

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

OCTOBER 5, 2017

The Marlboro Township Council held its regularly scheduled Meeting on October 5, 2017 at 7:00 P.M. at the Greenbriar at Marlboro Clubhouse, 21 Clubhouse Lane, Marlboro, New Jersey.

Council President Cantor opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of the location change of this regular meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on July 17, 2017; faxed to the Board of Education Office; 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 Clerk called the Roll.

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

Also present were: Mayor Jonathan Hornik, Louis N. Rainone, Esq., Business Administrator Jonathan Capp, Municipal Clerk Alida Manco and Deputy Municipal Clerk Suzanne Branagan.

Council Vice President Marder moved that the minutes of September 7, 2017 be approved. This was seconded by Councilman Scalea, and passed on a roll call vote of 4 - 0 in favor (Absent: Metzger).

The following Res. #2017-284/Ord. #2017-10 (Appropriating \$23,750 from Capital Surplus for 25% Cost Share for NJDOT Improvements to Intersection Route 520 and Route 3 (Tennent Road at Route 18) was introduced by reference, offered by Council Vice President Marder, seconded by Councilwoman Mazzola and passed on a roll call vote of 4 - 0 in favor (Absent: Metzger).

RESOLUTION # 2017-284

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

ORDINANCE # 2017-10

AN ORDINANCE APPROPRIATING \$23,750.00 FROM CAPITAL SURPLUS FOR IMPROVEMENTS TO THE INTERSECTION AT MONMOUTH COUNTY ROUTE 520 AND MONMOUTH COUNTY ROUTE 3 (TENNET ROAD) AT NEW JERSEY STATE HIGHWAY ROUTE 18 IN THE TOWNSHIP OF MARLBORO

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on October 19, 2017 at 7:00 p.m. at the Rosemont Estates Clubhouse, 246 Everton Blvd., Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2017-10

AN ORDINANCE APPROPRIATING \$23,750.00 FROM CAPITAL SURPLUS FOR IMPROVEMENTS TO THE INTERSECTION AT MONMOUTH COUNTY ROUTE 520 AND MONMOUTH COUNTY ROUTE 3 (TENNET ROAD) AT NEW JERSEY STATE HIGHWAY ROUTE 18 IN THE TOWNSHIP OF MARLBORO

WHEREAS, the Township undertook a study of various traffic intersections with overlapping State of New Jersey or Monmouth County jurisdiction in order to address traffic concerns throughout the Township; and

WHEREAS, the Township's Traffic Advisory Committee, appointed by Mayor Jonathan Hornik, chaired by Council President Scott Metzger and consisting of Township professionals and residents, recommended specific improvements on State and County Highways which required coordination with State and County agencies; and

WHEREAS, the Traffic Advisory Committee presented their findings for consideration to the Marlboro Township Council; and

WHEREAS, various intersection improvement projects have been specifically identified and included in the Township's multi-year capital plan; and

WHEREAS, Mayor Hornik wrote to the State of New Jersey Department of Transportation (NJDOT) asking for assistance in the implementation of various intersection and roadway improvements; and

WHEREAS, NJDOT reviewed and responded to Mayor Hornik's requests for improvements at County Roads 520 and Route 3 at New

Jersey State Highway (NJSH) Route 18 with a preliminary cost estimate on August 3, 2017 and a preliminary scope of work dated August 24, 2017 (attached); and

WHEREAS, NJDOT has agreed to undertake intersection improvements at County Routes 520 and Route 3 at NJSH Route 18 with a preliminary scope of work as follows ("project"):

The NJDOT will perform an investigation of the existing traffic signal to include review of the addition of exclusive left hand turn phases for each quadrant of the intersection, installation of left hand turn signals for each approach to the intersection, and modification of the existing striping and signage due to signal improvements.

; and

WHEREAS, NJDOT has agreed to fund 75% of the costs for the project, and the Local 25% share has been calculated by NJDOT to be \$23,750.00; and

WHEREAS, while the Township of Marlboro has no jurisdiction at this intersection as the affected roadways are controlled by Monmouth County and the State of New Jersey, it is acknowledged that this intersection is critical to the flow of traffic through the Township; and

WHEREAS, the Township supports the project, and due to its high priority, the Township agrees to fund the Local 25% share calculated by NJDOT to be \$23,750.00; and

WHEREAS, the required funds needed for undertaking the necessary improvements are currently available in the Capital Surplus Account in the General Capital Fund of the Township of Marlboro.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey that a sum of \$23,750.00 is hereby appropriated from the Township Capital Surplus account in order to undertake intersection improvements at County Routes 520 and Route 3 at NJSH Route 18; and

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

BE IT FURTHER ORDAINED that a copy of this Ordinance be forwarded upon passage to the New Jersey Department of Transportation and Monmouth County so that the necessary agreements may be prepared for execution by the Mayor and Township Clerk in a form acceptable to the Township Attorney.

As the consent agenda, the following resolutions were introduced by reference, offered by Councilman Scalea, seconded by Councilwoman Mazzola and as there was no objection, the Clerk was asked to cast one ballot (Absent: Metzger): Res. #2017-285 (Authorizing Contract - Licensed Site Remediation Professional Services - B 150, L 9; B 151, L 4; B 149, L 16; B 148, L 31 (Also known as Bluh & Batelli Parcels B and C), Res. #2017-286 (Authorizing Contracts for Financial Advisory Services on As-Needed Basis), Res. #2017-287 (Authorizing Extension of Farmland Use & Occupancy Agreement Stattel Farm(stand) B 206, L 25), Res. #2017-288 (Confirming Submission of 2017 Best Practices Inventory to NJ DLGS), Res. #2017-289 (Award of Bid - Generator Rental), Res. #2017-290 (Authorizing Application to NJDOT for FY 2018 State Aid Program for the Route 79 Sidewalk Project), Res. #2017-291 (Authorizing Application to NJDOT for FY 2018 State Aid Program for the Marlboro Road Program), Res. #2017-292 (Bond Release Morello Properties - B 364, L 60 & 63), Res. #2017-293 (Bond Release Hindu American Temple - B 147, L 13 & 28.01), Res. #2017-294 (Bond Release Water System Improvements - FSP-Marlboro - B 176, L 38-41, 52 Route 520), Res. #2017-295 (Authorizing Developer Agreement Water Improvements - 70 Greenwood Road LLC - B 122, L 39), Res. #2017-296 (Authorizing Transfer of Surplus Military Equipment from US Dept of Defense (DOD) 1033 Program), Res. #2017-297 (Authorizing Contract Renewal - E-Ticketing), Res. #2017-298 (Authorizing Issuance of Fireworks Display Permit - Hindu American Temple), Res. #2017-299 (Redemption Tax Sale Certs - Various), Res. #2017-300 (Refunds for Overpayments - Various), Res. #2017-301 Cancel Taxes - Pointe de Jardin - B 176, L 7), Res. #2017-302 (Cancel Taxes - Mon County - B 170, L 8.01, Res. #2017-303 (Cancel Taxes - Mon County - B 170, L 8.01 QFarm), Res. #2017-304 (Cancel Taxes - Marlboro Twp - B 180, L 83.03) and Res. #2017-305 (Cancel Taxes - Marlboro Twp - B 180, L 83.15.

RESOLUTION # 2017-285

RESOLUTION AUTHORIZING THE AMENDMENT OF A NON-FAIR AND OPEN CONTRACT FOR LICENSED SITE REMEDIATION PROFESSIONAL (LSRP) SERVICES FOR BLOCK 150 LOT 9, BLOCK 151 LOT 4, BLOCK 149 LOT 16 AND BLOCK 148 LOT 31 (ALSO KNOWN AS BLUH & BATELLI PARCELS "B" AND "C")

WHEREAS, the Township of Marlboro hired React Environmental Professional Services Group, Inc. ("REPSG, Inc.") to perform Licensed Site Remediation Professional (LSRP) services (R. 2017-176) with respect to the donation of land owned by Camelot 2 at Marlboro, LLC, identified as Block 150 Lot 9 and Block 151 Lot 4 (Parcel "B") and Block 149 Lot 16 and Block 148 Lot 31 (Parcel "C") to the Township of Marlboro; and

WHEREAS, there is a need for the Township to perform environmental investigations associated with Parcels "B" and "C", specifically sampling in the former debris pile areas at Tract 2 and Tract 3; and

WHEREAS, the current owner of the properties is under contract with React Environmental Professional Services Group, Inc. ("REPSG, Inc."), PO Box 5377, 6901 Kingsessing Avenue, Suite 201, Philadelphia, PA 19142-0377 to perform Licensed Site Remediation Professional (LSRP), environmental investigation and reporting services pursuant to NJDEP regulations ("Services"); and

WHEREAS, REPSG, Inc. has responsibility for the entire site including the parcels to be donated, and is in a position to most efficiently conduct the necessary LSRP services relative to the parcels to be donated; and

WHEREAS, the State of New Jersey provides funding for environmental investigation and remediation through the Hazardous Discharge Site Remediation Fund (HDSRF); and

WHEREAS, in order to apply for and receive HDSRF monies for such purposes, the Township must contract directly with the LSRP for the required services; and

WHEREAS, the Township of Marlboro has a need for Licensed Site Remediation Professional (LSRP) services pursuant to NJDEP regulations; and

WHEREAS, the Township Administrator, in a memo dated May 12, 2017 recommended the award of a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 et seq. in order to complete the necessary services in the most efficient and cost-effective manner possible; and

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

WHEREAS, the Purchasing Agent has determined and certified in writing that the value of the acquisition will exceed \$17,500.00; and

WHEREAS, the anticipated term of this contract is one year or until completion of services pursuant to NJDEP regulations; and

WHEREAS, REPSG, Inc. has submitted a proposal dated October 2, 2017 indicating they will provide the Services for an amount not to exceed \$14,960.00; and

WHEREAS, REPSG, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that REPSG, Inc. has not made any reportable contributions to a political or candidate committee in the TOWNSHIP OF MARLBORO in the previous one year, and that the contract will prohibit the REPSG, Inc. from making any reportable contributions through the term of the contract, and

WHEREAS, the Chief Financial Officer has certified that funds in the amount of \$8,105.00 are available for this purpose from Affordable Housing Trust Fund Account #15-228-55-054 (Parcel "C") and \$6,855.00 are available for this purpose from Grant Fund Account #02-213-14-765-030000 (Parcel "B"); and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a Professional Services Contract between REPSG, Inc., PO Box 5377, 6901 Kingsessing Avenue, Suite 201, Philadelphia, PA 19142-0377 and the Township of Marlboro be amended to include additional LICENSED SITE REMEDIATION PROFESSIONAL (LSRP) SERVICES FOR Block 150 Lot 9, Block 151 Lot 4, Block 149 Lot 16 and Block 148 Lot 31 (also known as BLUH & BATELLI PARCELS "B" and "C") ("Professional Services"), at a fee not to exceed \$14,960.00 for such Professional Services, as further described and set forth in the Proposal dated October 2, 2017 ("Proposal"), be and is hereby authorized; and

BE IT FURTHER RESOLVED, that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

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

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 \$26,683.00 for such additional Professional Services as described in the Proposal; and

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; and

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. REPSG, Inc.
- b. BRS, Inc.
- c. Township Business Administrator
- d. Township Chief Financial Officer
- e. Township Engineer

RESOLUTION # 2017-286

RESOLUTION OF THE TOWNSHIP OF MARLBORO
AWARDING CONTRACTS FOR FINANCIAL ADVISORY
SERVICES ON AN AS-NEEDED BASIS

WHEREAS, the Township of Marlboro desires to create a pool of qualified professionals to perform financial advisory services ("Services") for the Township as the need arises, using a fair and open process pursuant to the provisions of P.L. 2004, c.19 (N.J.S.A. 19:44A-20.5 et seq.); and

WHEREAS, the Township of Marlboro (the "Township") received and reviewed statements of qualifications from financial advisory services firms and determined to pre-qualify those firms that possess the professional and administrative capabilities to provide such services and that they offer the terms and conditions determined by the Township to provide the greatest benefit to the taxpayers of the Township (the "Qualified Firms"), so that the Township may engage any one or more of the Qualified Firms when the need for such Services arises; and

WHEREAS, it has been determined that the value of the contracts will exceed \$17,500.00; and

WHEREAS, certification of available funds shall be made by the Chief Financial Officer at the time that services, if any, are requested from the qualified professionals.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro (the "Township") hereby approves the following Qualified Firms:

NW Financial Group, LLC
709 Stokes Road, Suite 201
Medford, NJ 08055

Phoenix Advisors, LLC
4 West Park Street
Bordentown, NJ 08505

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

(1) The Mayor and Township Clerk are hereby authorized and directed to execute contracts ("Contracts") by and between the Township and the Qualified Firms, which Contracts shall set forth the terms and conditions of, among other things, payment for Services at such time as the Firms are called upon by the Township to render services; and

(2) That a copy of this resolution and the Contracts upon execution shall be placed on file with the Secretary and the Clerk to the Board; and

(3) That a notice in accordance with Local Public Contracts Law shall be published in a local newspaper within ten (10) days of passage of this resolution.

RESOLUTION # 2017-287

A RESOLUTION AUTHORIZING THE EXECUTION OF A TEMPORARY USE AND OCCUPANCY AGREEMENT FOR THE PARCEL OF LAND OWNED BY THE TOWNSHIP OF MARLBORO KNOWN AS THE "STATTEL FARM(STAND)" (BLOCK 206/LOT 25) LOCATED AT COUNTY ROUTE 520 and STATE HIGHWAY 79

WHEREAS, the Township of Marlboro acquired the Stattel Farm(stand) (Block 206/Lot 25) located at County Route 520 and State Highway 79 in February, 2017 from the Stattel Family; and

WHEREAS, the Stattel Family farmed the parcel continuously up until the time of sale, and harvested the season's crops under a Use & Occupancy Agreement with the Township which expired on June 30, 2017; and

WHEREAS, pursuant to N.J.S.A. 40A:12-14.1, "Whenever a county or municipality acquires real property that, immediately

prior to acquisition, was leased from the prior owner by a private person for agricultural or horticultural use, and the county or municipality determines that, until such time as the real property is needed for public use, the temporary continuance of the private agricultural or horticultural use would not compromise that public use, it may lease the real property to the prior lessee for agricultural or horticultural use for such period, consideration, and other terms and conditions as shall be mutually agreed upon; and

WHEREAS, the Township is in the process of working with both the State Agricultural Development Committee and New Jersey Green Acres on the permanent preservation of the parcel; and

WHEREAS, it is in the interest of the Township for crops to be planted during the fall season and to have the parcel continuously farmed during the preservation process; and

WHEREAS, the Township and Stattel Family have agreed upon the terms of an updated agreement for the farming of the parcel in the 2017-18 season.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that an agreement be executed with Stattel Family, PO BOX 122, Marlboro, NJ 07746 for the TEMPORARY USE AND OCCUPANCY OF LAND OWNED BY THE TOWNSHIP OF MARLBORO KNOWN AS THE "STATTEL FARM(STAND)" (BLOCK 206/LOT 25) LOCATED AT COUNTY ROUTE 520 AND STATE HIGHWAY 79, for a term beginning October 6, 2017 and ending on July 31, 2018, in the amount of \$700.00.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, an agreement with the Stattel Family, in accordance with this resolution, 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. Stattel Family
- b. Township Business Administrator
- c. Township Chief Financial Officer
- d. Township Director of Public Works
- e.

RESOLUTION # 2017-288

WHEREAS, the Township of Marlboro has received and completed the "2017 Best Practices Inventory" sent out on August 2, 2017 by the Division of Local Government Services, and

WHEREAS, the Chief Financial Officer has certified a score of 22 out of a possible 25; and

WHEREAS, the high percentage of positive responses on the 2017 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 eight 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 2017 Best Practices Inventory and hereby authorizes the Township Municipal Clerk to complete the required certification and send such to the State of New Jersey.

RESOLUTION # 2017-289

A RESOLUTION AWARDDING CONTRACT TO FOLEY, INCORPORATED
FOR THE PROVISION OF GENERATOR RENTAL SERVICE FOR THE
TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the PROVISION OF GENERATOR RENTAL SERVICE FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS, and on September 20, 2017, received two (2) bids, as follows:

	Foley, Incorporated 855 Centennial Avenue Piscataway, NJ 08855
1) Unit Price No. 1: 350kW, 480v, 3 Phase Generator	
A) Mobilization	
1) Delivery and Retrieval	1,200.00
B) Stand-By	
1) 24 hour (1 day) rental	630.00
2) 7 day (1 week) rental	1,890.00
3) 30 day (1 month) rental	5,670.00
4) 90 day (3 month) rental	14,175.00

5) 120 day (4 month) rental	18,900.00
6) 150 day (5 month) rental	22,600.00
C) Operating Rate	
1) 24 hour (1 day) rental	1,260.00
2) 7 day (1 week) rental	3,780.00
2) Unit Price No. 2: 1000kW (minimum), 480v, 3 Phase Generator	
A) Mobilization	
1) Delivery and Retrieval	1,670.00
B) Stand-By	
1) 24 hour (1 day) rental	1,485.00
2) 7 day (1 week) rental	4,455.00
3) 30 day (1 month) rental	11,880.00
4) 90 day (3 month) rental	35,640.00
5) 120 day (4 month) rental	47,520.00
6) 150 day (5 month) rental	53,460.00
C) Operating Rate	
1) 24 hour (1 day) rental	3,300.00
2) 7 day (1 week) rental	9,900.00
Generator Size:	
	1,000-2,000 kW
3) Unit Price No. 3: Multi-unit Pricing for One (1) 350kW, 480v, 3 Phase Generator and One (1) 1000kW (minimum) 480v, 3 Phase Generator	
A) Mobilization	
1) Delivery and Retrieval	2,870.00
B) Stand-By	
1) 24 hour (1 day) rental	2,115.00
2) 7 day (1 week) rental	6,345.00
3) 30 day (1 month) rental	19,035.00

4) 90 day (3 month) rental	57,105.00
5) 120 day (4 month) rental	76,140.00
6) 150 day (5 month) rental	95,175.00
C) Operating Rate	
1) 24 hour (1 day) rental	4,560.00
2) 7 day (1 week) rental	13,680.00
Generator Size:	1,000-2,000 kW

WHEREAS, following a review of the bids, as described in a memo dated October 2, 2017 from the Director of Public Works, it has been determined that the submission of the apparent lowest bidder for the PROVISION OF GENERATOR RENTAL SERVICE FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS is responsive; and

WHEREAS, the Director of Public Works has recommended the award of contract consisting of 1) A-1, B-6, and C-2, and 2) A-1, B-6, and C-2 to Foley, Incorporated, the apparent lowest bidder; 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 Foley, Incorporated, whose address is 855 Centennial Avenue, Piscataway, NJ 08855 in an amount not to exceed \$92,610.00 for the PROVISION OF GENERATOR RENTAL SERVICE FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS for a one-year period beginning on November 1, 2017, with an option to renew the contract based upon the same terms and conditions as specified in the bid proposal for an additional one (1) two-year period or two (2) one-year periods at the exclusive option of the Township.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness a contract with Foley, Incorporated, 855 Centennial Avenue, Piscataway, NJ 08855 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 \$15,435.00 are available in the Budget Account #05-201-55-500-215020.

BE IT FURTHER RESOLVED funds in the amount of \$77,175.00 will be made available and certified in 2018 upon the adoption of the budget.

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

- a. Foley, Incorporated
- b. Township Business Administrator
- c. Township Acting Director of Public Works
- d. Township Chief Financial Officer

RESOLUTION # 2017-290

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the "Route 79 - Sidewalk" project.

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

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as SST-2018-Route 79 Sidewalk-00058 to the New Jersey Department of Transportation on behalf of the Township of Marlboro.

BE IT FURTHER RESOLVED that the Mayor and 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 # 2017-291

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the "Marlboro Road Program" project.

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

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as

MA-2018-Marlboro Road Program-00496 to the New Jersey Department of Transportation on behalf of the Township of Marlboro.

BE IT FURTHER RESOLVED that the Mayor and 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 # 2017-292

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES
FOR THE SITE KNOWN AS MORELLO PROPERTIES LLC,
BLOCK 364, LOTS 60 AND 63, YELLOWBROOK ROAD,
TOWNSHIP OF MARLBORO, NEW JERSEY

WHEREAS, in accordance with *N.J.S.A. 40:55D-53*, the Township of Marlboro has received a request from Antoinette Morello of Morello Properties LLC for release of the Township held Performance Guarantees in the form of a Letter of Credit and cash deposit for Clearing and Grading ("Public Improvements") on the Site known as "Morello Properties LLC" (the "Site"), property known as Block 364, Lots 60 and 63, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by Morello Properties 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 18, 2017, regarding the completion of the Public Improvements at the Site, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the aforesaid report recommends that the current Performance Guarantee in the form of a Letter of Credit in the original amount of \$40,003.63 and cash deposit in the original amount of \$4,444.85 (excludes accrued interest) posted by the Developer and being held by the Township, be released in their entirety, conditioned upon the payment of any and all outstanding review and/or inspection fee charges to the time of the performance guarantee release; and

WHEREAS, the Township Council now wishes to take the following action regarding the aforesaid Performance Guarantee.

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 above-described Performance Guarantee in the

form of a Letter of Credit, Letter of Credit No. 1823 issued by Amboy Bank in the original amount of \$40,003.63, and cash deposit in the original amount of \$4,444.85 (excludes accrued interest) posted by the Developer and being held by the Township, be released in their entirety, conditioned upon the payment of any and all outstanding review and/or inspection fee charges to the time of the performance guarantee release; and

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

- a. Morello Properties, LLC
- b. Township Business Administrator
- c. Township Chief Financial Officer
- d. Township Engineer
- e. Amboy Bank
- f. Township Attorney

RESOLUTION # 2017-293

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES FOR THE SITE KNOWN AS HINDU AMERICAN TEMPLE, BLOCK 147, LOT 13 AND 28.01, LOCATED AT #31 WOOLEYTOWN ROAD, MORGANVILLE, NEW JERSEY

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro has received a request from S.M. Raju of Hindu American Temple and Cultural Center for release of the Township held Performance Guarantees in the form of a Cash Deposit for site improvements ("Public Improvements") on the Site known as "Hindu American Temple" (the "Site"), property known as Block 147, Lot 13 and 28.01, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by Hindu American Temple and Cultural Center (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 18, 2017, regarding the completion of the Public Improvements at the Site, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the aforesaid report recommends that the current Performance Guarantee in the form of a Cash Deposit in the original amount of \$1,349,048.52 and current value of \$404,714.56 (excludes accrued interest) posted by the Developer and being held by the Township, be released in its entirety, conditioned upon the payment of any and all outstanding review and/or inspection fee charges to

the time of the performance guarantee release and the posting of a two (2) year fifteen percent (15%) maintenance bond in the amount of \$168,631.07; and

WHEREAS, the Township Council now wishes to take the following action regarding the aforesaid Performance Guarantee.

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 above-described Performance Guarantee in the form of a Cash Deposit, Check No. 150 and 151 issued by PNC Bank in the original amounts of \$134,904.85 and \$1,214,143.67 respectively, and total current value of \$404,714.56 (excludes accrued interest), posted by the Developer and being held by the Township, be released in their entirety, conditioned upon the payment of any and all outstanding review and/or inspection fee charges to the time of the performance guarantee release and the posting of a two (2) year fifteen percent (15%) maintenance bond in the amount of \$168,631.07; and

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

- a. Hindu American Temple and Cultural Center
- b. Township Business Administrator
- c. Township Chief Financial Officer
- d. Township Engineer
- e. PNC Bank
- f. Township Attorney

RESOLUTION # 2017-294

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES FOR THE WATER SYSTEM IMPROVEMENTS AT FSP - MARLBORO, BLOCK 176, LOTS 38-41, #52 COUNTY ROAD 520, TOWNSHIP OF MARLBORO, NEW JERSEY

WHEREAS, in accordance with *N.J.S.A. 40:55D-53*, the Township of Marlboro has received a request from Grant B. Lewis, PE, PP for release of the Township held Water Performance Guarantee in the form of a Cash Check for water system improvements ("Water System Improvements") on the Site known as "FSP - MARLBORO" (the "Site"), property known as Block 176, Lots 38 - 41, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by FSP - MARLBORO, 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 August 23, 2017, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the aforesaid report recommends that the current Performance Guarantee in the form of a Cash Check, #359853 issued by Fulton Bank, Lancaster, PA 17604 in the original amount of \$94,604.40 (excludes accrued interest), be released in its entirety, conditioned upon the payment of any and all outstanding review and/or inspection fee charges to the time of the performance guarantee release and the posting of a two (2) year fifteen percent (15%) maintenance bond in the amount of \$11,825.55; and

WHEREAS, the Township Council now wishes to take the following action regarding the aforesaid Performance Guarantee.

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 above-described Performance Guarantee for FSP - Marlboro, LLC in the form of a Cash Check, #359853 issued by Fulton Bank, Lancaster, PA 17604 in the original amount of \$94,604.40 (excludes accrued interest), be released in its entirety, conditioned upon the payment of any and all outstanding review and/or inspection fee charges to the time of the performance guarantee release and the posting of a two (2) year fifteen percent (15%) maintenance bond in the amount of \$11,825.55; and

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

- a. FSP - Marlboro, LLC
- b. Fulton Bank, Lancaster PA 17604
- c. Township Business Administrator
- d. Township Chief Financial Officer
- e. Township Engineer
- f. Township Attorney

RESOLUTION # 2017-295

A RESOLUTION AUTHORIZING THE EXECUTION OF A DEVELOPER AGREEMENT BETWEEN THE TOWNSHIP OF MARLBORO, AND 70 GREENWOOD ROAD, LLC, CONNECTION WITH PRELIMINARY, TENTATIVE AND FINAL WATER SERVICE APPROVAL FOR THE SITE LOCATED ON BLOCK 122 LOT 39, TOWNSHIP OF MARLBORO, MONMOUTH COUNTY, NEW JERSEY

WHEREAS, 70 Greenwood Road, LLC (the "Developer") has applied to the Township of Marlboro Water Utility Division for Preliminary, Tentative and Final Water Service Approval for the

property located along Tennent Road between Greenwood Road and Orchard Place, which is known as Block 122 Lot 39 on the Official Tax Map of the Township of Marlboro, Monmouth County New Jersey, (the "Site") to construct seven (7) storage buildings with associated improvements, including 560 feet of 8 inch water main.

WHEREAS, the Township of Marlboro Water Utility Division has granted approval with respect to the water service to the Project and the site and conditioned the approval upon the Developer entering into a Developer Agreement with the Township of Marlboro Water Utility Division and posting all the necessary performance guarantees; and

WHEREAS, the Developer Agreement has been negotiated by the parties, and the negotiation and preparation of same shall be paid for from Developer's escrow account held by the Township of Marlboro; and

WHEREAS, the necessary performance guarantees, cash deposits and insurance certificates shall be subject to the review and approval of the Township Attorney.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, that the execution by the Director of Public Works on behalf of the Township of Marlboro Water Utility Division be and is hereby ratified and the Mayor is authorized to execute and the Municipal Clerk is authorized to witness, the Developer Agreement with 70 Greenwood Road, LLC (the "Developer") for the Preliminary, Tentative and Final Water Service Approval issued for the site located on Block 122 Lot 39 on the Official Tax Map of the Township of Marlboro, Monmouth County New Jersey, which is located along Tennent Road, between Greenwood Road and Orchard Place, the negotiation and preparation of which shall be paid for from the Developer's escrow account held by the Township of Marlboro; and

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

- a. 70 Greenwood Road, LLC
- b. Township Business Administrator
- c. Township Engineer
- d. Township Chief Financial Officer
- e. Marlboro Township Water Utility Division
- f. Township Attorney

RESOLUTION # 2017-296

AUTHORIZING THE TRANSFER AND ACCEPTANCE OF SURPLUS MILITARY EQUIPMENT FROM THE UNITED STATES DEPARTMENT OF DEFENSE (DoD) 1033 PROGRAM FOR THE MARLBORO DIVISION OF POLICE

WHEREAS, the 1033 Program (formerly the 1208 Program) permits the Secretary of Defense to transfer, without charge, excess U.S. Department of Defense (DoD) personal property (supplies and equipment) to state and local law enforcement agencies (LEAs); and

WHEREAS, the Township Council authorized the Township through the Division of Police (R.2014-217) to make application to the Department of Defense 1033 Program for military surplus equipment from the United States DoD; and

WHEREAS, the Division of Police made application and has received the transferred surplus equipment identified in Schedule A attached.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that the Township through the Division of Police is hereby authorized to accept the military surplus equipment identified in Schedule A from the Department of Defense 1033 Program.

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

- a. Human Resources
- b. Business Administrator
- c. Chief Financial Officer
- d. Insurance

RESOLUTION # 2017-297

A RESOLUTION APPROVING RENEWAL OF CONTRACT (YEAR 6) WITH GOLD TYPE BUSINESS MACHINES INC. ("GTBM, INC.") FOR THE PROVISION OF E-TICKETING FOR THE TOWNSHIP OF MARLBORO POLICE DEPARTMENT

WHEREAS, on December 6, 2012 (R.2012-401) the Municipal Council of the Township of Marlboro awarded a contract to GOLD TYPE BUSINESS MACHINES INC. ("GTBM, INC.") FOR THE PROVISION OF E-TICKETING FOR THE TOWNSHIP OF MARLBORO POLICE DEPARTMENT; and

WHEREAS, the bid specifications included the option to renew said contract for an additional one (1) two-year period or two (2) one-year periods based on the same terms and conditions as specified in the bid proposal at the exclusive option of the Township; and

WHEREAS, in a memo dated September 27, 2017, the Chief of Police has recommended that the Township approve a 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 with GOLD TYPE BUSINESS MACHINES INC. ("GTBM, INC.") whose address is 351 Paterson Avenue, East Rutherford, NJ 07073 be extended for an additional year commencing on January 1, 2018 and expiring on December 31, 2018, in a total amount not to exceed \$2,500.00 in accordance with terms and conditions specified in the bid proposal.

BE IT FURTHER RESOLVED funds in the amount of \$2,500.00 will be made available and certified in 2018 upon the adoption of the budget.

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

- a. Gold Type Business Machines INC. ("GTBM, INC.")
- b. Township Business Administrator
- c. Township Chief of Police
- d. Township Chief Financial Officer

RESOLUTION # 2017-298

RESOLUTION AUTHORIZING THE ISSUANCE OF A FIREWORKS
DISPLAY PERMIT TO THE HINDU AMERICAN TEMPLE AND
CULTURAL CENTER

WHEREAS, N.J.S.A. 21:3-1, et seq. regulates the sale, exposure for sale, use, distribution or possession of fireworks or pyrotechnics in the State of New Jersey so as to advance the interests of public health, safety and welfare of the people of the State of New Jersey; and

WHEREAS, upon satisfaction of the conditions set forth in N.J.S.A. 21:3-1, et seq., and more particularly those set forth in N.J.S.A. 21:3-3, the governing body of any municipality may, by resolution, approve the granting of a permit for said

purposes to a qualified organization, when such display is to be handled by a competent operator in the manner approved by the Chief of the Police and the Fire Department of the municipality so as not to be hazardous to property or endanger any person or persons; and

WHEREAS, the HINDU AMERICAN TEMPLE AND CULTURAL CENTER ("Hindu Temple"), has applied for a permit to host a fireworks display as part of their annual carnival event on property owned by the HINDU TEMPLE within the Township of Marlboro on October 21, 2017, such fireworks display to be undertaken by the HINDU TEMPLE's operator, Serpico Pyrotechnics, LLC, upon satisfaction of the conditions set forth in N.J.S.A. 21:3-1, et seq. and in accordance with all applicable New Jersey Administrative Code regulations promulgated in accordance therewith, as amended from time to time.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED that the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey does hereby grant approval to the HINDU AMERICAN TEMPLE AND CULTURAL CENTER to host a fireworks display on October 21, 2017 for its annual carnival on property owned by the HINDU TEMPLE within the Township of Marlboro, such fireworks display to be undertaken by the HINDU TEMPLE's operator, Serpico Pyrotechnics, LLC, pursuant to N.J.S.A. 21:3-1, et seq., and more particularly N.J.S.A. 21:3-3, subject to the following terms and conditions:

1. Receipt of approval by the Chief of the Police and Fire Official in accordance with the terms set forth hereinabove;

2. The furnishing of the necessary Certificates of Insurance to the Township in a form acceptable to the Township Attorney; and

3. The execution of a Hold Harmless Agreement in a form acceptable to the Township Attorney; and

4. The presentation of the HINDU TEMPLE's fireworks operator, Serpico Pyrotechnics, LLC's Fire Safety Certificate (Rules); and

5. The presentation of the HINDU TEMPLE's fireworks operator, Serpico Pyrotechnics, LLC's drivers' Safety Documents; and

6. Proof of issuance by the HINDU TEMPLE's fireworks operator, Serpico Pyrotechnics, LLC, of its FAA Notification Letter; and

7. Proof from the HINDU TEMPLE's fireworks operator, Serpico Pyrotechnics, LLC, of its Worker's Compensation and Employers Liability Policy; and

8. Receipt of a copy of the Fireworks Contract Agreement between the HINDU TEMPLE and Serpico Pyrotechnics, LLC; and

9. Receipt of the Plot/Site Plan for the fireworks' display.

BE IT FURTHER RESOLVED that the Township Clerk is hereby authorized and directed to send copies of this resolution to the following:

1. Hindu American Temple and Cultural Center
2. Serpico Pyrotechnics, LLC
3. The Chief of the Police and Fire Department.
4. The Fire Prevention Bureau.
5. Township Business Administrator.

RESOLUTION # 2017-299

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$ 25,332.53 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 \$ 25,332.53 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>
2014-038	173/7/C0713	MTAG Custodian for Fig Capital Investments 1000 Riverside Ave, Suite 400 Jacksonville, FL 32221 Assessed Owner: Sapienza, Josephine	6,260.47

2016-075	173/7/C0713	MTAG Custodian for Fig Capital Investments 1000 Riverside Ave, Suite 400 Jacksonville, FL 32221 Assessed Owner: Rosenberg, Vicki	3,292.66
2016-010	120/16	MTAG Custodian for Fig Capital Investments 1000 Riverside Ave, Suite 400 Jacksonville, FL 32221 Assessed Owner: Armellino, Daniel	3,262.11
2014-054	193/19	MTAG Custodian for Fig Capital Investments 1000 Riverside Ave, Suite 400 Jacksonville, FL 32221 Assessed Owner: Brown, Julett	5,619.16
2015-117	403/11	TTLBL 4747 Executive Drive, Suite 510 San Diego, CA 92121 Assessed Owner: Federal National Mortgage	3,273.51
2016-073	225/116	Tom Tiehua CAO 19 Edendale Street Ladera Ranch, CA 92694 Assessed Owner: Star Real Properties, LLC	3,199.34
2016-031	176/7	Joyston Lewis 7612 Park Ave, Apt C2 North Bergen, NJ 07047 Assessed Owner: Pointe De Jardin	425.28

RESOLUTION # 2017-300

WHEREAS, the attached list in the amount of \$3,389.21 known as Schedule "A", is comprised of amounts representing overpayments of property taxes,

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro to refund the above-mentioned overpaid amounts as per the attached Schedule "A",

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNER</u>	<u>2017 REFUND</u>
120.02/35		Hudacsko, Gerald & Patricia 24 Wooleytown Road Morganville, NJ 07751	1,296.88
170/8.01		Monmouth County Park System 805 Newman Springs Road Lincroft, NJ 07738	2,020.69
170/8.01/Q		Monmouth County Park System 805 Newman Springs Road Lincroft, NJ 07738	71.64
Total: \$			3,389.21

RESOLUTION # 2017-301

WHEREAS, taxes were erroneously assigned a property value which resulted in taxes being billed for the years 2015, 2016 & 2017, some of which remain outstanding on the following property as designated on the Marlboro Township Tax Map: Block 176 lot 7, located on Garden Path,

WHEREAS, the aforementioned property is the common element piece of property for Pointe De Jardin and therefore per the Tax Assessor, is exempt from property taxes, the Township Tax Collector has therefore recommended that taxes in the amount of \$ 1,030.32 (\$282.38 for 2015, \$373.30 for 2016 and \$374.64 for 2017) be cancelled being this property is tax exempt.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to cancel the taxes totaling \$1,030.32 as stated above.

RESOLUTION # 2017-302

WHEREAS, taxes for the year 2017 were billed in the amount of \$8,050.30 on the following property as designated on the Marlboro Township Tax Map: Block 170 lot 8.01, located at 97 Harbor Road,

WHEREAS, the aforementioned property was purchased by the Monmouth County Park System in December, 2016, and the Township Tax Assessor has therefore recommended that the taxes billed for fourth quarter 2017, in the amount of \$2,020.69 be cancelled,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to cancel fourth quarter taxes totaling \$2,020.69 as stated above.

RESOLUTION # 2017-303

WHEREAS, taxes for the year 2017 were billed in the amount of \$285.44 on the following property as designated on the Marlboro Township Tax Map: Block 170 Lot 8.01 Qfarm, located at 97 Harbor Road,

WHEREAS, the aforementioned property was purchased by the Monmouth County Park System in December, 2016, and the Township Tax Assessor has therefore recommended that the taxes billed for fourth quarter 2017, in the amount of \$71.64 be cancelled,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to cancel fourth quarter taxes totaling \$71.64 as stated above.

RESOLUTION # 2017-304

WHEREAS, there are taxes for the years 2016 & 2017 that remain outstanding on the following property as designated on the Marlboro Township Tax Map: Block 180 lot 83.03, located on Pierson Road,

WHEREAS, the aforementioned property was conveyed to the Township of Marlboro, and the Township Tax Collector has therefore recommended that taxes in the amount of \$ 6,458.45 (\$2,770.03 for 2016 and \$3,688.42 for 2017) be cancelled being Township of Marlboro is tax exempt.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to cancel the balance of 2016 & 2017 taxes totaling \$6,458.45 as stated above.

RESOLUTION # 2017-305

WHEREAS, there are taxes for the years 2016 & 2017 that remain outstanding on the following property as designated on the Marlboro Township Tax Map: Block 180 lot 83.15, located on Deerfield Road,

WHEREAS, the aforementioned property was conveyed to the Township of Marlboro, and the Township Tax Collector has therefore recommended that taxes in the amount of \$ 8,863.78 (\$3,801.68 for 2016 and \$5,062.10 for 2017) be cancelled being Township of Marlboro is tax exempt.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to cancel the balance of 2016 & 2017 taxes totaling \$8,863.78 as stated above.

At 8:30 PM, Councilman Scalea moved that the meeting be adjourned. This was seconded by Council Vice President Marder, and as there was no objection the Clerk was asked to cast one ballot (Absent: Metzger).

MINUTES APPROVED: OCTOBER 19, 2017

OFFERED BY: MAZZOLA AYES: 3

SECONDED BY: MARDER NAYS: 0

ABSENT: SCALEA

ABSTAIN: METZGER

ALIDA MANCO,
MUNICIPAL CLERK

JEFF CANTOR,
COUNCIL PRESIDENT