for the provision of professional services for legal and expert utility rate analysis services pursuant to the terms and conditions provided herein.

NOW, THEREFORE, IT IS HEREBY RESOLVED, BY THE MARLBORO TOWNSHIP COUNCIL AS FOLLOWS:

1. The above recitals are hereby incorporated into the body of this Resolution as if set forth at length herein.
2. The Township hereby approves the Shared Service Agreement with the Old Bridge Municipal Utilities Authority for legal and expert utility rate analysis services in substantially the form attached with such changes as shall be approved by the Mayor on advice of counsel.
3. The Township hereby authorizes the Mayor to execute the Shared Service Agreement with the OBMUA in the form so approved. The Municipal Clerk shall be authorized to attest to the signature of the Mayor appearing thereon and to affix the seal of the Township thereto.

4. 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.
5. A copy of the Shared Services agreement shall be filed, for informational purposes, with the Division of Local Government Services in the Department of Community Affairs.

As the Consent Agenda, the following resolutions were introduced by reference, offered by Councilman Scalea, seconded by Councilwoman Marder and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION #2023-145

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACTS TO PREMIUM PRODUCTIONS, INC. AND RIDGEWOOD PRESS FOR THE PROVISION OF PRINTING-DIRECT MAILING SERVICES FOR THE TOWNSHIP OF MARLBORO

WHEREAS, the Township of Marlboro accepted for PRINTING-DIRECT MAILING SERVICES (Bid 2023-03) and on March 1, 2023 received two (2) bids; and

WHEREAS, the Township Council rejected all bids on April 20, 2023 (Resolution #2023-107) pursuant to 40A:11-13.2(a); and

WHEREAS, the Township of Marlboro re-advertised for the acceptance of bids for PRINTING-DIRECT MAILING SERVICES (Bid 2023-03B) and on May 16, 2023 received three (3) bids as follows:

BID SECTION	DOT Designing, 242 POSSUM HOLLOW RD, MONROE TWP, NJ 08831	Ridgewood Press, 609 FRANKLIN TURNPIKE, RIDGEWOOD, NJ 07450	Premium Productions, Inc., 6 LINCOLN AVE, PLEASANTVILLE, NY 10570
SECTION A: ENVELOPES			
SUBTOTAL (A1-A26)	\$0.00	\$9,701.00	\$0.00
SECTION B: BUSINESS CARDS			
SUBTOTAL (B1-B17)	\$0.00	\$5,045.00	\$0.00
SECTION C: LETTERHEAD			
SUBTOTAL (C1-C2)	\$0.00	\$0.00	\$0.00
SECTION D: FORMS			
SUBTOTAL (D1-D41)	\$160.00	\$27,131.00	\$0.00
SECTION E: BOOKLETS/BROCHURES			
SUBTOTAL (E1-E14)	\$855.00	\$6,432.50	\$0.00

SECTION F: POSTERS/SIGNS			
SUBTOTAL (F1-F3)	\$160.00	\$0.00	\$0.00
SECTION G: STICKERS			
SUBTOTAL (G1-G12)	\$0.00	\$13,224.00	\$0.00
CORRECTED		\$13,240.00	
SECTION H: COPIES			
SUBTOTAL (H1-H6)	\$0.00	\$860.00	\$0.00
SECTION I: MISCELLANEOUS			
SUBTOTAL (I1-I35)	\$9,061.00	\$27,619.80	\$0.00
CORRECTED	\$8,981.00		
SECTION J: PRINT/MAILING			
SUBTOTAL (J1-J46)	\$0.00	\$50,526.00	\$187,371.60
GRAND TOTAL (SECTIONS A-J)	\$10,236.00	\$140,539.30	\$187,371.60
CORRECTED	\$10,156.00	\$140,555.30	\$187,371.60
Total of 10 hours of est. Artwork Set-up	\$0.00	\$750.00	\$250.00

; and

WHEREAS, the proposal submitted by DOT DESIGNING, 242 POSSUM HOLLOW RD, MONROE TOWNSHIP, NJ 08831 did not include the required bid security; and

WHEREAS, as per N.J.S.A. 40A:11-23.2 the required mandatory items for bids, the failure to submit the requested performance security is considered a "fatal flaw" rendering the proposal submitted by DOT DESIGNING unresponsive; and

WHEREAS, while the remaining two (2) bidders did not place a bid on all items, the bid submissions of PREMIUM PRODUCTIONS, INC. and RIDGEWOOD PRESS were found to be responsive; and

WHEREAS, based upon the analysis conducted by the Purchasing Agent, the following recommendation of award has been made:

BID SECTION	Ridgewood Press, 609 FRANKLIN TURNPIKE, RIDGEWOOD, NJ 07450	Premium Productions, Inc., 6 LINCOLN AVE, PLEASANTVILL E, NY 10570
SECTION A: ENVELOPES		
SUBTOTAL (A1-A26)	\$9,701.00	\$0.00
SECTION E: BOOKLETS/BROCHURES		
SUBTOTAL (E1-E14)	\$6,432.50	\$0.00
SECTION H: COPIES		
SUBTOTAL (H1-H6)	\$860.00	\$0.00



RESOLUTION #2023-146

RESOLUTION AUTHORIZING THE EXECUTION OF A HOME IMPROVEMENT  
PROGRAM AGREEMENT UNDER THE TOWNSHIP'S AFFORDABLE HOUSING  
REHABILITATION PROGRAM

WHEREAS, the Township re-petitioned the Council on Affordable Housing (COAH) for substantive certification of its Housing Element and Fair Share Plan in July of 2010; and

WHEREAS, the Township of Marlboro's Fair Share Plan promotes an affordable housing program pursuant to the Fair Housing Act (N.J.S.A. 52:27D-301, et. seq.) and COAH's Third Round Substantive Rules (N.J.A.C. 5:97-1, et. seq.); and

WHEREAS, a municipality's fair share obligation pursuant to N.J.A.C. 5:97-2.2(a) is comprised, in part, of an owner-occupied rehabilitation obligation as well a rental rehabilitation obligation which pertains to housing units that are both deficient and occupied by low and/or moderate income households; and

WHEREAS, the Township of Marlboro's Administrative Agent has received an application for housing rehabilitation assistance from Victoria Matthews who resides at 1 Pleasant Valley Road P.O. Box 187, Wickatunk, NJ 07765 ("Applicant"); and

WHEREAS, the Administrative Agent has certified that the applicant has met the eligibility requirements of the Township's Affordable Housing Rehabilitation Program; and

WHEREAS, the Township wishes to address the needs of qualified households through its Affordable Housing Rehabilitation Program and supports this application.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that:

1. The Township Council of the Township of Marlboro hereby authorizes the execution of a Home Improvement Program Agreement with Victoria Matthews by the Mayor and Municipal Clerk in a form approved by the Township Attorney; and

2. A certified copy of this Resolution shall be provided to each of the following:

- a. Business Administrator
- b. Administrative Agent
- c. Municipal Housing Liaison
- d. Township Attorney

RESOLUTION #2023-147

AUTHORIZING A COOPERATIVE PROJECT AGREEMENT WITH  
THE COUNTY OF MONMOUTH UNDER ITS MUNICIPAL LAND  
PRESERVATION INCENTIVE PROGRAM FOR THE ACQUISITION  
OF REAL PROPERTY

KNOWN AND DESIGNATED AS BLOCK 132, LOT 27 (199  
BEACON HILL ROAD) AND BLOCK 132, LOT 20.08 (HAVEN  
WAY) ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF  
MARLBORO, MONMOUTH COUNTY, NEW JERSEY

WHEREAS, the Township of Marlboro adopted Ordinance #2021-026 for the acquisition of BLOCK 132, LOT 27 (199 BEACON HILL ROAD) AND BLOCK 132, LOT 20.08 (HAVEN WAY), included in the Township's Open Space and Recreation Plan and recommended for preservation by the Township's Farmland and Open Space Committee, for a purchase price of \$750,000.00; and

WHEREAS, the Township has sought out additional funding sources in addition to its dedicated Open Space Trust Fund to offset the acquisition cost, including New Jersey Green Acres under its Planning and Incentive Grant ("PIG") Program; and

WHEREAS, upon the Township's satisfaction of PIG Program conditions, Green Acres has agreed to fund the acquisition at 50% of its calculated certified market value of \$667,500.00 or \$333,750.00; and

WHEREAS, the County of Monmouth County recently initiated a program ("MUNICIPAL LAND PRESERVATION INCENTIVE PROGRAM" or "PROGRAM") to expand park, historic preservation, and open space opportunities for Monmouth County residents by providing funding to assist municipalities with park and open space acquisition; and

WHEREAS, under the PROGRAM, the County of Monmouth will fund up to 75% of the acquisition cost not covered by Green Acres, which amounts to \$312,188.00; and

WHEREAS, the County of Monmouth PROGRAM requires the entering into a Cooperative Project Agreement memorializing the terms and conditions of the County's participation in a municipal acquisition project; and

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

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

WHEREAS, the County of Monmouth, through its dedicated Open Space Trust Fund has the ability and desires to incentivize the funding of municipal land acquisition for the purposes of open space preservation; and

WHEREAS, the County of Monmouth and the Township of Marlboro have negotiated a Cooperative Project Agreement, in a form substantially similar to that which is annexed hereto as EXHIBIT A, and the terms of which are incorporated into this resolution as if set forth at length herein; and

WHEREAS, the Monmouth County Board of County Commissioners, the Monmouth County Board of Recreation Commissioners, Mayor Jonathan Hornik, and the Township Council of the Township of Marlboro have an interest in preserving open space in Marlboro and throughout Monmouth County, with the goal of improving the quality of life for all residents, and are in full support of this agreement to facilitate the acquisition of BLOCK 132, LOT 27 (199 BEACON HILL ROAD) AND BLOCK 132, LOT 20.08 (HAVEN WAY) in the Township of Marlboro.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Mayor and Township Council as follows:

1. The above recitals are hereby incorporated into the body of this Resolution as if set forth at length herein.
2. The Cooperative Project Agreement shall be open to public inspection in the Municipal Clerk's office and shall take into effect upon adoption of a resolution and execution of the agreement by both the Monmouth County Board of County Commissioners and the Township Council of the Township of Marlboro.
3. The Mayor and Municipal Clerk are hereby authorized to execute a Shared Services Agreement in a form substantially similar to that which is annexed hereto as EXHIBIT A, and approved by the Marlboro Township Attorney and Monmouth County Counsel.
4. Jonathan Capp, Township Administrator, is authorized to provide additional information and furnish such documents as may be required to facilitate the acquisition and act as the principal contact person and correspondent for the

Township of Marlboro.

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

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

RESOLUTION #2023-148

BE IT RESOLVED, by the Township Council of the Township of Marlboro that the following Liquor Licenses be and they are hereby renewed for the period beginning July 1, 2023 through June 30, 2024:

- |  |                 |
|--|-----------------|
| 1. Hituja Corporation<br>T/A Marlboro Liquor                                   | 1328 44 001 007 |
| 2. 476 Route 520 Corp.<br>T/A Samvera Restaurant                               | 1328 33 002 013 |
| 3. Just Sports Bar & Grill Inc.<br>T/A Fireside Grill and Bar                  | 1328 33 003 004 |
| 4. Anthony's Bella Vista Country Club Inc.<br>T/A Bella Vista                  | 1328 33 004 005 |
| 5. S & A Route 79, Inc.<br>T/A Crown Palace Restaurant                         | 1328 33 005 008 |
| 6. Marlboro BWW LLC<br>T/A Buffalo Wild Wings Grill & Bar                      | 1328 33 007 006 |
| 7. Pampini, LLC T/A Briosio  | 1328 33 008 011 |
| 8. M. S. D. Enterprise, Inc.<br>T/A Morganville Liquors & Deli                 | 1328 44 009 004 |
| 9. JSF Group LLC<br>Il Nido Restaurant   | 1328 33 010 004 |
| 10. J.R.J. Hospitality Inc.<br>T/A Nonna's                                     | 1328 33 015 013 |
| 11. Cambridge Spirits, Inc.<br>T/A Home Wines & Marketplace                    | 1328 44 016 004 |
| 12. Zin Marlboro, LLC<br>T/A Tio Taco + Tequila Bar                            | 1328 33 017 004 |
| 13. Rosalita's Roadside Cantina of Marlboro<br>T/A Rosalita's Roadside Cantina | 1328 33 018 002 |
| 14. B & B Hospitality Group LLC<br>T/A Osteria Cucina Rustica                  | 1328 33 019 002 |
| 15. Cuzin's Clam Bar LLC   | 1328 33 020 004 |

16. Diamond Wines and Liquors, LLC 1328 44 021 003

17. Anthony's Coal Fired Pizza of Marlboro 1328 33 022 001

BE IT FURTHER RESOLVED, that pursuant to NJAC 13: 2-19.7, renewal of the aforementioned licenses shall not bar or abate any pending or anticipated disciplinary proceeding against any licensed establishment.

RESOLUTION #2023-149

A RESOLUTION OF THE TOWNSHIP OF MARLBORO IN MONMOUTH COUNTY, NEW JERSEY AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE MARLBORO TOWNSHIP BOARD OF EDUCATION TO PROVIDE JANITORIAL SERVICES FOR THE MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro ("Township") is in need of janitorial services for the maintenance of its public buildings, 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 and Marlboro Board of Education ("BOE") 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 BOE has awarded a contract in accordance with the Local Public Contracts Law (N.J.S.A. 40A:11) for janitorial services for the maintenance of the school buildings; and

WHEREAS, the BOE and the Township have negotiated the terms of a Shared Services Agreement, included as EXHIBIT A and incorporated into this resolution as if set forth at length herein; and

WHEREAS, the Administration and Department of Public Works have recommended the proposed agreement as representing the best value for Marlboro taxpayers; and

WHEREAS, the Municipal Council has indicated its desire to accept the recommendation of the Administration and Department of Public Works; and

WHEREAS, the Chief Financial Officer has certify funds for the estimated contract total for the period July 1, 2023 through December 31, 2023, as follows:

Bid Item	Location	2023 budget	Account
BID 1	Municipal Facilities	64,096.65	01-201-26-122-288126
Optional Service 5	Police Station	3,900.00	01-201-26-122-288126
Optional Service 7	Parks	7,500.00	01-201-23-123-288458 01-201-23-123-288409
Optional Service 8	Recreation Center	21,250.00	01-201-28-145-288475 09-201-55-400-288454
<b>Proposed 2023</b>		<b>96,746.65</b>	

; and

WHEREAS, funds for the 2024 portion of the contract estimated at \$96,746.65 will be certified by the Chief Financial Officer upon adoption of the 2024 Municipal Budget.

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

1. The above recitals are hereby incorporated into the body of this Resolution as if set forth at length herein.
2. The Shared Services Agreement shall be open to public inspection in the Municipal Clerk's office and shall take effect upon the adoption of a resolution and execution of the agreement by both parties.
3. The Mayor and Municipal Clerk are hereby authorized to execute a Shared Services Agreement in a form substantially similar to that annexed hereto as EXHIBIT A.
4. A copy of the Shared Services agreement shall be filed, for informational purposes, with the Division of Local Government Services in the Department of Community Affairs.

RESOLUTION #2023-150

A RESOLUTION AUTHORIZING YEAR 3 OF CONTRACT TO MAZZA MULCH, INC. FOR THE PROVISION OF ON-SITE BRUSH GRINDING SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, on June 17, 2021 (Resolution #2021-198) the Township Council of the Township of Marlboro awarded a contract to MAZZA MULCH, INC. FOR THE PROVISION OF ON-SITE BRUSH GRINDING SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS; and

WHEREAS, the bid specifications included the option to renew

said contract for an additional one two-year, or two one-year extensions on the same terms and conditions at the exclusive option of the Township; and

WHEREAS, on April 28, 2022 (Resolution #2022-107), the Township Council of the Township of Marlboro approved the first one (1) year extension of the contract with MAZZA MULCH, INC. FOR THE PROVISION OF ON-SITE BRUSH GRINDING SERVICES; and

WHEREAS, in a memo dated May 19, 2023, the Director of Public Works has recommended that the Township approve the second and final one (1) year extension of the contract; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract be renewed with MAZZA MULCH, INC. whose address is 3230A Shafto Road, Tinton Falls, New Jersey 07753 for a period of one year commencing on July 1, 2023 and expiring on June 30, 2024, in a total amount not to exceed \$243,000.00.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Municipal Clerk to witness, contracts with MAZZA MULCH, INC. in accordance with this resolution, the bid specifications, and in a form to be approved by the Township Attorney.

BE IT FURTHER RESOLVED, funds for the 2023 portion of the contract in the amount of \$81,000.00 have been certified by the Chief Financial Officer in account 01-201-26-117-288103.

BE IT FURTHER RESOLVED that the Chief Financial Officer will certify funds for the 2024 portion of the contract in the amount of \$162,000.00 from account 01-201-26-117-288103 upon the adoption of the 2024 Operating Budget.

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

- a. MAZZA MULCH, INC.
- b. Township Business Administrator
- c. Director of Public Works
- d. Chief Financial Officer

RESOLUTION #2023-151

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACTS TO L.J. PESCE, LLC AND TRI COUNTY TURF, LLC FOR THE PROVISION OF SNOW REMOVAL SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for THE PROVISION OF SNOW REMOVAL SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (2023-07), and on May 23, 2023, received two (2) bids received as follows:

<b>BASE BID</b>		<b>No Set up Fee/Hourly Rate Only</b>							
Bidder	Vehicle	# of Vehicles			Equipment Cost	Labor Cost	Fuel Cost	Insurance Cost	TOTAL RATE
	Desc.				(per vehicle hour)				
L.J. Pesce, LLC	Class 1	2			\$305.00	\$60.00	\$35.00	\$25.00	\$425.00 /hr
100 Igoe Road	Class 2	4			\$305.00	\$60.00	\$35.00	\$25.00	\$425.00 /hr
Morganville, NJ 07751	Class 3	2			\$260.00	\$50.00	\$25.00	\$15.00	\$350.00 /hr
Tri County Turf, LLC	Class 1	16			\$289.00	\$75.00	\$30.00	\$166.00	\$560.00 /hr
81 John White Road	Class 2	No Bid			No Bid	No Bid	No Bid	No Bid	No Bid /hr
Cranbury, NJ 08512	Class 3	3			\$158.00	\$60.00	\$30.00	\$40.00	\$288.00 /hr
<b>ALTERNATE BID #2</b>		<b>Set up Fee + Hourly Rate</b>							
Bidder	Vehicle	# of Vehicles	Set up Fee	TOTAL SET UP FEE	Equipment Cost	Labor Cost	Fuel Cost	Insurance Cost	TOTAL RATE
	Desc.		(per vehicle)		(per vehicle hour)				
L.J. Pesce, LLC	Class 1	2	\$3,300.00	\$6,600.00	\$220.00	\$60.00	\$35.00	\$25.00	\$340.00 /hr
100 Igoe Road	Class 2	4	\$3,300.00	\$13,200.00	\$220.00	\$60.00	\$35.00	\$25.00	\$340.00 /hr
Morganville, NJ 07751	Class 3	2	No Bid	No Bid	\$200.00	\$50.00	\$25.00	\$15.00	\$290.00 /hr
Tri County Turf, LLC	Class 1	16	\$3,500.00	\$56,000.00	\$289.00	\$75.00	\$30.00	\$9.00	\$403.00 /hr
81 John White Road	Class 2	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid /hr
Cranbury, NJ 08512	Class 3	3	No Bid	No Bid	\$158.00	\$60.00	\$30.00	\$40.00	\$288.00 /hr

; and

WHEREAS, in a memo dated May 25, 2023, the Department of Public Works has recommended that a contract for THE PROVISION OF SNOW REMOVAL SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (ALTERNATE BID #2) in an amount not to exceed \$229,400.00, based upon 80 hours, be awarded to L.J. Pesce, LLC 100 Igoe Road, Morganville, NJ 07751, calculated as follows:

	#	Hourly rate	Set up/per vehicle	Set-up Total	Total for 80 hrs	Total
Class I	2	340	3,300	6,600.00	54,400.00	61,000.00
Class II	4	340	3,300	13,200.00	108,800.00	122,000.00
Class III	2	290	0	0.00	46,400.00	46,400.00
				<b>Total Contract</b>	<b>229,400.00</b>	

; and

WHEREAS, the Department of Public Works has also recommended that a contract for THE PROVISION OF SNOW REMOVAL SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (ALTERNATE BID #2) in an amount not to exceed \$640,960.00, based upon 80 hours, be awarded to Tri County Turf, LLC, 81 John White Road, Cranbury, NJ, 08512, calculated as follows:

	#	Hourly rate	Set up/per vehicle	Set-up Total	Total for 80 hrs	Total
Class I	16	403	3,500	56,000.00	515,840.00	571,840.00
Class III	3	288	0	0.00	69,120.00	69,120.00
				<b>Total Contract</b>		<b>640,960.00</b>

; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation of the Department of Public Works as set forth herein.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that contracts be awarded to L.J. Pesce, LLC whose address is 100 Igoe Road, Morganville, NJ 07751 for an amount not to exceed \$229,400.00 for THE PROVISION OF SNOW REMOVAL SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (ALTERNATE BID #2) for a period of one (1) year commencing on September 1, 2023 and expiring on August 31, 2024, with an option to renew for one two-year or two one-year periods on the same terms and conditions as specified in the bid, at the Township's sole discretion.

BE IT FURTHER RESOLVED, by the Township Council of the Township of Marlboro, that contracts be awarded to Tri County Turf, LLC, whose address is 81 John White Road, Cranbury, NJ, 08512 for an amount not to exceed \$640,960.00 for THE PROVISION OF SNOW REMOVAL SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (ALTERNATE BID #2) for a period of one (1) year commencing on September 1, 2023 and expiring on August 31, 2024, with an option to renew for one two-year or two one-year periods on the same terms and conditions as specified in the bid, at the Township's sole discretion.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Municipal Clerk to witness, contracts with L.J. Pesce, LLC and Tri County Turf, LLC, in accordance with this resolution, the bid specifications, and in a form to be approved by the Township Attorney.

BE IT FURTHER RESOLVED, the Chief Financial Officer has certified that funds in the amount of \$155,256.00 are available in Current Account No. 01-201-26-119-288105 for the services for 2023.

BE IT FURTHER RESOLVED, funds for the 2024 portion of the contract totaling \$715,104.00 will be made available and certified by the Chief Financial Officer upon adoption of the 2024 municipal budget.

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

- a. L.J. Pesce, LLC
- b. Tri County Turf, LLC
- c. Business Administrator
- d. Chief Financial Officer
- e. Director of Public Works

RESOLUTION #2023-152

A RESOLUTION AWARDING CONTRACT TO VCI EMERGENCY VEHICLE SPECIALISTS, LLC FOR THE PROVISION OF ONE (1) NEW AND UNUSED MODEL YEAR 2023 OR NEWER TYPE III AMBULANCE, AMBULANCE CONVERSION AND RELATED EQUIPMENT FOR THE TOWNSHIP OF MARLBORO

WHEREAS, the Township of Marlboro as part of its 2022 and 2023 capital programs (105-01) authorized the acquisition of replacement ambulances for the Department of Public Safety; and

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the PROVISION OF ONE (1) NEW AND UNUSED MODEL YEAR 2023 OR NEWER TYPE III AMBULANCE, AMBULANCE CONVERSION AND RELATED EQUIPMENT, (2023-08) and on May 24, 2023, received one (1) bid therefor; and

WHEREAS, the sole bid received was as follows:

<b>Company</b>	
VCI Emergency Vehicle Specialists, LLC 43 Jefferson Avenue Berlin, NJ 08009	
<b>Description</b>	<b>PRICE</b>
One (1)2023 or Newer Type III Ambulance, Ambulance Conversion and Related Equipment	<b>\$336,730.00</b>
Option 1 - Trade - In 2007 E-350 Ambulance Approx. 110,000 miles - as-is condition	<b>\$2,000.00</b>
Option 2 - Trade - In 2008 E-450 Ambulance Approx. 121,000 miles - as-is condition	<b>\$3,000.00</b>

; and

WHEREAS, in a memo dated May 26, 2023 the Director of Public works is recommending that the award be made to VCI Emergency Vehicle Specialists, LLC for the base bid consisting of ONE (1) NEW AND

UNUSED MODEL YEAR 2023 OR NEWER TYPE III AMBULANCE, AMBULANCE CONVERSION AND RELATED EQUIPMENT; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation of the Director of Public Works as set forth herein.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract be awarded to VCI Emergency Vehicle Specialists, LLC, whose address is 43 Jefferson Avenue, Berlin, NJ 08009 for the base bid of ONE (1) NEW AND UNUSED MODEL YEAR 2023 OR NEWER TYPE III AMBULANCE, AMBULANCE CONVERSION AND RELATED EQUIPMENT, in an amount not to exceed \$336,730.00.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Municipal Clerk to witness, a contract with VCI Emergency Vehicle Specialists, LLC, in accordance with this resolution, the bid specifications, and in a form to be approved by the Township Attorney.

BE IT FURTHER RESOLVED, funds in the amount of \$336,730.00 have been certified in Capital Accounts #04-215-22-07C-105297 and #04-215-23-05F-105297 by the Chief Financial Officer.

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

- a. VCI Emergency Vehicle Specialists, LLC
- b. Township Business Administrator
- c. Director of Public Works
- d. Chief Financial Officer
- e. Insurance

RESOLUTION #2023-153

RESOLUTION AUTHORIZING THE PURCHASE OF A WIDE-AREA MOWER AND RELATED EQUIPMENT THROUGH THE ESCNJ COOPERATIVE CONTRACT #22/23-12 FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro as part of its 2023 capital program (123-02) authorized the purchase of a replacement wide-area mower and related equipment (IDs #9804 and #9923); and

WHEREAS, the Township is authorized to purchase the wide-area mower 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, Storr Tractor Company, was awarded the ESCNJ Cooperative Contract #22/23-12 for a wide-area mower and related equipment in an amount not to exceed \$91,890.07; and

WHEREAS, in a memo dated May 30, 2023, the Director of Public Works has recommended that the Township purchase the wide-area mower and related equipment, to be utilized by the Department of Public Works, through the ESCNJ Contract #22/23-12; 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 wide-area mower and related equipment, to be utilized by the Department of Public Works, through the ESCNJ Contract #22/23-12; and

WHEREAS, funds are available and have been certified by the Chief Financial Officer in an amount not to exceed \$91,890.07 from Capital Accounts #04-215-16-02L-123297, #04-215-21-04G-120297, #04-215-21-04K-123297, #04-215-21-04H-120297 and #04-215-23-05L-123297; and

WHEREAS, the Township Council desires to approve the purchase of the replacement wide-area mower 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 wide-area mower and related equipment from Storr Tractor Company, under ESCNJ #22/23-12 in an amount not to exceed \$91,890.07.

- a. Storr Tractor Company
- b. Business Administrator
- c. Chief Financial Officer
- d. Director of Public Works

RESOLUTION #2023-154

RESOLUTION AUTHORIZING THE PURCHASE OF A REAR LOAD BODY AND RELATED EQUIPMENT THROUGH THE ESCNJ COOPERATIVE CONTRACT #20/21-55 FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro as part of its 2023 capital program (120-2) authorized the purchase of a replacement garbage truck (#0208) and related equipment; and

WHEREAS, the Township is authorized to purchase the rear load body and related equipment in connection with the garbage truck 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, Sanitation Equipment Corp., was awarded the ESCNJ Cooperative Contract #20/21-55 for the rear load body and related equipment in an amount not to exceed \$117,396.55; and

WHEREAS, in a memo dated June 9, 2023, the Director of Public Works has recommended that the Township purchase the rear load body and related equipment, to be utilized by the Department of Public Works, through ESCNJ; 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 rear load body and related equipment, to be utilized by the Department of Public Works, through the ESCNJ; and

WHEREAS, funds are available and have been certified by the Chief Financial Officer in an amount not to exceed \$117,396.55 from Capital Account #04-215-23-05I-120297, and

WHEREAS, the Township Council desires to approve the purchase of the rear load body 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 rear load body and related equipment from Sanitation Equipment Corp., under ESCNJ #20/21-55 in an amount not to exceed \$117,396.55.

- a. Sanitation Equipment Corp.
- b. Business Administrator
- c. Chief Financial Officer
- d. Director of Public Works

RESOLUTION #2023-155

AUTHORIZATION TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE "IMPROVEMENTS TO ROBERTSVILLE ROAD" PROJECT

WHEREAS, Robertsville Road between Manalapan Township and Freehold Township is a heavily utilized roadway which is in need of pavement resurfacing; and,

WHEREAS, the Township wishes to apply for funding through the New Jersey Department of Transportation (NJDOT) for the project; and,

WHEREAS, the Township requires approval from the Township Council to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the project.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application identified as MA-2024-Improvements to Robertsville Road-00113 to the New Jersey Department of Transportation on behalf of the Township of Marlboro.

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

RESOLUTION #2023-156

RESOLUTION APPROVING CHANGE ORDER TO THE EXISTING CONTRACT  
BETWEEN THE TOWNSHIP OF MARLBORO AND MECO, INC.  
FOR IMPROVEMENTS TO WYNCREST ROAD

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

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

WHEREAS, the Township Council authorized the award of contract (Resolution #2021-340) to Mecco Inc. P.O. Box 536, Clarksburg, NJ 08510 for IMPROVEMENTS TO WYNCREST ROAD, for the total bid price amount not to exceed \$777,986.00; and

WHEREAS, Marlboro First Aid and Rescue Squad ("Marlboro FAS") requested assistance with the repaving of its parking lot located within the IMPROVEMENTS TO WYNCREST ROAD project area, identified as Project #105-02 in the Township's 2023 capital program; and

WHEREAS, an estimated change order prepared by the Township Engineer in the amount of \$42,800.00 is required in order to perform the work necessary; and

WHEREAS, Marlboro FAS has committed to paying for 50% of the change order in the amount of \$21,400.00 per a communication dated May 16, 2023; and

WHEREAS, pursuant to Section 40:5-2 of the New Jersey Revised Statutes, a municipality may make voluntary contributions of up to \$70,000 annually, and may appropriate additional sums as it may deem necessary; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in Capital Accounts 04-215-20-05C-060288 and 04-215-19-01F-105288 for the project; and

WHEREAS, in order to reduce overall costs including re-mobilization, and to ensure that Marlboro FAS is able to continue to safely perform emergency management responses for the Township, the Mayor and Township Council are supportive of this change order and cost sharing arrangement with Marlboro FAS, being in the best interest of the safety, health and welfare of the residents of Marlboro.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that Change Order #1 to the existing contract with Mecco, Inc., be and is hereby approved, increasing the original contract total of \$777,986.00 to \$820,786.00, a net increase of \$42,800.00 or approximately 5.5 percent.

BE IT FURTHER RESOLVED, by the Township Council of the Township of Marlboro, that the Township hereby accepts the cost share amount of \$21,400.00 from the Marlboro First Aid and Rescue Squad.

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

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

RESOLUTION #2023-157

APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE GRANT  
CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION  
FOR THE "ROUTE 79 BIKE PATH PROJECT"

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Township of Marlboro formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application identified as LTPF-2023-ROUTE 79 BIKE PATH PROJECT-00078 to the

New Jersey Department of Transportation on behalf of the Township of Marlboro.

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

RESOLUTION #2023-158

RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE  
AND APPROPRIATION (N.J.S.A. 40A:4-87)

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro, in the County of Monmouth, New Jersey, hereby requests the Director of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2023 in the sum of \$12,250.00, which has been received by the municipality for the "2023 Distracted Driving" Grant.

BE IT FURTHER RESOLVED, that the amount of \$12,250.00 be hereby appropriated under the caption "2023 Distracted Driving" Grant.

RESOLUTION #2023-159

RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE  
AND APPROPRIATION (N.J.S.A. 40A:4-87)

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro, in the County of Monmouth, New Jersey, hereby requests the Director of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2023 in the sum of \$45,890.67, which has been received by the municipality for the "2023 Recycling Tonnage" Grant.

BE IT FURTHER RESOLVED, that the amount of \$45,890.67 be hereby appropriated under the caption "2023 Recycling Tonnage" Grant.

RESOLUTION #2023-160

RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE  
AND APPROPRIATION (N.J.S.A. 40A:4-87)

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro, in the County of Monmouth, New Jersey, hereby requests the Director of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2023 in the sum of \$107,004.74, which has been received by the municipality for the "2023 Clean Communities" Grant.

BE IT FURTHER RESOLVED, that the amount of \$107,004.74 be hereby appropriated under the caption "2023 Clean Communities" Grant.

RESOLUTION #2023-161

RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE  
AND APPROPRIATION (N.J.S.A. 40A:4-87)

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro, in the County of Monmouth, New Jersey, hereby requests the Director of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2023 in the sum of \$23,249.98, which has been received by the municipality for the "National Opioid Settlements".

BE IT FURTHER RESOLVED, that the amount of \$23,249.98 be hereby appropriated under the caption "National Opioid Settlements".

RESOLUTION #2023-162

RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE  
AND APPROPRIATION (N.J.S.A. 40A:4-87)

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro, in the County of Monmouth, New Jersey, hereby requests the Director of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2023 in the sum of \$25,000.00, which has been received by the municipality for the "Stormwater Assistance" Grant.

BE IT FURTHER RESOLVED, that the amount of \$25,000.00 be hereby appropriated under the caption "Stormwater Assistance" Grant.

RESOLUTION #2023-163

AMENDING RESOLUTION #2022-174 AUTHORIZING A MEMORANDUM OF  
UNDERSTANDING BETWEEN THE STATE OF NEW JERSEY OFFICE OF EMERGENCY  
MANAGEMENT AND THE TOWNSHIP OF MARLBORO AS A PARTICIPATING AGENCY  
OF THE NEW JERSEY ALL-HAZARDS INCIDENT MANAGEMENT TEAM SETTING  
FORTH THE PARAMETERS OF ENGAGEMENT FOR EMERGENCY RESPONSE  
ACTIVITIES

WHEREAS, the New Jersey Office of Emergency Management (NJOEM) is the lead agency in New Jersey responsible for coordinating the State's preparedness, response and recovery operations for all hazards impacting the State; and

WHEREAS, pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (42 U.S.C. §§ 5121-5208), and in accordance with the requirements of U.S. Department of Homeland Security Presidential Directives 5 and 8, New Jersey must establish a single, comprehensive approach to domestic incident management to prevent, prepare for, respond to, and recover from terrorist attacks, major disasters, and other emergencies under the National Incident Management System (NIMS); and

WHEREAS, New Jersey has adopted NIMS as the State standard for incident management and mandated its use for all emergency incidents in the State; and

WHEREAS, the New Jersey All-Hazards Incident Management Team (NJ-AHIMT or "the Team") was established in 2018 as the State's Type 3 deployable all-hazards incident response management system, see NJ Office of Emergency Management Directive NJOEM-10 (2022), to provide a comprehensive Statewide resource, to assist federal, state, county or municipal agencies or offices of emergency management, by providing incident support and incident management functions, in response to a domestic incident, disaster or emergency; and

WHEREAS, this Agreement is intended to set forth the roles and responsibilities of NJOEM, the Participating Agency, and the Participating Team Members in engaging in preparatory and response activities; and

WHEREAS, the Mayor and Township Council wish to ensure that the Township of Marlboro is in the best position to prevent, prepare for, respond to and recover from emergencies, and recognizes that coordinated incident management through the New Jersey Office of Emergency Management is critical in this regard.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, that Mayor Jonathan L. Hornik is hereby authorized to execute, and the Municipal Clerk to witness, a Memorandum of Understanding with the State of New Jersey in a form substantially similar to that included in Exhibit A, in accordance with this resolution, and in a form to be approved by the Township Attorney.

RESOLUTION #2023-164

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

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

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

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

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

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

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

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

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

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

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

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

1. The above recitals are hereby incorporated into the body of this Resolution as if set forth at length herein.

2. The Shared Services Agreement shall be open to public inspection in the Municipal Clerk's office and shall take effect upon the adoption of a resolution and execution of the agreement by both parties.

3. The Mayor and Municipal Clerk are hereby authorized to execute a Shared Services Agreement in a form substantially similar to the document annexed hereto as EXHIBIT A, subject to review and approval by the Township Attorney.

4. A copy of the finalized Shared Services agreement shall be filed, for informational purposes, with the Division of Local Government Services in the Department of Community Affairs.

RESOLUTION #2023-165

RESOLUTION RESCINDING RESOLUTION #2021-352 AND  
AUTHORIZING AWARD OF STATE CONTRACT #23-FLEET-34933 TO  
NIELSEN OF MORRISTOWN INC FOR THE PURCHASE OF  
REPLACEMENT SPORT UTILITY VEHICLES FOR THE TOWNSHIP OF  
MARLBORO DIVISION OF POLICE

WHEREAS, the Township of Marlboro as part of its 2021, 2022 and 2023 capital programs authorized the purchase of replacement sport utility vehicles for the Marlboro Township Division of Police; and

WHEREAS, the purchase of two replacement vehicles for the Division was scheduled for 2021 (Project ID 106-2.2, 2.3), and Resolution #2021-352 was approved by the Township Council for this purpose; and

WHEREAS, the Township was subsequently advised by the vendor that the vehicles were unavailable as a result of the pandemic-era computer chip shortage and supply chain issues, and, as such, the two vehicles were not acquired; and

WHEREAS, the replacement vehicles authorized under the 2021 program were not available for purchase in 2022, nor was the additional replacement vehicle requested under the 2022 program (Project ID 106-2.2); and

WHEREAS, the purchase of one replacement vehicle for the Division has been scheduled for 2023 (Project ID 106-2.2), and the Division now requires four vehicles to replace vehicles 1707, 1907, 1908, and 2005 to maintain pace with its capital plan; 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, NIELSEN OF MORRISTOWN INC was awarded Contract #23-FLEET-34933 under the State of New Jersey Cooperative Pricing System for the 2023 Dodge Durango AWD in the amount of \$40,076.05, and \$42,515.60 including the pursuit package; and

WHEREAS, in a memo dated May 15, 2023, the Chief of Police has recommended that the Township purchase four (4) replacement vehicles identified in the capital program, including three (3) equipped with the pursuit package, under New Jersey State Contract for a total amount not to exceed \$167,622.85; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to purchase the replacement vehicles to be utilized by the Division of Police through the New Jersey State Contract; and

WHEREAS, funds are available and have been certified by the Chief Financial Officer in an amount not to exceed \$167,622.85 from capital accounts # 04-215-22-10A-106297 and 04-215-23-09A-106297; and

WHEREAS, the Township Council desires to rescind Resolution #2021-352 and approve the purchase of the replacement vehicles, the additional manufacturer equipment and non-contract items utilizing the New Jersey State Contract.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase the replacement vehicles for the Marlboro Township Division of Police from NIELSEN OF MORRISTOWN INC, 200 Ridgedale Ave., Morristown, NJ 07960 under New Jersey State Contract #23-FLEET-34933 in a total amount not to exceed \$167,622.85.

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

- a. NIELSEN OF MORRISTOWN INC
- b. Business Administrator
- c. Township Chief of Police
- d. Chief Financial Officer
- e. Insurance

RESOLUTION #2023-166

AUTHORIZING AN AGREEMENT WITH REALAUCTION.COM LLC  
TO CONDUCT AN ELECTRONIC TAX SALE

WHEREAS, Marlboro Township has participated in the Electronic Municipal Tax Lien Sale Pilot Program, pursuant to N.J.S.A 54:5-19, since 2014; and

WHEREAS, N.J.A.C 5:33-1.1 created a regulatory framework for online tax sales of delinquent property taxes and municipal charges; and

WHEREAS, Tax Collector, Colleen Dolan has recommended entering into an agreement with RealAuction.com, LLC for an online tax sale of delinquent property taxes and municipal charges; and

WHEREAS, funds in the total amount of \$2,500.00 have been certified by the Chief Financial Officer from Current Account 01-201-20-046-288.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Township of Marlboro that the Mayor shall and hereby is authorized to execute an agreement with RealAuction.com LLC to conduct an electronic tax sale.

RESOLUTION #2023-167

TAX LIEN REDEMPTIONS

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$73,202.95 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 \$73,202.95 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>
2022-006 73,202.95	126/6	WSFS AS CUST LVTLOPS/FIRSTTRUST PO BOX 815 Fort Washington, PA 19034	

RESOLUTION #2023-168

RESOLUTION CONFIRMING SALE OF SOLAR RENEWABLE ENERGY CREDITS (SRECS) THROUGH INTERNET-BASED AUCTIONS

WHEREAS, the Township Council approved Resolution #2021-192 which authorized the sale of S-RECS to be generated between June 1, 2022 and May 31, 2023 (Energy Year 2023 or "EY 2023"), provided the bid accepted offers per SREC price equal to or higher than \$215.00; and

WHEREAS, the Township Council authorized an agreement with Marex Spectron, with corporate offices located at 360 Madison Avenue, Third Floor, New York, NY 10017, as the on-line purchasing agent, to conduct competitive auctions utilizing an internet-based platform in conjunction with the Township's sale of SRECs at a fee of \$3.00 per SREC; and

WHEREAS, the Township entered into an agreement with 3 Degrees Group Inc., 235 Montgomery Street, Suite 320, San Francisco, CA 94104 for the sale of 900 EY 2023 SRECs at a price of \$216.00 per SREC; and

WHEREAS, the Township Water Utility has generated 150 additional SRECs for the EY 2023 period; and

WHEREAS, Marex Spectron has confirmed a price of \$224.00 per SREC for the additional SRECs; and

WHEREAS, pursuant to Resolution #2021-245, the Township accepted the price of \$224.00 per SREC for the excess SRECs by Marex Spectron, 360 Madison Avenue, Third Floor, New York, NY 10017.

NOW, THEREFORE BE IT RESOLVED, that the Township Council hereby confirms the acceptance of the offer by Marex Spectron, 360 Madison Avenue, Third Floor, New York, NY 10017 to purchase 150 EY 2023 SRECs generated by the Water Utility at a price of \$224.00 per SREC.

BE IT FURTHER RESOLVED, that the Township Mayor, Business Administrator and Municipal Clerk are hereby authorized to execute the necessary documents in a form approved by the Township Attorney to effectuate the transaction.

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

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

RESOLUTION #2023-169

APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE GRANT  
CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION  
FOR THE "ROUTE 79 BIKE PATH PROJECT"

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Township of Marlboro formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application identified as BIKE-2024-ROUTE 79 BIKE PATH PROJECT-00017 to the New Jersey Department of Transportation on behalf of the Township of Marlboro.

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

Citizen's Voice:

Frank Festa of 1727 Ramapo Way, Scotch Plains, New Jersey said that he has not received engineering approval to proceed with building on his commercial property.

Lorraine Smith of 6 Dugans Lane discussed Zoning Board application #ZB 22-6800.

Debra Vaneedum of 25 McCue Road was inquiring about the policy for the Marlboro Township social media community pages.

At 7:59 p.m., Councilman Scale moved that the meeting be adjourned. This was seconded by Councilwoman Marder, and as there was no objection. The Deputy Municipal Clerk was asked to cast one ballot.

MINUTES APPROVED: JULY 20, 2023

OFFERED BY: MARDER

AYES: 3

SECONDED BY: MILMAN

NAYS: 0

ABSENT: DINUZZO, SCALEA

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SUSAN A. BRANAGAN,  
MUNICIPAL CLERK  
072023

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JUNED QAZI,  
COUNCIL PRESIDENT