

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

May 3, 2018

The Marlboro Township Council held its regularly scheduled Meeting on May 3, 2018 at 7:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Marder opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of this meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on January 24, 2018; 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: Councilwoman Mazzola, Council Vice President Metzger and Council President Marder. Councilman Cantor (arrived at 7:30 p.m.). Councilman Scalea was absent.

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

Council Vice President Metzger moved that the minutes of April 12, 2018 be adopted. This was seconded by Councilwoman Mazzola and passed on a roll call vote of 4 - 0 (Absent: Scalea).

The following Resolution #2018-158/Ordinance #2018-11 (Authorizing the Appropriation of FY 2018 NJ DOT \$350,000 Municipal Aid Road Grant) was introduced by reference, offered by Council Vice President Metzger, seconded by Councilwoman Mazzola and was passed on a roll call vote of 4 - 0 in favor (Absent: Scalea).

RESOLUTION # 2018-158

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

ORDINANCE # 2018-11

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN
THE COUNTY OF MONMOUTH, NEW JERSEY,
APPROPRIATING A \$350,000 GRANT TO BE
RECEIVED BY THE TOWNSHIP FOR THE MARLBORO
ROAD PROGRAM IN AND FOR THE TOWNSHIP OF
MARLBORO, IN THE COUNTY OF MONMOUTH, NEW
JERSEY

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 May 17, 2018 at 7:00 p.m. at the Marlboro
Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at
which time all persons interested will be given an opportunity
to be heard concerning said ordinance.

ORDINANCE # 2018-11

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN
THE COUNTY OF MONMOUTH, NEW JERSEY,
APPROPRIATING A \$350,000 GRANT TO BE
RECEIVED BY THE TOWNSHIP FOR THE MARLBORO
ROAD PROGRAM 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 \$350,000 grant expected to be received
by the Township from the State of New Jersey Department of
Transportation FY 2018 Municipal Aid Program is hereby
appropriated for the purpose of providing funds for the Marlboro
Road Program, 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 Township Clerk and is available there for public inspection.

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

The following Resolution #2018-159/Ordinance #2018-12 (Amending and Supplementing Chapter 326, Article I of the Code of the Township of Marlboro for "Streets and Sidewalks" - Excavations) was introduced by reference, offered by Council Vice President Metzger, seconded by Councilwoman Mazzola and was passed on a roll call vote of 4 - 0 in favor (Absent: Scalea).

RESOLUTION # 2018-159

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

ORDINANCE # 2018-12

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 326,
ARTICLE I OF THE CODE OF THE TOWNSHIP OF MARLBORO
CONCERNING "STREETS AND SIDEWALKS - EXCAVATIONS"

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 May 17, 2018 at 7:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2018-12

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 326,
ARTICLE I OF THE CODE OF THE TOWNSHIP OF MARLBORO
CONCERNING "STREETS AND SIDEWALKS - EXCAVATIONS"

WHEREAS, the Township understands that contractors and utilities need to excavate and open roadways for purposes of installing services for Marlboro residents and businesses; and

WHEREAS, the Township invests a substantial amount of resources into the preservation and improvements of its infrastructure; and

WHEREAS, the Township desires to safeguard the public investment in infrastructure and maximize the useful life of its roadways.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that CHAPTER 326, ARTICLE I of the Marlboro Township Code concerning "STREETS AND SIDEWALKS - EXCAVATIONS" is hereby amended and supplemented as follows:

§ 326-1. Permit required.

It shall be unlawful for any person or persons, firm or corporation or any agent, servant or employer of any such person or persons, firm or corporation, on or after the effective date of this article, to dig up and excavate or make any opening in any street, road, avenue or highway owned or under the jurisdiction of the Township of Marlboro, or in any portion thereon, within the territorial limits of the Township of Marlboro for any purpose whatsoever without first having obtained a written permit on such forms as shall be approved by the Township and upon compliance with the provisions of this article. An application for a permit shall be made to the Municipal Engineer of the Township of Marlboro. All permits shall be approved by the Municipal Engineer and Public Works Director. Permits shall be issued for a period not to exceed six (6) months. Expired permits may be renewed upon written request.

§ 326-2. Procedure for obtaining permit.

Every applicant for a permit for a street opening in accordance with § 326-1 on a form designated by the Township, which shall contain the following information:

A. When the work shall begin, how long the trench shall be open, what distance from the center of the road, curb or edge of pavement shall the trench be dug and a diagram pertaining thereto, a description of any special conditions, the name of a person and address of one who may be served with any notice as provided in this article and such additional information as the Municipal Engineer shall require.

B. The application shall further provide that the applicant agrees to open no greater part of the road, street or highway at any time than shall be approved by the Municipal Engineer.

C. Every application shall be submitted with a fee of \$100. For services and inspections made by the Township of Marlboro, the Township of Marlboro shall be entitled to an inspection fee in addition to the permit fee of \$100. The inspection fee shall be calculated as follows: \$8 per linear foot measured along the longest section of the cut for the first 50 linear feet; \$3 per linear foot for the next 150 linear feet; \$1.50 per linear foot for the next 300 linear feet; and \$1 per linear foot thereafter [after 500 linear feet]. However, in the case of standard square openings measuring three (3) feet by three (3) feet, the fee for services and inspection shall be \$150. In addition to the application and inspection fee, a returnable deposit of the greater of \$500 or \$25 per square foot is required. Said deposits shall be paid by certified check made payable to the Township of Marlboro and shall be held until the work has been completed and approved and accepted by the Municipal Engineer for the Township of Marlboro. At the time of completion and acceptance of the final road restoration, the deposit shall be returned. The acceptance of said work and the approval thereof by the Municipal Engineer shall be indicated by his written approval and acceptance.

1. In lieu of deposit required in § 326-2C, a public utility may substitute a surety bond, cash bond or letter of credit running to the Township of Marlboro in the amount of \$20,000 for minimum deposits. Public utilities will then prepay inspection fees at the time of the filing of an application pursuant to § 326-2C.

2. New or replacement of curb curb/driveway apron: Inspection fee per opening for each curb/apron provided for in the road opening permit shall be \$150.

D. In the event that the work shall not be satisfactorily completed in accordance with the provisions of this article and is, therefore, not accepted by the Municipal Engineer within six (6) months of completing the excavation, the Township may do the necessary work, at its election, to complete the same, and the cost thereof shall be deducted from and out of the deposit money so posted, as aforesaid required; and upon the completion of the work by the Township and within two weeks thereafter, the final charge made therefor will be billed to the permittee, and the original deposit, to the extent that it will pay the same, will be credited against the total cost, and in the event that the deposit exceeds the amount of the total cost, the amount left over, or the surplus, will be returned to the permittee.

E. The cost to the Township for doing said work shall be on the basis of and according to the following schedule of costs, namely:

1. The cost to the Township shall be on the basis of and according to a computation to be made by the Municipal Engineer, which shall include the actual cost of all material and labor incurred by the Township in connection therewith, plus an additional 10% to cover the service rendered by the Township and the overhead in connection therewith.

2. The Municipal Engineer may delay any approval and acceptance as provided herein for a sufficient period of time to allow the fill in any opening to settle, and he shall determine the time when final acceptance and approval shall be given of the fill and other work as required pursuant to this article.

F. If the work is satisfactorily performed and accepted by the Municipal Engineer, the deposit to be returned, as aforesaid mentioned, shall be returned within one week after such acceptance.

§ 326-3. Newly paved streets - emergency openings. No person shall dig up and excavate or make any opening in any street, road, avenue or highway owned or under the jurisdiction or to be ultimately dedicated and accepted for ownership and jurisdiction by the Township of Marlboro within five (5) years of completion of any reconstruction, bituminous concrete surface overlay or other construction to improve the surface for the motoring public unless the work is of an emergent nature which immediately threatens public safety or health.

A. Emergency Opening. Applications for emergency road openings shall be reviewed and approved by either the Township Engineer, the Public Works Director or the Division of Police prior to initiating any work. Full permit application compliance in accordance with Section 326 shall be required by the Township within 24 hours, or the next business day.

B. Roadway Restoration. A full width road restoration shall be required. The restoration shall consist of six (6) inch dense graded aggregate base course, and a six (6) inch bituminous stabilized base course, Mix I-2, brought to existing grade, within the excavated area. A full width, curb to curb, milling two (2) inches in depth to extend 20 feet beyond the limit of excavations will be performed after proper settlement of the trench area. The allowable time for settlement shall be

45 days unless otherwise directed by the Municipal Engineer. The final surface course shall be a two (2) inch bituminous concrete surface course, Mix I-5.

§ 326-4. Bond requirements.

In addition to the deposit required by § 326-2, the permittee shall post a surety bond, cash bond or letter of credit for the benefit of the Township of Marlboro in an amount equal to double the amount calculated in accordance with § 326-2C. The bond required by this section shall guarantee the faithful performance of the permittee of all of the provisions of this article under which the permit is issued, and which bond shall remain and be effective during the term of the permit granted or any renewal or extension thereof and until the work has been inspected and accepted by the Township through its Municipal Engineer or his designee.

§ 326-5. Regulations and conditions for the issuance of permits.

A. Every permittee under any permit issued hereunder shall fully comply with the following rules, regulations and conditions, and in addition to any other remedies available to the Township, the Township shall have the right at any time when the interest of the public requires it, upon failure of the permittee to comply with any of said rules, regulations and conditions, to suspend or revoke any permit issued to such permittee who has violated or is violating any of such rules, regulations or conditions. Revocation may be by a written notice to that effect, served upon the person in charge of the work of the applicant or any other person and at any other address furnished in the application. A hearing on any revocation or suspension may be had before the Township Administrator upon application for same being made by the permittee and upon giving five days' notice to that effect and by serving said notice upon the Township Clerk.

1. Protection for traveling public. The permittee may be required to submit a Traffic Control Plan subject to the review and approval by the Division of Police if directed to do so by the Municipal Engineer. At the end of each working day, all openings shall be filled with either RCA or stone such that no opening shall be permitted overnight. In doing the work there shall be as little interference as possible with travel along the road, and no greater part of the road shall be opened at any time than shall be allowed by the Municipal Engineer or Public Works Director. Transverse openings involving the full width of

the highway shall be made so that only 1/2 of the highway will be obstructed at any one time. The work shall be scheduled and executed so as to present a minimum of inconvenience to the traveling public. Where feasible, pipes, mains and conduits shall be bored under all pavements. Tunnels may be driven if and where directed.

2. Protection from suits. The permittee shall save harmless the Township of Marlboro, its officers and servants from and against any loss, injury or damage resulting from any negligence or fault of the permittee, his or its agents or servants in connection with the performance of the work covered by the permit.

3. Time limit. All permits shall be valid for a period of six (6) months from the date approval by the Municipal Engineer. In case the work has not been completed before the day of expiration as shown on the permit and the permittee has not requested an extension of time, the Municipal Engineer or Public Works Director, may, if deemed advisable take steps to backfill the trench and replace a permanent pavement over the opening for which the permit has been issued at the cost of the permittee.

4. Excavation. The work shall be so conducted as not to interfere with any existing water main, sewer, gas or telephone or their connections with houses or so as to damage any existing trees or roots thereof, until permission of the proper authorities shall have been obtained. All rock within five feet of a water main or other pipe which will be damaged thereby shall be removed without blasting.

5. Backfilling and temporary paving. The permittee shall completely backfill and puddle the excavation and the trench with sand, gravel or other proper material, acceptably compressed as required, and shall remove excess material from the premises. If tamping alone is employed, the material shall be placed in layers not exceeding six (6) inches in thickness, moistened if directed, and each layer shall be energetically tamped until thoroughly compacted to a density of not less than 95% of the established reference maximum density. Longitudinal ditches may be compacted by rolling with suitably heavy mechanical, self-powered rollers. Dual-tired trucks shall not be used for said purpose. Trenches may not be flushed except under specific permission of the road foreman or other person in charge. If, for any reason, immediate replacement of permanent pavement is not feasible, the excavation shall be backfilled and

consolidated as specified above, after which not less than three (3) inches of hot patch material shall be placed to street or road grade. The permittee is required to maintain the temporary pavement in a satisfactory condition so as to not impede, obstruct, or disrupt traffic until permanent repairs are made. Once the excavation work area has been properly saw-cut and the backfill properly compacted, the permittee shall install no less than six (6) inches of bituminous stabilized base course, Mix No. I-2 to the surface of the excavation. Pavement shall be removed a minimum of six (6) inches on each side of the excavation to expose undisturbed subgrade. Excavations of less than two (2) feet from the curblines will require removal of the existing pavement from excavation to the curblines. If any curbing has been undermined during excavation, the curbing shall be removed and replaced as directed by the Municipal Engineer.

6. All excavations shall be allowed to settle for no less than 90 days and no more than 180 days. During this time period, the permittee shall be responsible for maintaining the surface of the excavation so as to not impede, obstruct, or disrupt traffic.

7. Pavement surface restorations shall be conducted as follows:

a. For existing street improvements, the permittee shall remove the bituminous stabilized base repair to a depth of 1 1/2 inches below the surface of the existing street. Milling of excavations in existing street improvements may be required on a case-by-case basis as determined by Township Engineer. Milling limits shall be in accordance with Subsection d below.

b. For new street improvements, the permittee will be required to mill all excavation work to the limits determined by the Municipal Engineer. The Municipal Engineer may waive this requirement for a minor individual opening.

c. For concrete streets with a bituminous overlay, milling will be required to the full depth of the overlay to the limits determined by the Municipal Engineer.

d. Milling of all street improvements shall conform to the following standards:

i. For all excavations in new street improvements, the Municipal Engineer, at his discretion,

may require half-width or full-width milling on all excavations as deemed appropriate.

ii. The minimum width of milling shall be six (6) feet three (3) inches. Milling shall extend a minimum of six (6) inches for existing streets and 18 inches for new streets on all sides of the excavation work.

iii. All milling shall extend to the curb or edge of pavement.

iv. All milling within three (3) feet of the center line of the street shall extend to the center line.

v. For excavations which disturb 30% or more of the width of the street surface, milling shall extend from the curb or edge of pavement to the center line of the street.

vi. Excavations along the center line of the street for more than 50 linear feet will require full-width milling of the street surface.

vii. Edges of milling will generally be perpendicular and parallel to the curblines or edge of pavement and the center line of the roadway.

viii. The Township Engineer has the discretion to extend, modify or revise milling limits to accommodate existing pavement and drainage conditions.

d. All milled areas shall be treated with a tack coat and paved with a minimum of 1 1/2 inches of bituminous concrete surface course (Mix No. I-5).

e. The minimum permitted permanent repairs shall be as follows:

i. In streets constructed with concrete: replacement of an equivalent concrete pavement.

ii. In streets constructed with bituminous concrete: construction of a hot-mixed bituminous stabilized base (Mix No. I-2), six (6) inches thick, and a hot-mixed bituminous concrete surface course (Mix No. I-5), 1 1/2 inches thick. All pavement edges are to be cut and neatly

matched; no overlaying existing pavements will be permitted.

iii. In streets constructed of concrete with a bituminous concrete overlay: replacement of equivalent concrete and bituminous pavement. Bituminous concrete will be hot-mix bituminous concrete surface course (Mix No. I-5), thickness to match existing, and hot-mix bituminous stabilized base (Mix No. I-2), thickness to match existing. Replacement of the cement concrete with bituminous concrete is not permitted.

iv. In streets of lesser construction: as approved by the Municipal Engineer at time of issuance of permit.

v. If the particular existing street pavements exceed these criteria, higher-type repairs may be required.

f. All materials and workmanship shall be in accordance with the New Jersey Department of Transportation Standard Specifications.

B. The Municipal Engineer or Public Works Director may authorize the removal and replacement of any defective patchwork or surface treatment work made by the permittee and charge the cost of labor and materials for such removal and replacement to the permittee, in accordance with the charges provided for under § 326-2 hereof.

C. In no event shall any opening or excavation be made in any public street, road or highway within the Township of Marlboro which shall be of a greater size or length than can be filled in and completed within 48 hours by the available material and equipment located at the site for the doing of said work.

D. If any opening herein authorized and of the type herein authorized is not completely enclosed at night or is partially completed and not finished, then, during the hours of dark that such excavation continues in existence in such manner, there shall be, in addition to any other precautions required for the safety of the public, during the daytime, sufficient barriers which shall be lighter with sufficient lighting so as to enable the public using said public street, road or highway to be warned of the presence of same therein, which lights or flares so used shall be of such size and be so constructed that they

shall be visible for a distance of at least 200 feet from their location and shall be placed at each end of the excavation, so that there shall be at least one of such lights or flares at each end thereof, which shall be located at a distance not closer than 50 feet to said opening in both directions. This requirement for one of such lights or flares at each end shall be considered to be a minimum requirement in connection with any such excavation left unattended or exposed at night and shall not relieve any person from otherwise providing other adequate barriers and lights as may be reasonably required to safeguard the public.

§ 326-6. Violations and penalties.

Any person, firm or corporation who shall violate any of the provisions of this article shall, upon conviction thereof, be subject to the penalties in § 4-3 of the Code.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

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

The following Resolution #2018-160/Ordinance #2018-13 (Amending Chapter 258, Article I of the Code of the Township of Marlboro for "Commuter Parking Areas") was introduced by reference, offered by Councilman Cantor, seconded by Council Vice President Metzger and was passed on a roll call vote of 4 - 0 in favor (Absent: Scalea).

RESOLUTION # 2018-160

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

ORDINANCE # 2018-13

AN ORDINANCE AMENDING CHAPTER 258, ARTICLE I OF THE CODE OF THE
TOWNSHIP OF MARLBORO CONCERNING "COMMUTER PARKING AREAS"

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 May 17, 2018 at 7:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2018-13

AN ORDINANCE AMENDING CHAPTER 258, ARTICLE I OF THE CODE OF THE
TOWNSHIP OF MARLBORO CONCERNING "COMMUTER PARKING AREAS"

BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that CHAPTER 258, ARTICLE I of the Marlboro Township Code concerning "COMMUTER PARKING AREAS" is hereby amended and supplemented as follows:

§ 258-3 Permit parking designated; regulations.

A. Unless otherwise permitted by this chapter, parking on said lands and premises designated in § 258-2 shall be permitted by permit only, which shall be evidenced by a permit issued to the owner of the motor vehicle.

B. Such parking area shall be marked by signs indicating that parking will be by permit only, Monday through Friday, 4:30 am to 6:30 pm, and that vehicles must bear the required permit, which signs may state "Parking for Vehicles With Permits Only."

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

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

The following Resolution #2018-161/Ordinance #2018-14 (Amending Ordinance #2018-10 Authorizing the Acceptance of Property From Camelot West At Marlboro, LLC Known And Described as Block 148, Lot 31, Block 149, Lot 16, Block 150, Lot 9, Block 151, Lot 4) was introduced by reference, offered by Council Vice President Metzger, seconded by Councilwoman Mazzola and was passed on a roll call vote of 4 - 0 in favor (Absent: Scalea).

RESOLUTION # 2018-161

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

ORDINANCE # 2018-14

AN ORDINANCE AMENDING ORDINANCE #2018-10 AUTHORIZING THE ACCEPTANCE OF PROPERTY FROM CAMELOT WEST AT MARLBORO, LLC KNOWN AND DESCRIBED AS BLOCK 148, LOT 31, BLOCK 149, LOT 16, BLOCK 150, LOT 9 AND BLOCK 151, LOT 4

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 May 17, 2018 at 7:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2018-14

AN ORDINANCE AMENDING ORDINANCE #2018-10 AUTHORIZING THE ACCEPTANCE OF PROPERTY FROM CAMELOT WEST AT MARLBORO, LLC KNOWN AND DESCRIBED AS BLOCK 148, LOT 31, BLOCK 149, LOT 16, BLOCK 150, LOT 9 AND BLOCK 151, LOT 4

SUMMARY

An Ordinance Revising Ordinance No. 2018-10 and authorizing and ratifying the acceptance of a Deed from Camelot West at Marlboro, LLC, to the Township of Marlboro for premises known as Block 148, Lot 31, Block 149, Lot 16, Block 150, Lot 9, Block 151, Lot 4 in Township of Marlboro, County of Monmouth and State

of New Jersey. The purpose of this conveyance is to satisfy a condition of a settlement agreement and other development approvals granted by the Marlboro Township Planning Board and as set forth in a resolution adopted by Township Council, 2015-394, and is subject to all restrictions and conditions contained therein.

WHEREAS, Camelot West at Marlboro, LLC, (referred to as the "Grantor") is the owner in fee simple of certain lands and premises in the Township of Marlboro, County of Monmouth and State of New Jersey commonly known as Block 148, Lot 31, Block 149, Lot 16, Block 150, Lots 2,3,4, & 9, Block 151, Lot 4 (referred to as the "Subject Property"); and

WHEREAS, in accordance with the terms of a settlement agreement by and between the Township of Marlboro and Grantors successor in interest, Arno Holdings, LLC, dated January 21, 2016 Grantor is obligated to transfer to the Township a portion of the Subject Property, i.e all lots and blocks with the exception of Lots 2,3 and 4 in Lot 150 (the lots to be donated hereinafter referred to as the "Donated Property"); and

WHEREAS, the Township Council authorized the execution of the settlement agreement by resolution 2015-394; and

WHEREAS, the required Deed does hereby grant and convey unto the Township of Marlboro, its successors and assigns, all right, title and interest to the Subject Property subject to the conditions and restrictions of the settlement agreement; and

WHEREAS, the conveyance and/or acceptance of said real property requires the approval by Ordinance of the Mayor and Township Council pursuant to NJSA 40A:12-5; and

WHEREAS, the Township Council has determined that it is in the public interest to accept the Donated Property from the Grantor; and

WHEREAS, Ordinance No. 2018-10 inadvertently included Lots 2,3,4 in Block 150 as being included in the Donated Property.

NOW, THEREFORE, BE IT HEREBY ORDAINED AND ENACTED by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey as follows:

SECTION I

Ordinance No 2018-10 is hereby amended to include only the Donated Property and to exclude Lots 2, 3 and 4 in Block 150. Nothing in this ordinance shall affect the previous authorization given to the Mayor, Township Clerk and the Township Attorney to effectuate the acceptance of the title to the remaining portion of the Subject Property herein described as the Donated Lands as previously authorized by Ordinance No. 2018-10.

SECTION II

The Mayor, Township Clerk, Township Attorney and all other appropriate Township officials are hereby authorized to execute any and all documents or instruments necessary to effectuate the transfer the title to the Subject Property to the Township

SECTION III

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed as to the extent of such inconsistency.

SECTION IV

This ordinance shall take effect immediately upon adoption and approval according to law.

The following Resolution #2018-146 (Person to Person Transfer Plenary Retail Consumption License - Bella Vista Country Club, Inc. to Anthony's Bella Vista Country Club, Inc.) was introduced by reference, offered by Councilman Cantor, seconded by Councilwoman Mazzola and was passed on a roll call vote of 4 - 0 in favor (Absent: Scalea).

RESOLUTION # 2018-146

A RESOLUTION OF THE TOWNSHIP OF MARLBORO AUTHORIZING A PERSON-TO-PERSON TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE NUMBER 1328-33-004-004 FROM BELLA VISTA COUNTRY CLUB, INC. TO ANTHONY'S BELLA VISTA COUNTRY CLUB, INC.

WHEREAS, application was made to the Township of Marlboro ("Township") by Anthony's Bella Vista Country Club, Inc. ("Applicant") for a person-to-person transfer of Plenary Retail Consumption License No. 1328-33-004-004 ("License") presently held by Bella Vista Country Club, Inc., which is sited at 100 School Road East, Marlboro, N.J. 07746 (the "Premises"); and

WHEREAS, the Applicant has disclosed, and the appropriate Township officials have reviewed, the source of all funds used in connection with the purchase of said license, which information is contained in the report of the Police Department concerning this transfer application; and

1. The submitted application form is complete in all respects;
2. The applicant is qualified to be licensed according to all standards established by the New Jersey Alcoholic Beverage Control Act, the regulations promulgated thereunder, as well as any pertinent local ordinances or Division-approved conditions; and
3. The Applicant has disclosed and the Township has reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business; and

WHEREAS, the Township Council of the Township of Marlboro has reviewed the application and all supporting documentation and finds it appropriate to approve the transfer of the aforesaid plenary retail consumption license.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro that the application by Anthony's Bella Vista Country Club, Inc. for a person to person transfer of Plenary Retail Consumption License No. 1328-33-004-004 presently held by Bella Vista Country Club, Inc. be and is hereby approved. The effective date of this approval shall be May 9, 2018.

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

- a. Bella Vista Country Club, Inc.
- b. Anthony's Bella Vista Country Club, Inc.
- c. Township Administrator
- d. Township Building Department
- e. Township Chief Financial Officer
- f. Township Attorney

The following Resolution #2018-162 (Authorizing Shared Services Agreement with MTBOE - School Security Officers) was introduced by reference, offered by Councilwoman Mazzola, seconded by Councilman Cantor and was passed on a roll call vote of 4 - 0 in favor (Absent: Scalea).

RESOLUTION # 2018-162

A RESOLUTION OF THE TOWNSHIP OF MARLBORO IN MONMOUTH COUNTY, NEW JERSEY AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE MARLBORO BOARD OF EDUCATION TO PROVIDE FOR SCHOOL SECURITY OFFICERS(SSOs) IN MARLBORO TOWNSHIP K-8 SCHOOLS

WHEREAS, the Township of Marlboro ("Township") and Marlboro Township Board of Education ("MTBOE") are committed to providing for the safety of Marlboro's youth while they attend school; and

WHEREAS, a Law was enacted during the 2014-15 session of the New Jersey State Legislature establishing a new class of Special Law Enforcement Officers (Class III) specifically to provide for security in schools under the direction of the local police agency (NJS C.40A:14-146.8 et seq.); 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 are public bodies corporate and politic of the State of New Jersey and are authorized under New Jersey Law to enter into a Shared Services Agreement pursuant to the Act; and

WHEREAS, the Township and the MTBOE have negotiated the key terms of a Shared Services Agreement, included in draft form as EXHIBIT A and incorporated into this resolution as if set forth at length herein to provide for Class III Special Law Enforcement Officers in the K-8 schools; and

WHEREAS, the Municipal Council of the Township of Marlboro supports the SSO program in the K-8 schools and endorses this partnership between the Township and the MTBOE.

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 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 Township Clerk are hereby authorized to execute the Shared Services Agreement.
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.

As the Consent Agenda, the following resolutions were introduced by reference, offered by Council Vice President Metzger, seconded by Councilwoman Mazzola, and was passed on a roll call vote of 4 - 0 in favor (Absent: Scalea): Res. #2018-163 (Confirming Re-appointment of Registrar), Res. #2018-164 (Authorizing Release of Performance Guarantee for Site Improvements - M&M, 483 Route 79, Phase II, LLC/Lloyd Road Commons, Block 122, Lot 27.04), Res. #2018-165 (Amending Agreement for Engineering Services - Station Road Improvements), Res. #2018-166 (Amending Shared Services Agreement with Monmouth County for Engineering Services - Station Road Improvements), Res. #2018-167 (Confirming Bus Stop Locations Along NJ Rt.9 At Various Locations), Res. #2018-168 (Confirming Bus Stop Locations Along NJ Rt. 79 At Various Locations), Res. #2018-169 (Budget Amendment Chapter 159 - Distracted Driving), Res. #2018-170 (Budget Amendment Chapter 159 - Highway Safety Fund Grant), Res. #2018-171 (Authorizing Grant Application to Bureau of Justice Assistance (BJA) - FY 2018 Bulletproof Vest Partnerships (BVP)), Res. #2018-172 (Authorizing Renewal of Agreement with MTBOE - School Resource Officers 2018-19) Res. #2018-173 (Authorizing Renewal of Agreement with FRHSD - School Resource Officers 2018-19), Res. #2018-174 (Authorizing Click it or Ticket Grant Application 2018), Res. #2018-175 (Authorizing Transfer and Acceptance of Surplus Military Equipment from USDD 1033 Program) Res. #2018-176 (Authorizing MRESC Co-op Purchase of Walk Behind Asphalt Roller (2017 Capital 120-08)), Res. #2018-177 (Authorizing Award of Bid - On Site Brush Grinding), Res. #2018-178 (Authorizing Agreement with Marlboro Basketball Booster Club, Inc. - Refereeing Services), Res. #2018-179 (Authorizing Agreement with Marlboro Soccer Booster Assoc. - Refereeing Services), Res. #2018-180 (Amending Agreement for

Engineering Services - Various Water (2018 Capital IDs 500-14 and 500-37), Res. #2018-181 (Authorizing Amendment to Professional Services Agreement for Engineering Services - Harbor Road Water Treatment Plant), Res. #2018-182 (Authorizing Change Order No. 2 - Harbor Road Water Treatment Plant) Res. #2018-183 (Redemption Tax Sale Certificates - Various), Res. #2018-184 (Township Lien Redemption 2017-002), Res. #2018-185 (Township Lien Redemption 2017-003), Res. #2018-186 (Township Lien Redemption 2017-004).

RESOLUTION # 2018-163

RESOLUTION CONFIRMING REAPPOINTMENT OF
REGISTRAR OF VITAL STATISTICS
FOR THE TOWNSHIP OF MARLBORO

WHEREAS, Mayor Jonathan Hornik has reappointed Michelle Y. Moorhouse as Registrar of Vital Statistics for the Township of Marlboro for a term ending on December 31, 2020; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey that it hereby confirms the reappointment, by Mayor Jonathan Hornik, of Michelle Y. Moorhouse as Registrar, for a term ending on December 31, 2020.

RESOLUTION # 2018-164

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES FOR THE SITE IMPROVEMENTS AT THE SITE KNOWN AS M&M AT 483 ROUTE 79 PHASE II, LLC / LLOYD ROAD COMMONS, BLOCK 122, LOT 27.04, LOCATED AT 483 NJSH ROUTE 79, TOWNSHIP OF MARLBORO, MONMOUTH COUNTY, NJ 07751

WHEREAS, in accordance with *N.J.S.A. 40:55D-53*, the Township of Marlboro has received a request from Marc Portnoy (EP Design Services, LLC) for a release of the Township held Performance Guarantees in the form of a Performance Surety Bond for site improvements ("Public Improvements") on the Site known as "M&M at 483 Route 79 Phase II, LLC / Lloyd Road Commons" (the "Site"), property known as Block 122, Lot 27.04, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by M&M at 483 Route 79 Phase II, 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 April 10, 2018, 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 Performance Surety Bond, Bond No. S298285, in the original and current amount of \$653,347.30, issued by NMG Insurance Company, 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

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 Surety Bond, Bond No. S298285, in the original and current amount of \$653,347.30, issued by NMG Insurance Company, 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

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

- a. M&M at 483 Route 79 Phase II, LLC
- b. NGM Insurance Company
- c. Sal Alfieri, Esq.
- d. Township Business Administrator
- e. Township Chief Financial Officer
- f. Township Engineer
- g. Louis N. Rainone, Esq.

RESOLUTION # 2018-165

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 ROADWAY AND
DRAINAGE IMPROVEMENTS ON STATION ROAD

WHEREAS, the repaving of Station Road between Briarcliff Drive and Crine Road (the "project area") in the Township of Marlboro was previously authorized by the Township Council as

part of its multi-year capital program (2018 Capital 060-03);
and

WHEREAS, there is an underlying drainage issue associated with three Monmouth County culverts that cross Station Road, ML-17, ML-18 and ML-19 which must be resolved prior to repaving the roadway; and

WHEREAS, on May 19, 2011, the Township authorized an agreement with CME Associates awarded under a fair and open process for engineering design services in order to address road and drainage issues associated with the project area (R.2011-169); and

WHEREAS, on May 19, 2011, the Township authorized an agreement with Monmouth County (R.2011-205) to share the costs of the engineering services, with the County contributing \$75,000.00 towards the study, redesign and permitting of the culverts; and

WHEREAS, due to ongoing siltation and blockage issues with the (ML-18) culvert, the engineering scope needs to be expanded to replace the existing twin 48" concrete culverts with a single 3.5' x 8.5' three-sided box culvert; and

WHEREAS, to improve the hydraulic capacity of culvert ML-19, the engineering scope must also be expanded to modify the culvert by installing a new headwall and manhole upstream from the existing headwall and by modifying the location and angle of the culvert to more closely match the angle of the stream direction; and

WHEREAS, the Township is in need of professional engineering, design and bid services in connection with the roadway and drainage issues on Station Road between Briarcliff Drive and Crine Road (the "Project"); and

WHEREAS, CME Associates has submitted a proposal dated April 24, 2018 (the "Proposal") for the required professional engineering services; and

WHEREAS, Monmouth County is in agreement with the expanded scope and description of services in the proposal and has agreed to pay an additional \$50,000.00 associated with the additional culvert work; 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 (as defined hereinabove) for the Project by way of its Township Engineers at a fee not to exceed \$100,000.00 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 \$100,000.00 are available in Capital Accounts 04-215-06-19D-060288 and 04-228-55-005 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 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; and

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 engineering services in connection with the Station Road roadway and drainage improvements on by way of its Township Engineers ("Professional Services"), at an additional fee not to exceed \$100,000.00 for such Professional Services, as further described and set forth in CME's Proposal dated April 24, 2018, be and is hereby authorized; 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 \$100,000.00 for such additional Professional Services for the Project 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. CME Associates, 1460 Route 9 South, Howell, NJ 07731
- b. Township Business Administrator
- c. Township Chief Financial Officer

RESOLUTION # 2018-166

A RESOLUTION AMENDING AN AGREEMENT BETWEEN THE TOWNSHIP OF MARLBORO AND MONMOUTH COUNTY IN CONNECTION WITH IMPROVEMENTS TO STATION ROAD (PHASE II) PURSUANT TO N.J.S.A. 40A:65-1 ET SEQ.

WHEREAS, Station Road between Briarcliff Drive (the limit of the Phase I improvements) and Crine Road in the Township of Marlboro needs to be repaved; and

WHEREAS, there is an underlying drainage issue associated with three Monmouth County culverts that cross Station Road, ML-17, ML-18 and ML-19 which must be resolved prior to repaving the roadway; and

WHEREAS, in order to assess the potential upsizing of the three culverts, the County is requiring that the hydraulic capacity of the culverts be studied and the culverts be reconstructed as part of the repaving should the study determine that the culverts are undersized; and

WHEREAS, on May 19, 2011, the Township authorized an agreement with Monmouth County (R.2011-205) to share the costs of the engineering services, with the County contributing \$75,000.00 towards the study, redesign and permitting of the culverts; and

WHEREAS, due to ongoing siltation and blockage issues with the (ML-18) culvert, the scope is expanded to replace the existing twin 48" concrete culverts with a single 3.5' x 8.5' three-sided box culvert.

WHEREAS, to improve the hydraulic capacity of culvert ML-19, the scope is expanded to modify the culvert by installing a new headwall and manhole upstream from the existing headwall and by modifying the location and angle of the culvert to more closely match the angle of the stream direction.

WHEREAS, CME Associates has submitted a proposal dated April 24, 2018 (the "Proposal") for the required professional engineering services; and

WHEREAS, Monmouth County is in agreement with the expanded scope and description of services in the proposal and has agreed to fund an additional \$50,000.00 associated with the additional culvert work; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the Township of Marlboro to enter into an agreement with Monmouth County to share the cost of engineering services associated with the project; and

WHEREAS, the Township of Marlboro wishes to enter into a Shared Services Agreement with the County for the provision of the aforesaid engineering services to residents of Marlboro Township; and

WHEREAS, the Shared Services Act, N.J.S.A. 40A:65-1 et seq. authorizes local units (as defined in said Act), to enter into joint agreements for the provision of governmental services, including the engineering services contemplated herein by adoption of a resolution therefor; and

WHEREAS, the proposed Shared Services Agreement for the provision of the engineering services will be placed on file in the Township Clerk's office in accordance with the provisions of N.J.S.A. 40A:65-5(b); and

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, that the Mayor and Township Clerk are hereby authorized and directed to execute and witness, respectively, the proposed Shared Services Agreement with the County of Monmouth for the provision of engineering services for the Improvements to Station Road Phase II; and

BE IT FURTHER RESOLVED, that, pursuant to the Shared Services Act, N.J.S.A. 40A:65-1, et seq., such Agreement shall be filed with and open to the public for inspection at the offices of the Town Clerk, and such Agreement shall take effect upon the adoption of appropriate resolutions by all parties thereto; and

BE IT FURTHER RESOLVED, that, pursuant to N.J.S.A. 40A:65-4(b), a copy of the Shared Services Agreement shall be filed with the Division of Local Government Services in the Department of Community Services for informational purposes; and

BE IT FURTHER RESOLVED that a duly certified copy of this Resolution be forwarded to the following parties:

- a. County of Monmouth, Board of Chosen Freeholders
- b. Division of Local Government Services, Dept. of Community Services
- c. Township Business Administrator
- d. Township Engineer

RESOLUTION # 2018-167

A RESOLUTION OF SUPPORT CONFIRMING BUS STOP
LOCATIONS ALONG ROUTE US 9 AT VARIOUS LOCATIONS,
TOWNSHIP OF MARLBORO, NEW JERSEY

WHEREAS, the New Jersey Department of Transportation, Traffic Engineering & Investigations has investigated and identified the existing bus stop locations along Route US 9 at various locations; and

WHEREAS, in order to legally establish these bus stops, the New Jersey Department of Transportation is required to promulgate a Traffic Regulation Order (TRO); and

WHEREAS, an initial step in the TRO process is to receive a Resolution of support from the municipal governing body; and

WHEREAS, the locations identified by New Jersey Transit are

already established in Article XIV, Section 138-49 of the code of the Township of Marlboro; and

WHEREAS, New Jersey Transit Department of Transportation, Traffic Engineering & Investigations has requested that the Township of Marlboro adopt a "Supporting Resolution" as to the existence of approved bus stop locations along Route US 9 at various locations in the Township of Marlboro, Monmouth County, New Jersey; and

WHEREAS, the Township Engineer and Traffic and Safety Bureau of the Division of Police have reviewed the locations and have recommended the adoption of the resolution requested by New Jersey Transit Department of Transportation, Traffic Engineering & Investigations; and

WHEREAS, the Township Council of the Township of Marlboro desires to confirm the bus stop locations along Route US 9 at various locations, Township of Marlboro, Monmouth County, New Jersey, as requested by, and in accordance with the findings and recommendation of New Jersey Transit Department of Transportation, Traffic Engineering & Investigations.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, Monmouth County, New Jersey, that it hereby concurs with the findings and recommendations of the New Jersey Transit Department of Transportation, Traffic Engineering & Investigations that the following bus stop locations along Route US 9 in the Township of Marlboro, Monmouth County, New Jersey be confirmed:

Along Route US 9, northbound, on the easterly side at:

Jug Handle at Marlboro/Manalapan Boundary Line between Covered Bridge Boulevard and Union Hill Road - (near side)(NJ Transit ID# 24815)

Beginning at the southerly curb line of the jug handle between Covered Bridge Boulevard and Union Hill Road and extending 105 feet southerly therefrom. (approximate milepost 119.33)

Union Hill Road (on off ramp) - (mid-block) (NJ Transit ID# 24862)
Beginning at a point 96 feet south of the southerly curb line of Union Hill Road and extending 106 feet southerly therefrom. (in bus turn out)

Willow Lane (far side) (NJ Transit ID# 24863)

Beginning at the northerly curb line of Willow Lane and extending 100 feet northerly therefrom.

Robertsville Road (CR 520)_- (near side) (NJ Transit ID# 24864)
Beginning at the southerly curb line of Robertsville Road (CR 520) and extending 225 feet southerly therefrom.

Between Robertsville Road (CR 520) and Texas Road (CR 690) - (mid-block) (NJ Transit ID# 24865)

Beginning at a point 2950 north of the northerly curb line of Robertsville Road (CR 520) and a point 205 feet northerly therefrom. (in bus turn out)

Along Route US 9, southbound, on the westerly side at:

Robertsville Road (CR 520) - (near side) (NJ Transit ID# 24856)
Beginning at the northerly curb line of Robertsville Road (CR 520) and extending 105 feet northerly therefrom.

Sandburg Drive - (near side) (NJ Transit ID# 24857)
Beginning at the northerly curb line of Sandburg Drive and extending 135 feet northerly therefrom.

Longfellow Terrace (near side) (NJ Transit ID# 24858)
Beginning at the northerly curb line of Longfellow Terrace and extending 105 feet northerly therefrom.

Ivy Hill Drive (near side) (NJ Transit ID# 24860)
Beginning at northerly curb line of Ivy Hill Drive and extending 105 feet northerly therefrom.

Jug Handle at Marlboro/Manalapan Boundary Line between Union Hill Road and Covered Bridge Boulevard (near side)-NJ Transit ID# 24861)
Beginning at the northerly curb line of the jug handle between Union Hill Road and Covered Bridge Boulevard and extending 105 feet northerly therefrom. (approximate milepost 119.33)

BE IT FURTHER RESOLVED, that the Township of Marlboro concurs that any bus stop locations or traffic regulations in conflict with or inconsistent with the provisions of this resolution be rescinded upon approval of the Traffic Regulation Order.

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

1. New Jersey Div. of Transportation, Attn: Mark A. Hiestand, Supervisor, Traffic Engineering & Investigations, PO BOX 600, Trenton, NJ 08625-0600
2. Business Administrator
3. Chief of the Police
4. Township Attorney
5. Township Engineer

RESOLUTION # 2018-168

A RESOLUTION OF SUPPORT REGARDING CONFIRMING BUS STOPS
ALONG ROUTE NJ 79 AT INVERNESS DRIVE, NEWTON STREET, BLOSSOM
AVENUE AND STATION ROAD, TOWNSHIP OF MARLBORO, NEW JERSEY

WHEREAS, the New Jersey Department of Transportation, Traffic Engineering & Investigations has investigated and identified the existing bus stop locations along Route NJ 79 at Inverness Drive, Newton Street, Blossom Avenue and Station Road be confirmed by the Township of Marlboro; and

WHEREAS, in order to legally establish these bus stops, the New Jersey Department of Transportation is required to promulgate a Traffic Regulation Order (TRO); and

WHEREAS, an initial step in the TRO process is to receive a Resolution of support from the municipal governing body; and

WHEREAS, the locations identified by New Jersey Transit are already established in Article XIV, Section 138-49 of the code of the Township of Marlboro; and

WHEREAS, New Jersey Transit Department of Transportation, Traffic Engineering & Investigations has requested that the Township of Marlboro adopt a "Supporting Resolution" as to the existence of approved bus stop locations along Route NJ 79 at Inverness Drive, Newton Street, Blossom Avenue and Station Road in the Township of Marlboro, Monmouth County, New Jersey; and

WHEREAS, the Township Engineer and Traffic and Safety Bureau of the Division of Police have reviewed the locations and have recommended the adoption of the resolution requested by New Jersey Transit Department of Transportation, Traffic Engineering & Investigations; and

WHEREAS, the Township Council of the Township of Marlboro desires to confirm the bus stop locations along Route NJ 79 at

Inverness Drive, Newton Street, Blossom Avenue and Station Road, Township of Marlboro, Monmouth County, New Jersey, as requested by, and in accordance with the findings and recommendation of New Jersey Transit Department of Transportation, Traffic Engineering & Investigations.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, Monmouth County, New Jersey, that is hereby concurs with the findings and recommendations of the New Jersey Transit Department of Transportation, Traffic Engineering & Investigations that the following bus stop locations along Route NJ 79 in the Township of Marlboro, Monmouth County, New Jersey be confirmed:

Along Route NJ 79 (northbound), easterly side at:

Inverness Drive - (far side) (NJ Transit ID# 30622)
Beginning at the northerly curb line of Inverness Drive and extending 200 feet northerly therefrom.

Newton Street - (far side) (NJ Transit ID# 24866)
Beginning at the northerly curb line of Newton Street and extending 120 feet northerly therefrom.

Blossom Ave - (far side) (NJ Transit ID# 24901)
Beginning at the northerly curb line of Blossom Avenue and extending 100 feet northerly therefrom.

Along Route NJ 79 (southbound), on the westerly side at:

Station Road - (far side) (NJ Transit ID# 24877)
Beginning at the southerly curb line of Station Road and extending 100 feet southerly therefrom.

BE IT FURTHER RESOLVED, that the Township of Marlboro concurs that any bus stop locations or traffic regulations in conflict with or inconsistent with the provisions of this resolution be rescinded upon approval of the Traffic Regulation Order.

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

2. New Jersey Div. of Transportation, Attn: Mark A. Hiestand, Supervisor, Traffic Engineering & Investigations, PO BOX 600, Trenton, NJ 08625-0600
2. Business Administrator

3. Chief of the Police
4. Township Attorney
5. Township Engineer

RESOLUTION # 2018-169

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 a revenue in the budget of the year 2018 in the sum of \$6,600.00, which has been awarded to the municipality for the "2018 Distracted Driving Crackdown" Grant.

BE IT FURTHER RESOLVED that the amount of \$6,600.00 be hereby appropriated under the caption "2018 Distracted Driving Crackdown" Grant.

RESOLUTION # 2018-170

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;

Section 1

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 a revenue in the budget of the year 2018 in the sum of \$19,975.51, which items are now available as a revenue from the New Jersey Department Transportation as the "2018 Highway Safety Fund Grant".

Section 2

BE IT FURTHER RESOLVED that the amount of \$19,975.51 be hereby appropriated under the caption "2018 Highway Safety Fund Grant".

RESOLUTION # 2018-171

RESOLUTION AUTHORIZING THE TOWNSHIP OF MARLBORO TO APPLY FOR THE OFFICE OF JUSTICE PROGRAMS BULLETPROOF VEST PARTNERSHIP GRANT ACT, U.S. DEPARTMENT OF JUSTICE (BVP) FOR THE MARLBORO TOWNSHIP POLICE

WHEREAS, the U.S Department of Justice, FY 2018 Bulletproof Vest Partnership Grant Act (BVP) is provided to assist all eligible law enforcement agencies in offsetting costs of purchasing body armor vests for their officers; and

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

WHEREAS, \$12,825 in funds are currently available to the Township; and

WHEREAS, the Township wishes to apply for the maximum amount of funding available to offset the costs for replacement vests due for officers during years April 2018 to August 2020; and

WHEREAS, the funding is a reimbursement that is requested after confirmation of receipt of the ballistic vest.

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 a grant application to the U.S. Department of Justice, Ballistic Vest Partnership (BVP) and execute an agreement for funding from the FY2018 Bulletproof Vest Partnership.

RESOLUTION # 2018-172

A RESOLUTION OF THE TOWNSHIP OF MARLBORO IN MONMOUTH COUNTY,
NEW JERSEY AMENDING THE SHARED SERVICES AGREEMENT WITH THE
MARLBORO BOARD OF EDUCATION TO PROVIDE FOR SCHOOL RESOURCE
OFFICERS (SROs) IN MARLBORO TOWNSHIP K-8 SCHOOLS

WHEREAS, there are police officers specifically trained in educating, counseling, and protecting the public in an educational setting within the Township of Marlboro Division of Police known as School Resource Officers (SROs); and

WHEREAS, the Township of Marlboro ("Township") and Marlboro Township Board of Education ("MTBOE") are partners in providing for School Resource Officers (SROs), and acknowledge that these officers have been a constructive and valuable presence in the schools; 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 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, on July 13, 2017 (R.2017-227) the Township Council authorized an amendment to the Shared Services Agreement to be executed with the Marlboro Board of Education extending the existing agreement to provide for School Resource Officers (SROs) for the 2017/2018 school year; and

WHEREAS, the Township and the MTBOE wish to extend the agreement to include the 2018/2019 school year; and

WHEREAS, the Township Council of the Township of Marlboro supports the SRO program in the K-8 schools and endorses this partnership between the Township and the MTBOE.

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 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 Township Clerk are hereby authorized to execute the Shared Services Agreement.

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 # 2018-173

A RESOLUTION OF THE TOWNSHIP OF MARLBORO IN MONMOUTH COUNTY, NEW JERSEY AMENDING THE SHARED SERVICES AGREEMENT WITH THE FREEHOLD REGIONAL HIGH SCHOOL DISTRICT ("FRHSD") TO PROVIDE FOR SCHOOL RESOURCE OFFICERS (SROs) IN MARLBORO HIGH SCHOOL

WHEREAS, there are police officers specifically trained in educating, counseling, and protecting the public in an educational setting within the Township of Marlboro Division of Police known as School Resource Officers (SROs); and

WHEREAS, the Township of Marlboro ("Township") and Freehold Regional High School District ("FRHSD") are partners in providing for School Resource Officers (SROs), and acknowledge that these officers have been a constructive and valuable presence in the schools; 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 Freehold Regional High School District 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, on July 13, 2017 (R.2017-226) the Township Council authorized a Shared Services Agreement to be executed with the

FRHSD to provide for School Resource Officers (SROs) for the 2017/2018 school year; and

WHEREAS, the Township and the FRHSD wish to extend the agreement to include the 2018/2019 school year; and

WHEREAS, the Township Council of the Township of Marlboro supports the SRO program in Marlboro High School and endorses this partnership between the Township and the FRHSD.

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 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 Township Clerk are hereby authorized to execute the Shared Services Agreement.
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 # 2018-174

RESOLUTION SUPPORTING THE CLICK IT OR
TICKET MOBILIZATION OF MAY 21 THROUGH JUNE 3, 2018

WHEREAS, a large percentage of the motor vehicle occupants killed in traffic crashes were not wearing a seat belt; and

WHEREAS, use of a seat belt remains the most effective way to avoid death or serious injury in a motor vehicle crash; and

WHEREAS, the National Highway Traffic Safety Administration estimates that more than 14,000 lives were saved by seat belt usage nationally in the year 2015; and

WHEREAS, the State of New Jersey will participate in the nationwide "CLICK IT OR TICKET" seat belt mobilization from May 21 through June 3, 2018 in an effort to raise awareness and increase seat belt usage through a combination of enforcement and education; and

WHEREAS, the Division of Highway Traffic Safety has set a goal of increasing the seat belt usage rate in the state from the current level of 94% to 100%; and

WHEREAS, a further increase in seat belt usage in New Jersey will save lives on our roadways;

NOW THEREFORE, be it resolved that the Township of Marlboro declares its support for the "CLICK IT OR TICKET" seat belt mobilization both locally and nationally from May 21 through June 3, 2018 and pledges to increase awareness of the mobilization and the benefits of seat belt use.

RESOLUTION # 2018-175

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 # 2018-176

RESOLUTION AUTHORIZING AWARD OF CONTRACT TO TRIUS INC.
FOR THE PURCHASE OF A WALK BEHIND ASPHALT ROLLER FOR
THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro as part of its 2017 capital program (120-08) authorized the purchase of a new ASPHALT HOT BOX MACHINE for the Department of Public Works in order to maintain and repair the Township roads; and

WHEREAS, the Township of Marlboro is in need of a WALK BEHIND ASPHALT ROLLER to use with the ASPHALT HOT BOX MACHINE in order to maintain and repair the Township roads; and

WHEREAS, the Township is authorized to purchase A WALK BEHIND ASPHALT ROLLER from bids obtained from a cooperative pricing system such as the Middlesex Regional Educational Services Commission (MRESC) pursuant to the authority provided by N.J.S.A. 40A:11-11(6); and

WHEREAS, the MRESC conducted a public bidding process and awarded a contract to JESCO Inc. for the provision of GROUNDS EQUIPMENT; and

WHEREAS, the Public Works Department has indicated that TRIUS INC. has agreed to extend the pricing provided to MRESC to Marlboro Township through the MRESC Cooperative Purchasing Program; and

WHEREAS, JESCO Inc. was awarded MRESC Cooperative Purchasing Program Contract #MRESC 15/16-08 for the BW 55 E Walk Behind Roller for a price of \$6,513.55; and

WHEREAS, the Township of Department of Public Works is in need of A WALK BEHIND ASPHALT ROLLER in order to maintain and repair the Township roads; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey for the Department of Public Works to obtain A WALK BEHIND ASPHALT ROLLER under the MRESC Cooperative Purchasing Program in order to maintain and repair the Township roads; and

WHEREAS, funds are available and have been certified by the Chief Financial Officer in the amount not to exceed \$6,513.55 from capital account 04-215-17-02H-120297; and

WHEREAS, the Township Council desires to approve the purchase of said WALK BEHIND ASPHALT ROLLER.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase A WALK BEHIND ASPHALT ROLLER from JESCO Inc. pursuant to the bid obtained by the MRESC Cooperative Purchasing Program, for a total amount not to exceed \$6,513.55.

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

- a. Jesco, Inc.
- b. Township Administrator
- c. Township Director of Public Works
- d. Township Chief Financial Officer
- e. Insurance

RESOLUTION # 2018-177

A RESOLUTION AWARDING CONTRACT TO MAZZA MULCH, INC. FOR THE PROVISION OF ON-SITE BRUSH GRINDING 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 ON-SITE BRUSH GRINDING SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS, and on April 17, 2018, received four (4) bids, as follows:

	Mazza Mulch Inc. 3230A Shafto Rd Tinton Falls, NJ 07753	Wild Heart Industries LLC 1542 Millstone River Rd, Hillsborough, NJ 08844	Britton Industries 227 Bakers Basin Rd, Lawrenceville, NJ 08648	Atlantic Tree Materials & Grinding Co. Inc. 805 Holmdel Rd, Holmdel, NJ 07733
Item Description	Bid Price	Bid Price	Bid Price	Bid Price
Unit Price Per Cubic Yard	\$2.32	\$8.50	\$2.89	\$4.00
Estimated Cubic Yards of Material	30,000	30,000	30,000	30,000
Estimated Frequency	2 Times/Year	2 Times/Year	2 Times/Year	2 Times/Year
Annual Bid Amount	\$139,200.00	\$510,000.00	\$173,400.00	\$240,000.00
Weekly Rate for Grinding and Disposal of material	\$45,000.00	\$42,500.00	\$32,500.00	\$25,000.00

Daily Rate for Grinding and Disposal of material	\$9,500.00	\$8,500.00	\$6,500.00	\$5,500.00
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; and

WHEREAS, following a review of the bids, as described in a memo dated April 17, 2018 from the Director of Public Works, it has been determined that the submission of the apparent lowest responsible bidder, MAZZA MULCH, INC., for the PROVISION OF ON-SITE BRUSH GRINDING SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS is responsive; and

WHEREAS, the Director of Public Works has recommended the award of contract for ON-SITE BRUSH GRINDING SERVICES to MAZZA MULCH, INC., the apparent lowest responsible 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 MAZZA MULCH, INC., whose address is 2330A Shafto Road, Tinton Falls, NJ 07753, at the unit price bid of \$2.32 per cubic yard in a total amount not to exceed \$139,200.00 for the PROVISION OF ON-SITE BRUSH GRINDING SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township 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, that funds in the amount of \$69,600.00 representing the Department's estimated 2018 requirement have been certified by the Chief Financial Officer from account #01-201-26-117-288103.

BE IT FURTHER RESOLVED, that funds for the remaining portion will be certified by the Chief Financial Officer at the time services are ordered.

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. Township Director of Public Works
- d. Township Chief Financial Officer

RESOLUTION # 2018-178

RESOLUTION AUTHORIZING AGREEMENT WITH THE MARLBORO
BASKETBALL BOOSTER CLUB, INC. ("BOOSTER CLUB") FOR THE
PROVISION OF REFEREEING SERVICES FOR THE MARLBORO
TOWNSHIP DEPARTMENT OF RECREATION BASKETBALL LEAGUES

WHEREAS, the BOOSTER CLUB is a not-for-profit organization which provides refereeing services to the Marlboro Township Department of Recreation; and

WHEREAS, the Township of Marlboro Department of Recreation and Recreation Commission are in need of refereeing services for the 2018/2019 Fall/Winter basketball season; and

WHEREAS, the BOOSTER CLUB has supplied a proposal to provide such services for the 2018/2019 Fall/Winter basketball season; and

WHEREAS, the total value of the services to be provided for 2018/2019 are estimated at and shall not exceed \$15,500.00 in the aggregate; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose from Account # 09-201-55-400-285402 and # 09-201-55-400-288402.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that the Township Council of the Township of Marlboro, hereby authorizes the Mayor and Town Clerk to enter into an agreement with the BOOSTER CLUB for the services described above.

RESOLUTION # 2018-179

RESOLUTION AUTHORIZING AGREEMENT WITH THE MARLBORO SOCCER
ASSOCIATION BOOSTERS, INC. (BOOSTER CLUB) FOR THE
PROVISION OF REFEREEING SERVICES FOR THE MARLBORO
TOWNSHIP DEPARTMENT OF RECREATION SOCCER LEAGUES

WHEREAS, the BOOSTER CLUB is a not-for-profit organization which provides refereeing services to the Marlboro Township Department of Recreation; and

WHEREAS, the Township of Marlboro Department of Recreation and Recreation Commission are in need of refereeing services for the 2018 Spring and Fall soccer seasons; and

WHEREAS, the BOOSTER CLUB has supplied a proposal to provide such services for the 2018 Spring and Fall soccer seasons; and

WHEREAS, the total value of the services to be provided for 2018 are estimated at and shall not exceed \$75,348.00 in the aggregate; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose from Account # 09-201-55-400-296409.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that the Township Council of the Township of Marlboro, hereby authorizes the Mayor and Town Clerk to enter into an agreement with the BOOSTER CLUB, P.O. Box 436, Marlboro, New Jersey 07746 for the services described above.

RESOLUTION # 2018-180

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 VARIOUS WATER
UTILITY SYSTEM IMPROVEMENTS

WHEREAS, the Township of Marlboro authorized various Water Utility System improvements identified as project 500-14 (Beacon Hill Water Storage Tank Rehabilitation) and 500-37 under its 2018 water capital program (Water Quality Accountability Act Compliance) ("Project"); and

WHEREAS, the Township is in need of professional engineering, design and bid services in connection with the Project; and

WHEREAS, CME Associates has provided proposals dated April 4, 2018 and April 5, 2018 (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 (as defined hereinabove) for the Project by way of its Township Engineers at a fee not to exceed \$154,942.00 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 \$154,942.00 are available in Capital Accounts 06-215-18-02D-500288 and 06-215-18-02E-500288 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 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; and

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 engineering services in connection with various Water Utility system improvements by way of its Township Engineers ("Professional Services"), at a fee not to exceed \$154,942.00 for such Professional Services, as further described and set forth in CME's Proposals dated April 4, 2018 and April 5, 2018 ("Proposal"), be and is hereby authorized; 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 \$154,942.00 for such additional Professional Services for the Project 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. CME Associates, 1460 Route 9 South, Howell, NJ 07731
- b. Township Business Administrator
- c. Township Chief Financial Officer
- d. Township Superintendent of Public Works

RESOLUTION # 2018-181

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES CONTRACT BETWEEN CME ASSOCIATES AND THE TOWNSHIP OF MARLBORO FOR CONSTRUCTION MANAGEMENT SERVICES IN CONNECTION WITH THE CONSTRUCTION OF THE HARBOR ROAD WATER TREATMENT PLANT FOR THE WATER UTILITY DIVISION

WHEREAS, on August 1, 2013, the Township Council adopted Resolution 2013-257 authorizing an amendment to the professional services contract with CME Associates to include construction management services in connection with the construction of the Harbor Road Treatment Plant for the Water Utility Division; and

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

WHEREAS, by Resolution #2016-048 the Township of Marlboro authorized the award of a contract to TOMAR CONSTRUCTION, LLC

for the construction improvements to the Harbor Road Water Treatment Plant (the "Project"); and

WHEREAS, on November 30, 2017 (R. #2017-332), Change Order No. 1 was approved resulting in an increase in the original contract amount of \$9,812,133.00 to \$9,983,177.33, a net increase of \$171,044.33; and

WHEREAS, in correspondence dated April 26, 2018, the Township's Contract Engineer has recommended approval of Change Order No. 2 which reflects reductions and increases in contract quantities and supplementary items to provide for operational improvements, including new radio communications systems for the Township water system, relocation of the solar power facilities to the new facility, and enhancements of the mechanical systems and a compensable time extension to the Contract; and

WHEREAS, the Superintendent of Public Works has recommended the approval of Change Order No. 2, which results in an increase in the amended contract amount of \$9,983,177.33 to \$10,464,241.03, an increase of \$481,063.70, representing a total increase of \$652,108.03 over the original contract amount, or 6.65%; and

WHEREAS, the engineering construction management services required are a function of the underlying Harbor Road Treatment Plant construction contract; and

WHEREAS, in a letter dated April 18, 2018, CME presented a proposed amendment to the construction management contract associated with construction contract change orders #1 and #2 totaling \$168,160.00; and

WHEREAS, the Superintendent of Public Works has recommended that the request for additional engineering construction management services be approved as presented; and

WHEREAS, based upon the information presented, it is recommended that the contract amount be increased to reflect work to be performed in accordance with the contract.

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

1. The Township Council of the Township of Marlboro hereby authorizes and approves an amendment to the Professional

Services Contract with CME ASSOCIATES pursuant to a fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.4, increasing the contract not to exceed amount by \$168,160.00; and

2. The Chief Financial Officer has certified that sufficient funds in the amount of \$168,160.00 are available for the aforesaid contract amendment in Account # 06-215-14-06A-500288; and

3. That a certified copy of this Resolution shall be provided to each of the following:

- a. CME Associates
- b. Township Administrator
- c. Superintendent of Public Works
- d. Chief Financial Officer

RESOLUTION # 2018-182

A RESOLUTION APPROVING CHANGE ORDER NO. 2 TO THE EXISTING
CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO AND TOMAR
CONSTRUCTION, LLC FOR HARBOR ROAD WATER TREATMENT
PLANT IMPROVEMENTS FOR THE MARLBORO TOWNSHIP DEPARTMENT
OF PUBLIC WORKS WATER UTILITY DIVISION

WHEREAS, by Resolution #2016-048 the Township of Marlboro authorized the award of a contract to TOMAR CONSTRUCTION, LLC for the construction improvements to the Harbor Road Water Treatment Plant (the "Project"); and

WHEREAS, on November 30, 2017 (R. #2017-332), Change Order No. 1 was approved resulting in an increase in the original contract amount of \$9,812,133.00 to \$9,983,177.33, a net increase of \$171,044.33; and

WHEREAS, in correspondence dated April 26, 2018, the Township's Contract Engineer has recommended approval of Change Order No. 2 which reflects reductions and increases in contract quantities and supplementary items to provide for operational improvements, including new radio communications systems for the Township water system, relocation of the solar power facilities to the new facility, and enhancements of the mechanical systems and a compensable time extension to the Contract; and

WHEREAS, Change Order No. 2 has been requested resulting in an increase in the amended contract amount of \$9,983,177.33 to

\$10,464,241.03, an increase of \$481,063.70, representing a total increase of \$652,108.03 over the original contract amount, or 6.65%; and

WHEREAS, as described in the correspondence from the Contract Engineer, the items requested in Change Order No. 2 could not have reasonably been effectuated by a separately bid contract without disruption to the project and adverse cost consequences; and

WHEREAS, the Superintendent of Public Works has recommended that Change Order No. 2 be approved as presented; and

WHEREAS, the Township Council of the Township of Marlboro has reviewed the support provided, and is amenable to approving Change Order No. 2 in order that the Project be completed, such Project being in the interest of the public health, safety and welfare; and

WHEREAS, funds in the amount of \$481,063.70 have been certified by the Chief Financial Officer for this purpose in Capital Account #06-215-14-06A-500288.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that Change Order No. 2 to the existing contract with TOMAR CONSTRUCTION, LLC, be and is hereby approved, increasing the amended contract total of \$9,983,177.33 to \$10,464,241.03, a net increase of \$481,063.70.

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

- a. Tomar Construction, LLC
- b. Township Administrator
- c. Township Superintendent of Public Works
- d. Township Engineer
- e. Chief Financial Officer

RESOLUTION # 2018-183

REDEMPTION TAX SALE CERTIFICATES

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$75,342.91 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 \$75,342.91 be refunded to the certificate holders as per Schedule "A",

<u>SCHEDULE "A"</u>			
<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>LIENHOLDER</u>	<u>AMOUNT</u>
2017-036	193.13/122	Fig Capital Investments NJ13 PO Box 54472 New Orleans, LA 70154 Assessed Owner: US Bank Trust	1,796.49
2017-030	178/2/C0253	US Bank Cust for PC7 Firstrust 50 South 16 th Street, Suite 2050 Philadelphia, PA 19102 Assessed Owner: US Bank Trust, NA	2,255.53
2017-006	111/32	Trystone Capital Assets, LLC PO Box 1030 Brick, NJ 08723 Assessed Owner: Mackey, Clinton & Catherine	2,964.20
2014-103	415/25	Fig Capital Investments NJ13 PO Box 54472 New Orleans, LA 70154 Assessed Owner: Stiles, Nelson & Marie	45,839.81
2017-024	176/7/C0631	US Bank Cust for PC7 Firstrust 50 South 16 th Street, Suite 2050 Philadelphia, PA 19102 Assessed Owner: Binder, Adam	1,853.23
2017-020	173/7/C0340	US Bank Cust for PC7 Firstrust 50 South 16 th Street, Suite 2050 Philadelphia, PA 19102 Assessed Owner: US Bank Trust, NA	4,205.96
2017-010	126/12	Fig Capital Investments NJ13	2,462.52

PO Box 54472
New Orleans, LA 70154
Assessed Owner:
Jarmolowski, Anna & Stanislaw

2015-094 327/46 PFS Financial 1, LLC 13,965.17
7990 IH-10W
San Antonio, TX 78230
Assessed Owner: BYOLL LLC

RESOLUTION # 2018-184

WHEREAS, Certificate of Sale #2017-002 was issued to The Township of Marlboro, 1979 Township Drive, Marlboro, New Jersey, for delinquent taxes on Block 107, Lot 2 (Wicker Place), assessed to Martha Place Development, LLC, at a tax sale held on October 24, 2017; and,

WHEREAS, the assessed owner has redeemed Certificate #2017-002 by paying the full amount of the delinquency.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro, that the Mayor and Municipal Clerk of the Township of Marlboro are hereby authorized to endorse Certificate of Sale #2017-002 for cancellation.

RESOLUTION # 2018-185

WHEREAS, Certificate of Sale #2017-003 was issued to The Township of Marlboro, 1979 Township Drive, Marlboro, New Jersey, for delinquent taxes on Block 108, Lot 14 (Wicker Place), assessed to Sarai Management, LLC, at a tax sale held on October 24, 2017; and,

WHEREAS, the assessed owner has redeemed Certificate #2017-003 by paying the full amount of the delinquency,

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro, that the Mayor and Municipal Clerk of the Township of Marlboro are hereby authorized to endorse Certificate of Sale #2017-003 for cancellation.

RESOLUTION # 2018-186

WHEREAS, Certificate of Sale #2017-004 was issued to The Township of Marlboro, 1979 Township Drive, Marlboro, New Jersey,

for delinquent taxes on Block 108, Lot 15 (Wicker Place), assessed to Daly, Mikaela, at a tax sale held on October 24, 2017; and,

WHEREAS, the assessed owner has redeemed Certificate #2017-004 by paying the full amount of the delinquency,

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro, that the Mayor and Municipal Clerk of the Township of Marlboro are hereby authorized to endorse Certificate of Sale #2017-004 for cancellation.

At 8:00 PM, Councilwoman Mazzola moved that the meeting be adjourned. This was seconded by Council President Marder, and passed on a roll call vote of 4 - 0 in favor (Absent: Scalea).

MINUTES APPROVED: MAY 17, 2018

OFFERED BY: MAZZOLA AYES: 3

SECONDED BY: CANTOR NAYS: 0

ABSTAIN: SCALEA

ABSENT: METZGER

ALIDA MANCO,
MUNICIPAL CLERK

RANDI MARDER,
COUNCIL PRESIDENT