

MARLBORO TOWNSHIP COUNCIL MEETING

NOVEMBER 9, 2023

The Marlboro Township Council held its regularly scheduled meeting on November 9, 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 November 7, 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.

The Municipal Clerk called the Roll.

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

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

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.

John Gibardi of 1 Hudson Bay Terrace congratulated the winners of the General Election.

Joe Pernice of 2 O'Keefe Way congratulated the Mayor and Councilmembers on the election. He thanked Councilwoman Marder for her 16 years of service on the council and stated she served the Township in an exceptional way.

Council Speaks Out: Councilman Scalea thanked Councilwoman Marder for all of her hard work as a councilmember and thanked her for doing such amazing work for the Township. Councilwoman Marder thanked Councilman Scalea and congratulated the winners of the general election. She also stated that the community garden is closing for the year, 682 pounds of food was donated to the local food pantry for the 2023 season. Councilman Milman stated that Marlboro Day was a wonderful event. He also thanked Councilwoman Marder for her 16

years of service to Marlboro. He continued to offer his support for Israel and for the Israeli and Palestine people. Council President Qazi also thanked Councilwoman Marder for her hard work and dedication to the citizens of Marlboro. The Council President provided updates for both police and public works departments.

ADMINISTRATIVE REPORT:

Mayor Hornik began by stating that Judy Kushner and Paul Lorenz of the Veterans and Volunteers Committee will host the Veterans Day ceremony scheduled for Saturday, November 11, in front of town hall. The committee is sponsoring the sale of Hometown Heroes banners, depicting past and present armed forces personnel and first responders. In continuance of Marlboro's open space initiative, Mayor Hornik requested councils' support for two resolutions: authorizing an agreement between the Township and Samaha for the leasing of 43 acres from the Dimeo farm, and authorizing an application for the Planning Incentive Grant program. Mayor Hornik acknowledged Theresa Miller's retirement, having 35 years of service with Marlboro's Police Dispatch Department, and Detective Edward Ungrady having a 21 year career in law enforcement. He wished them both the best in their retirements. The Mayor invited all to come and enjoy the Marlboro's Fall Holiday Market, which will have nearly 50 vendors for all your holiday needs. Mayor Hornik and Chief Pezzullo, announced 'Join the Club', a partnership with the New Jersey Auto Theft Task Force. Marlboro residents may request steering wheel locks available at no charge with a maximum of two locks per household. In closing, the Mayor wish all a wonderful Thanksgiving.

Councilman Milman moved that the Council meeting minutes of October 19, 2023 be approved. This was seconded by Councilman Scalea, and passed on a roll call vote of 4 - 0 in favor. Council Vice President DiNuzzo was absent.

The following resolution #2023-232 (Authorizing Award of Bid 2023-16B for Water Valve Maintenance Program (Cap ID 2023-500-4)) was introduced by reference, offered by Councilman Scalea, seconded by Councilwoman Marder and passed on a roll call vote of 4 - 0 in favor. Council Vice President DiNuzzo was absent.

RESOLUTION #2023-232

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT TO KIELY CIVIL, LLC FOR THE PROVISION OF GATE VALVE PREVENTATIVE MAINTENANCE FOR THE TOWNSHIP OF MARLBORO WATER UTILITY DIVISION

WHEREAS, the Township of Marlboro as part of its 2023 capital program (23-500-04) authorized the PROVISION OF GATE VALVE MAINTENANCE FOR THE MARLBORO TOWNSHIP WATER UTILITY DIVISION (P-23-00353); and

WHEREAS, the Township of Marlboro accepted bids for the PROVISION OF GATE VALVE MAINTENANCE (Bid 2023-16) and on September 6, 2023 received two (2) bids; and

WHEREAS, the Township Council rejected the received bids on October 19, 2023 (Resolution #2023-225) pursuant to 40A:11-23.2(c) and 40A:11-23.2(b); and

WHEREAS, the Township of Marlboro re-advertised for the acceptance of bids for the PROVISION OF GATE VALVE PREVENTATIVE MAINTENANCE (Bid 2023-16B), and on November 3, 2023, received four (4) proposals as follows:

	Black Rock Enterprises 1316 Englishtown Road Old Bridge, NJ 08857	Kiely Civil 1 Radar Way Tinton Falls, NJ 07724	Marlin Construction Services 442 Whitesville Road Jackson, NJ 08527	ValveTek Utility Services, Inc. 20 Lafayette Place Kenilworth, NJ 07033
Item Description	Bid Price	Bid Price	Bid Price	Bid Price
Sterling Woods/Woodcliff & Thornton Ave	\$426,650.00	\$308,670.00	\$688,780.00	\$394,650.00
Wyncrest Road	\$148,150.00	\$115,467.00	\$230,220.00	\$133,440.00
Total	\$574,800.00	\$424,137.00	\$919,000.00	\$528,090.00

; and

WHEREAS, in a memo dated November 3, 2023, the Director of Public Works has reported that KIELY CIVIL, LLC, whose address is 1 Radar Way, Tinton Falls, NJ 07724, is responsive and has recommended that a contract for all of the bid items be awarded, for the PROVISION OF GATE VALVE MAINTENANCE, in an amount not to exceed \$424,137.00; 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 KIELY CIVIL, LLC, whose address is 1 Radar Way, Tinton Falls, NJ 07724 for all the items in an amount not to exceed \$424,137.00 for the PROVISION OF GATE VALVE PREVENTATIVE MAINTENANCE.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Municipal Clerk to witness, contracts with KIELY CIVIL, LLC, whose address is 1 Radar Way, Tinton Falls, NJ 07724 in accordance with this resolution, the bid specifications, and in a form to be approved by the Township Attorney.

BE IT FURTHER RESOLVED, that the Chief Financial Officer has certified that sufficient funds in the amount of \$424,137.00 are available for the aforesaid contract in Water Capital Accounts 06-215-20-06B-500288, 06-215-21-05B-500288 and 06-215-23-07G-500288.

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

- a. KIELY CIVIL, LLC
- b. Business Administrator
- c. Director of Public Works
- d. Chief Financial Officer

The following resolution #2023-233 (Authorizing the Purchase of a Replacement Vehicle and Related Snow Removal Equipment through State Contract 23-Fleet-34922 and ESCNJ Cooperative Contract 22/23-12 (Cap ID 2023-500-7.1)) was introduced by reference, offered by Councilman Milman, seconded by Councilman Scalea and passed on a roll call vote of 4 - 0 in favor. Council Vice President DiNuzzo was absent.

RESOLUTION #2023-233

RESOLUTION AUTHORIZING AWARD OF STATE CONTRACT 23-FLEET-34922 AND ESCNJ COOPERATIVE CONTRACT #22/23-12 FOR PURCHASE OF A REPLACEMENT VEHICLE AND RELATED EQUIPMENT FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS WATER UTILITY DIVISION

WHEREAS, the Township of Marlboro as part of its 2022 and 2023 capital programs (22-500-5.1 & 23-500-7.1) approved the replacement of vehicles #0415 and #0519 with related equipment for the Department of Public Works, Water Utility Division; and

WHEREAS, vehicle #0519 was replaced in 2022 by unit #2257; 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 Ford, whose address is 170 Ridgedale Avenue, Morristown, NJ 07960, was awarded State Contract #23-FLEET-34922 for a Ford F250 4x4 Pick-up Truck and related equipment as

indicated in the supporting documentation and vendor quotation dated October 18, 2023, in an amount not to exceed \$49,102.00; and

WHEREAS, the Township also requires snow plow equipment to be installed on both trucks (vehicle IDs #0415 and #0519); and

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

WHEREAS, Trius Inc. whose address is 5049 Industrial Road, Farmingdale, NJ 07727, was awarded the ESCNJ Cooperative Contract #22/23-12 for two (2), 8 ½ ' snow plow with LED lights and deflector, installed, as indicated in the supporting documentation and vendor quotation dated October 19, 2023 in an amount not to exceed \$14,985.28; and

WHEREAS, in a memo dated October 27, 2023, the Director of Public Works has recommended that the Township purchase the above referenced vehicle and equipment utilizing the State Contract #23-FLEET-34922 and Cooperative 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 replacement vehicles and required equipment for the Department of Public Works through the State and ESCNJ Cooperative Contracts; and

WHEREAS, funds are available and have been certified by the Chief Financial Officer in an amount not to exceed \$64,087.28 from Water Capital Accounts #06-215-22-08G-500297 and #06-215-23-07H-500297; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase the vehicle and equipment utilizing the State and ESCNJ Cooperative Contracts identified above in a total amount not to exceed \$64,087.28.

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

- a. Neilson Ford
- b. Trius Inc.
- c. Township Administrator
- d. Director of Public Works
- e. Township Chief Financial Officer
- f. Insurance

The following resolution #2023-234 (Authorizing the Purchase of Rear Boom Mower Attachment through ESCNJ Cooperative Contract 22/23-12 (Cap ID 2023-120-3)) was introduced by reference, offered by Councilman Scalea, seconded by Councilman Milman and passed on a roll call vote of 4 - 0 in favor. Council Vice President DiNuzzo was absent.

RESOLUTION #2023-234

RESOLUTION AUTHORIZING THE PURCHASE OF A REAR-BOOM 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 (23-120-3) authorized the replacement of a 1996 rear-boom mower attachment; and

WHEREAS, the Township is authorized to purchase the rear-boom 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, Trius Inc., whose address is 5049 Industrial Road, Farmingdale, NJ 07727, was awarded the ESCNJ Cooperative Contract #22/23-12 for a rear-boom mower attachment as indicated in the supporting documents and a vendor quotation dated October 23, 2023 in an amount not to exceed \$36,382.55; 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-boom mower attachment, 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 \$36,382.55 from Capital Account #04-215-23-05I-120297; and

WHEREAS, the Township Council of the Township of Marlboro desires to approve the purchase of the replacement rear-boom mower attachment.

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 rear-boom mower attachment from Trius Inc., whose address is 5049 Industrial Road, Farmingdale, NJ 07727, under ESCNJ #22/23-12 in an amount not to exceed \$36,382.55.

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

The following resolution #2023-235 (Authorizing the Execution of an Agreement for the Farming Rights to the "Dimeo Farm (South) Property" (Block 159/Lot 1.01 & 1.02)) was introduced by reference, offered by Councilwoman Marder, seconded by Councilman Scalea and passed on a roll call vote of 4 - 0 in favor. Council Vice President DiNuzzo was absent.

RESOLUTION #2023-235

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR THE USE AND OCCUPANCY OF FARMLAND AT "DIMEO FARM (SOUTH)" PROPERTY (Block 159/Lot 1.01 and 1.02) IN THE TOWNSHIP OF MARLBORO, NEW JERSEY

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for USE AND OCCUPANCY OF FARMLAND AT "DIMEO FARM (SOUTH)" PROPERTY (Block 159/Lot 1.01 and 1.02) IN THE TOWNSHIP OF MARLBORO, NEW JERSEY (2023-17), on October 18, 2023 the Township received one (1) bid summarized as follows:

	Samaha's Farm 704 Lloyd Road Aberdeen, NJ 07747
Item Description	Bid Price
USE AND OCCUPANCY OF FARMLAND AT "DIMEO FARM (SOUTH)" PROPERTY (Block 159/Lot 1.01 and 1.02) IN THE TOWNSHIP OF MARLBORO, NEW JERSEY	Annual Price
2023/2024	\$750.00
2024/2025	\$750.00
2025/2026	\$750.00
Total	\$2,250.00

; and

WHEREAS, in a memo dated October 25, 2023, the Director of Public Works is recommending a contract be awarded to Samaha's Farm LLC whose address is 704 Lloyd Road, Aberdeen, NJ 07747 for a two year use and occupancy agreement of the "DIMEO FARM (SOUTH)"

PROPERTY (Block 159/Lot 1.01 and 1.02) IN THE TOWNSHIP OF MARLBORO, NEW JERSEY for an annual amount of \$750.00 to be paid by the bidder, in a total amount not to exceed \$1,500.00 with the option to renew for one additional year; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that an agreement be executed with Samaha's Farm LLC whose address is 704 Lloyd Road, Aberdeen, NJ 07747, for the USE AND OCCUPANCY OF FARMLAND AT "DIMEO FARM (SOUTH)" PROPERTY (Block 159/Lot 1.01 and 1.02) IN THE TOWNSHIP OF MARLBORO, NEW JERSEY, for a period of two years beginning on November 15, 2023, through November 14, 2025, for an annual fee to be paid by the bidder in the amount of \$750.00, in a total amount not to exceed \$1,500.00 with the option to renew for one additional year.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Municipal Clerk to witness, an agreement with Samaha's Farm LLC in accordance with this resolution, the bid specifications, and in a form to be approved by the Township Attorney.

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

- a. Samaha's Farm LLC
- b. Business Administrator
- c. Chief Financial Officer
- d. Director of Public Works

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

RESOLUTION #2023-236

AUTHORIZING APPLICATION FY2025 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 was preserved in late 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 2025 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, the Township has updated its farmland preservation plan which is currently under review by SADC, and has been awarded a grant by SADC to offset the preparation costs; 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 2025 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 #2023-237

RESOLUTION AUTHORIZING 2023 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 2023 Municipal Budget as follows:

CURRENT:			
	Account	From	To
01-201-20-020-101	Clerk's Office Salaries & Wages	\$ 8,000.00	
01-201-20-030-101	Administration Salaries & Wages	15,000.00	
01-201-20-033-101	Central Computer Salaries & Wages	5,000.00	
01-201-20-045-101	Tax Assessor Salaries & Wages	10,000.00	
01-201-20-060-101	Engineering Salaries & Wages	10,000.00	
01-201-23-100-202	Employee Insurance Other Expenses	161,000.00	
01-201-25-104-101	Fire Prevention Salaries & Wages	20,000.00	
01-201-26-129-101	Shade Tree Salaries & Wages	10,000.00	
01-201-27-130-101	Registrar Salaries & Wages	15,000.00	
01-201-28-123-101	Parks & Recreation Salaries & Wages	80,000.00	
01-201-43-207-101	Municipal Court Salaries & Wages	36,000.00	
01-201-25-106-101	Police Salaries & Wages		\$ 200,000.00
01-201-25-108-101	Emergency Management Salaries & Wages		3,000.00
01-201-26-117-139	Recycling Salaries & Wages		10,000.00
01-201-26-121-252000	Vehicle Maintenance Other Expenses		30,000.00
01-201-26-122-101	Grounds Maintenance Salaries & Wages		90,000.00
01-201-26-122-251126	Grounds Maintenance Other Expenses		10,000.00
01-201-31-164-234	Water Other Expenses		2,000.00
01-201-36-176-254	Employer's Portion FICA		25,000.00
		\$ 370,000.00	\$ 370,000.00
RECREATION & SWIM UTILITY:			
	Account	From	To
09-201-55-400-200020	Recreation Other Expenses	\$ 15,000.00	
09-201-55-400-100000	Recreation Salaries & Wages		\$ 10,000.00
09-201-55-487-254000	Social Security Payment		5,000.00
		\$ 15,000.00	\$ 15,000.00

RESOLUTION #2023-238

AUTHORIZING THE BUSINESS ADMINISTRATOR AND TOWNSHIP ENGINEER TO SERVE AS AUTHORIZED REPRESENTATIVES TO REPRESENT THE TOWNSHIP OF MARLBORO IN ALL MATTERS RELATING TO THE EXECUTION OF TREATMENT WORKS APPROVAL (TWA) APPLICATIONS

WHEREAS, permit applications to the New Jersey Department of Environmental Protection (NJDEP) to construct and operate sewerage collection and treatment facilities, also known as Treatment Works Approval or "TWA" Applications have historically been reviewed and approved by the Western Monmouth Utilities Authority (WMUA) or Bayshore Regional Sewerage Authority as the sanitary sewer service providers operating in Marlboro; and

WHEREAS, consistent with N.J.A.C. 7:14A-22.6(a)5 and 22.8(a)3, the New Jersey Department of Environmental Protection (NJDEP) now requires that the municipalities in which the sewerage connection treatment facilities operate execute these applications.

NOW, THEREFORE, BE IT RESOLVED, that the Business Administrator and Township Engineer are hereby authorized to serve as "Authorized Representatives" to represent the Township of Marlboro in all matters relating to the execution of all Treatment Works Approval applications.

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

- a. Business Administrator
- b. Township Engineer

RESOLUTION #2023-239

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES FOR THE SITE IMPROVEMENTS AT THE SITE KNOWN AS MONARCH POINTE, LLC, BLOCK 119, LOTS 23, 25, & 26, LOCATED AT THE INTERSECTION OF MONARCH PATH & TEXAS ROAD, TOWNSHIP OF MARLBORO, NEW JERSEY 07746

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro has received a request from Mr. Marcel Gestetner, Monarch Pointe LLC, for release of the Township held Performance Guarantees in the form of a Bond and cash deposit for site improvements ("Public Improvements") on the Site known as "Monarch Pointe, LLC" (the "Site"), property known as Block 119, Lots 23, 25, & 26, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by Monarch Pointe, LLC (the "Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed the Township Engineer's report dated September 7, 2023, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the aforesaid report recommends that the performance bond amount being held by the Township be released in their entirety; and

WHEREAS, the Township Council desires to release the performance guarantee Bond and cash deposit amounts in accordance with the recommendation of the Township Engineer's report dated September 7, 2023.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of

New Jersey, that the performance guarantees in the form of a Bond and cash deposit posted by the Developer, Monarch Pointe, LLC, for the site known as Monarch Pointe, LLC, located on property known as Block 119, Lots 23, 25, & 26, Township of Marlboro, New Jersey, shall be released as follows:

1. The Bond (First Indemnity of America Insurance Company, Bond No. RU100561), in the original amount of \$1,297,896.66, present value of \$561,080.11, shall be released in its entirety.
2. The Cash Deposit (First Commerce Bank, Check No. 1001 & 1012), in the original amount of \$144,210.74 (excludes accrued interest), present value of \$62,642.23, shall be released in its entirety.

BE IT FURTHER RESOLVED, that the above releases shall be subject to the posting of any and all outstanding review and/or inspections fees to the time of performance guarantee release, and the post of a two (2) year fifteen percent (15%) maintenance bond in the amount of \$180,263.43; and

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

- a. Monarch Pointe, LLC
- b. First Indemnity of America Insurance Company
- c. Township Business Administrator
- d. Township Chief Financial Officer
- e. Township Engineer
- f. Township Attorney, Louis N. Rainone, Esq.
- g. Salvatore Alfieri, Esq.

RESOLUTION #2023-240

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES FOR THE WATER IMPROVEMENTS AT THE SITE KNOWN AS MONARCH POINTE, LLC, BLOCK 119, LOTS 23, 25, & 26, LOCATED AT THE INTERSECTION OF MONARCH PATH & TEXAS ROAD, TOWNSHIP OF MARLBORO, NEW JERSEY 07746

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro has received a request from Mr. Marcel Gestetner, Monarch Pointe LLC, for release of the Township held Performance Guarantees in the form of a Bond and cash deposit for water improvements ("Water Improvements") on the Site known as "Monarch Pointe, LLC" (the "Site"), property known as Block 119, Lots 23, 25, & 26, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by Monarch Pointe, LLC (the "Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed the Township Engineer's report dated September 7, 2023, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the aforesaid report recommends that the performance bond amount being held by the Township be released in their entirety; and

WHEREAS, the Township Council desires to release the performance guarantee Bond and cash deposit amounts in accordance with the recommendation of the Township Engineer's report dated September 7, 2023.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the performance guarantees in the form of a Bond and cash deposit posted by the Developer, Monarch Pointe, LLC, for the site known as Monarch Pointe, LLC, located on property known as Block 119, Lots 23, 25, & 26, Township of Marlboro, New Jersey, shall be released as follows:

3. The Bond (First Indemnity of America Insurance Company, Bond No. RU100614), in the original amount of \$163,306.80, present value of \$48,992.04, shall be released in its entirety.
4. The Cash Deposit (First Commerce Bank, Check No. 1016), in the original amount of \$18,145.20 (excludes accrued interest), present value of \$5,443.56, shall be released in its entirety.

BE IT FURTHER RESOLVED, that the above releases shall be subject to the posting of any and all outstanding review and/or inspections fees to the time of performance guarantee release, and the post of a two (2) year fifteen percent (15%) maintenance bond in the amount of \$22,681.50; and

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

- a. Monarch Pointe, LLC
- b. First Indemnity of America Insurance Company
- c. Township Business Administrator
- d. Township Chief Financial Officer
- e. Township Engineer
- f. Township Attorney, Louis N. Rainone, Esq.
- g. Salvatore Alfieri, Esq.

RESOLUTION #2023-241

2023 BEST PRACTICES INVENTORY

WHEREAS, the Township of Marlboro has received and completed the "2023 Best Practices Inventory" sent out on October 2, 2023 by the Division of Local Government Services, and

WHEREAS, the Chief Financial Officer has certified a score of 41 out of a possible 42; and

WHEREAS, the high percentage of positive responses on the 2023 Best Practices Worksheet qualifies the Township of Marlboro to receive 100% of its State Aid; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro hereby acknowledges review of the 2023 Best Practices Inventory and hereby confirms the submission to the State of New Jersey.

RESOLUTION #2023-242

AUTHORIZING THE TOWNSHIP OF MARLBORO TO APPLY FOR FUNDING FROM THE NEW JERSEY DEPARTMENT OF CRIMINAL JUSTICE THROUGH THE FY2023 BODY ARMOR REPLACEMENT PROGRAM FOR THE MARLBORO TOWNSHIP POLICE

WHEREAS, the State Body Armor Replacement Fund Program sponsored by the New Jersey Department of Criminal Justice has been established to assist all eligible law enforcement agencies in offsetting costs of purchasing body armor vests for uniformed officers; and

WHEREAS, the funds are dedicated funds and cannot be used for any other purpose; and

WHEREAS, the Township wishes to apply for the maximum amount of funding available to offset the costs for replacement vests; and

WHEREAS, the funding is given on a reimbursement-basis, requested by the grantee after confirmation of receipt of the ballistic vest is provided.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Township is hereby authorized to submit an application to the New Jersey Department of

Criminal Justice and execute an agreement for funding from the FY2023 Body Armor Replacement Fund.

RESOLUTION #2023-243

A RESOLUTION AUTHORIZING ACCEPTANCE OF THE DONATION OF 800 COVID TEST KITS TO BE USED FOR MARLBORO TOWNSHIP

WHEREAS, the Monmouth County Health Department has donated 800 COVID Test kits for the Township of Marlboro; and

WHEREAS, the donated items will be used for the purposes of providing COVID Test kits for the employees of Marlboro Township; and

WHEREAS, the Recreation Department recommends that the Township accept the donation; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the donation as described above is hereby accepted.

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

- a. Township Administrator
- b. Township Recreation Director
- c. Township Chief Financial Officer

RESOLUTION #2023-244

RESOLUTION APPROVING CLOSE OUT AND AUTHORIZING PAYMENT AND ACCEPTANCE FOR THE PURCHASE AND INSTALLATION OF REPLACEMENT SYNTHETIC TURF AND FENCING AT THE MUNICIPAL COMPLEX FOR THE TOWNSHIP OF MARLBORO RECREATION DEPARTMENT

WHEREAS, on July 20, 2023 (Resolution #2023-175), the Township of Marlboro awarded contracts for the replacement of synthetic turf field and fencing at the Municipal Complex ("Project") (P-23-00268) as follows:

FIELDTURF USA, INC., 175 N. Industrial Blvd. NE, Calhoun, GA 30701 under #ESC NJ 22/23-37 in an amount not to exceed \$628,222.00 (Replacement Synthetic Turf Field)

CLASSIC FENCE, LLC, 330 Mounts Corner Drive #103, Freehold, NJ 07728 under competitive quotes in an amount not to exceed \$42,000.00 (Fencing)

WHEREAS, funds for the Project were previously certified as available by the Chief Financial Officer in the amount not to exceed \$670,222.00, in Capital Accounts 04-215-06-191I-145288, 04-215-12-07A-145288, 04-215-22-07I-145288 and 04-215-23-05O-145288; and

WHEREAS, FIELDTURF USA, INC. has supplied a certificate of completion dated September 12, 2023, confirming that the project has been completed in accordance with the original proposal and the ESCNJ cooperative contract #22/23-37; and

WHEREAS, pursuant to the terms of the contract, FIELDTURF USA, INC. has provided a two-year maintenance bond in an amount equal to 15% of the final contract amount or \$94,233.30; and

WHEREAS, the Township has received a copy of the applicable warranties and certificates of insurance; and

WHEREAS, in a memo dated October 24, 2023, the Director of Recreation has indicated that the project was completed, all the maintenance bond, warranties and certificates of insurance have been provided, and has recommended the acceptance of the project improvements and the issuance of final payments to FIELDTURF USA, INC., in the amount of \$628,222.00 and to CLASSIC FENCE, LLC in the amount of \$42,000.00; and

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

NOW, THEREFORE, BE IT IS FURTHER RESOLVED, that the improvements be and are hereby accepted for the Project, and that final payment in the amount of \$628,222.00 be made to FIELDTURF USA, INC., 175 N. Industrial Blvd. NE, Calhoun, GA 30701.

BE IT FURTHER RESOLVED, that the improvements be and are hereby accepted for the Project, and that final payment in the amount of \$42,000.00 be made to CLASSIC FENCE, LLC, 330 Mounts Corner Drive #103, Freehold, NJ 07728.

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

- a. FIELDTURF USA, INC.
- b. CLASSIC FENCE, LLC
- c. Business Administrator
- d. Chief Financial Officer
- e. Director of Recreation

RESOLUTION #2023-245

AUTHORIZING REFUND OF PAYMENTS TO WMUA

WHEREAS, delinquent sewer charges totaling \$118.58 were paid to the Township on behalf of Western Monmouth Utilities Authority as per Schedule "A",

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro that the above-mentioned sewer charges in the amount of \$118.58 be refunded to Western Monmouth Utilities Authority.

RESOLUTION #2023-246

TAX LIEN REDEMPTIONS

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$535,662.05 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 \$535,662.05 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>
2023-039 2,293.34	360/25.18	Changsheng Lu 628 N. Butrick Street Waukegan, IL 60085	
2023-045 2,250.61	407/8	Changsheng Lu 628 N. Butrick Street Waukegan, IL 60085	
2023-015 1,570.82	176/7/C0725	Changsheng Lu 628 N. Butrick Street Waukegan, IL 60085	

2021-011	132.03/2	C0102	Evolve Bank & Trust
60,039.27			6000 Poplar Avenue Suite 300 Memphis, TN 38119
2023-005	119.03/15		Changsheng Lu
2,351.70			628 N. Butrick Street Waukegan, IL 60085
2023-007	123/4.02		T & M Professional Services Corp
2,781.19			PO Box 325 Manalapan, NJ 07726
2023-019	178/2	C0011	Changsheng Lu
2,818.93			628 N. Butrick Street Waukegan, IL 60085
2023-004	119/32.08		Changsheng Lu
2,339.64			628 N. Butrick Street Waukegan, IL 60085
2021-044	412.06/7		Trystone Capital Assets LLC
3,489.11			PO Box 1030 Brick, NJ 08723
2023-022	192/21		Nalini Funding LLC
60,944.41			8 Villa Farms Cir Monroe Twp, NJ 08831
2023-023	206.01/13		Changsheng Lu
2,084.36			628 N. Butrick Street Waukegan, IL 60085
2021-038	206.01/13		Christiana T C/F Firstrust
34,402.74			P.O. Box 5021 Philadelphia, PA 19111
2023-024	214.03/61		Changsheng Lu
1,631.51			628 N. Butrick Street Waukegan, IL 60085
2019-013	153/39.02		Christiana Trust As Custodian
356,664.42			P.O. Box 71276 Philadelphia, PA 19176

At 7:30 p.m., Councilwoman Marder moved that the meeting be adjourned. This was seconded by Councilman Scalea, and there was no objection. The Municipal Clerk was asked to cast one ballot.

MINUTES APPROVED: DECEMBER 21, 2023

OFFERED BY: SCALEA

AYES: 4

SECONDED BY: MILMAN

NAYS: 0

ABSENT: MARDER

SUSAN A. BRANAGAN,
MUNICIPAL CLERK
122123

JUNED QAZI,
COUNCIL PRESIDENT