

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

OCTOBER 4, 2018

The Marlboro Township Council held its regularly scheduled Meeting on October 4, 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: Councilman Cantor, Councilwoman Mazzola, Councilman Scalea, and Council President Marder. Council Vice President Metzger and Mayor Jonathan L. Hornik were absent.

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

Councilman Cantor moved that the minutes of September 6, 2018 be adopted. This was seconded by Council President Marder and passed on a roll call vote of 2 - 0 in favor with Councilwoman Mazzola and Councilman Scalea abstaining (Absent: Metzger).

The following Resolution #2018-288/Ordinance #2018-16 (Authorizing Acquisition of Easements - 4 McCue Road) was introduced by reference, offered by Councilman Scalea and seconded by Councilwoman Mazzola. Council President Marder opened the Public Hearing on Ordinance #2018-16. As there was no one who wished to speak, the public hearing was closed and the resolution/ordinance was passed on a roll call vote of 4 - 0 in favor (Absent: Metzger).

RESOLUTION # 2018-288

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

ORDINANCE # 2018-16

AN ORDINANCE AUTHORIZING THE ACQUISITION OF AN EASEMENT AND RIGHT-OF-WAY CONSISTING OF .031 ACRES AND A TEMPORARY CONSTRUCTION EASEMENT OF .022 ACRES OF THE PROPERTY KNOWN AND DESIGNATED AS BLOCK 300, LOT 12 ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF MARLBORO, MONMOUTH COUNTY, NEW JERSEY, ALSO KNOWN AS 4 MCCUE ROAD, MORGANVILLE, NJ FOR THE PURPOSES OF CONSTRUCTING AND MAINTAINING STORMWATER INFRASTRUCTURE IN THE VICINITY OF CHURCH ROAD AND MCCUE ROAD IN THE TOWNSHIP OF MARLBORO

which was introduced on September 6, 2018, public hearing held on October 4, 2018, be adopted on second and final reading this 4th day of October, 2018.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

The following Resolution #2018-289/Ordinance #2018-17 (Authorizing Acquisition of Easements - 6 McCue Road) was introduced by reference, offered by Councilwoman Mazzola and seconded by Councilman Scalea. Council President Marder opened the Public Hearing on Ordinance #2018-17. As there was no one who wished to speak, the public hearing was closed and the resolution/ordinance was passed on a roll call vote of 4 - 0 in favor (Absent: Metzger).

RESOLUTION # 2018-289

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

ORDINANCE # 2018-17

AN ORDINANCE AUTHORIZING THE ACQUISITION OF AN EASEMENT AND RIGHT-OF-WAY CONSISTING OF .035 ACRES AND A TEMPORARY CONSTRUCTION EASEMENT OF .023 ACRES OF THE PROPERTY KNOWN AND DESIGNATED AS BLOCK 300, LOT 13 ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF MARLBORO, MONMOUTH COUNTY, NEW JERSEY, ALSO KNOWN AS 6 MCCUE ROAD, MORGANVILLE, NJ FOR THE PURPOSES OF CONSTRUCTING AND MAINTAINING STORMWATER INFRASTRUCTURE IN THE VICINITY OF CHURCH ROAD AND MCCUE ROAD IN THE TOWNSHIP OF MARLBORO

which was introduced on September 6, 2018, public hearing held on October 4, 2018, be adopted on second and final reading this 4th day of October, 2018.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

The following Resolution #2018-290/Ordinance #2018-18 (Authorizing Acquisition of Water Utility Easements - 51 Lloyd Road) was introduced by reference, offered by Councilman Scalea and seconded by Councilwoman Mazzola. Council President Marder opened the Public Hearing on Ordinance #2018-18. As there was no one who wished to speak, the public hearing was closed and the resolution/ordinance was passed on a roll call vote of 4 - 0 in favor (Absent: Metzger).

RESOLUTION # 2018-290

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

ORDINANCE # 2018-18

AN ORDINANCE AUTHORIZING THE ACQUISITION OF AN EASEMENT AND RIGHT-OF-WAY CONSISTING OF .012 ACRES AND A TEMPORARY CONSTRUCTION EASEMENT OF .006 ACRES OF THE PROPERTY KNOWN AND DESIGNATED AS BLOCK 118, LOT 24 ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF MARLBORO, MONMOUTH COUNTY, NEW JERSEY, ALSO KNOWN AS 51 LLOYD ROAD, MORGANVILLE, NJ 07751 FOR THE PURPOSES OF CONSTRUCTING AND MAINTAINING PUBLIC WATER INFRASTRUCTURE IN THE TOWNSHIP OF MARLBORO

which was introduced on September 6, 2018, public hearing held on October 4, 2018, be adopted on second and final reading this 4th day of October, 2018.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

The following Resolution #2018-291/Ordinance #2018-19 (Capital Ordinance - Acquisition of Water Utility Easements - 51 Lloyd Road) was introduced by reference, offered by Councilman Scalea and seconded by Councilwoman Mazzola. Council President Marder opened the Public Hearing on Ordinance #2018-19. As there was no one who wished to speak, the public hearing was closed and the resolution/ordinance was passed on a roll call vote of 4 - 0 in favor (Absent: Metzger).

RESOLUTION # 2018-291

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

ORDINANCE # 2018-19

AN ORDINANCE APPROPRIATING \$13,000.00 FROM WATER CAPITAL SURPLUS FOR ACQUISITION OF A TEMPORARY CONSTRUCTION AND PERMANENT WATER UTILITY EASEMENT ON BLOCK 118 LOT 24, ALSO KNOWN AS 51 LLOYD ROAD, MORGANVILLE, NEW JERSEY IN THE TOWNSHIP OF MARLBORO NEW JERSEY

which was introduced on September 6, 2018, public hearing held on October 4, 2018, be adopted on second and final reading this 4th day of October, 2018.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

The following Resolution #2018-292/Ordinance #2018-20 (Authorizing Acquisition of Temporary Construction Easement for Stormwater Improvements - 54 Church Rd) 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: Metzger).

RESOLUTION # 2018-292

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

ORDINANCE # 2018-20

AN ORDINANCE AUTHORIZING A TEMPORARY CONSTRUCTION EASEMENT ON THE PROPERTY KNOWN AND DESIGNATED AS BLOCK 300, LOT 10 ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF MARLBORO, MONMOUTH COUNTY, NEW JERSEY, ALSO KNOWN AS 54 CHURCH ROAD, MORGANVILLE, NJ FOR THE PURPOSES OF CONSTRUCTING STORMWATER INFRASTRUCTURE IN THE VICINITY OF CHURCH ROAD AND MCCUE ROAD IN THE TOWNSHIP OF MARLBORO

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

BE IT FURTHER RESOLVED that the same be considered for

final passage on October 18, 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 # 2018-20

AN ORDINANCE AUTHORIZING TEMPORARY CONSTRUCTION EASEMENT ON THE PROPERTY KNOWN AND DESIGNATED AS BLOCK 300, LOT 10 ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF MARLBORO, MONMOUTH COUNTY, NEW JERSEY, ALSO KNOWN AS 54 CHURCH ROAD, MORGANVILLE, NJ FOR THE PURPOSES OF CONSTRUCTING STORMWATER INFRASTRUCTURE IN THE VICINITY OF CHURCH ROAD AND MCCUE ROAD IN THE TOWNSHIP OF MARLBORO

WHEREAS, the Township of Marlboro ("Township") as part of its 2015 capital program (060-26) authorized public stormwater improvements in the vicinity of Church Road and McCue Road; and

WHEREAS, in order to complete the necessary public stormwater improvements, the Township requires certain permanent and temporary property easements; and

WHEREAS, the Township desires to acquire a temporary construction easement on BLOCK 300, LOT 10 as depicted on the attached exhibit dated February 1, 2016; and

WHEREAS, the Township requires the temporary construction easement depicted on the aforementioned exhibit ("Property") for the public purposes of constructing stormwater infrastructure in the vicinity of Church Road and McCue Road and has entered into negotiations with the Owner to acquire the easements; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Township of Marlboro is authorized to adopt an Ordinance for the preservation of public health, safety and welfare; and

WHEREAS, pursuant to N.J.S.A. 40A:12-5, the Township of Marlboro has the power to acquire any real property for a public purpose; and

WHEREAS, the Township Council of the Township of Marlboro has determined that it would serve a public purpose and be to the benefit of the health and welfare of the Township's citizens for the Township to secure a temporary easement on the Property in order to use the same for constructing stormwater infrastructure in the vicinity of Church Road and McCue Road.

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

1. The Township is hereby authorized to acquire a temporary construction easement located on the parcel of real Property known and designated as Block 300, Lot 10 on the Official Tax Map of the Township of Marlboro, Monmouth County, New Jersey, also known as 54 Church Road, Morganville, NJ 07751, by agreement, for the public purposes of constructing stormwater infrastructure.

2. The Mayor and Township Clerk are hereby authorized and directed to execute and witness, any documents which may be required to effectuate the purchase and conveyance of the Property.

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.

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict(s).

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

As the Consent Agenda, the following resolutions were introduced by reference, offered by Councilman Scalea, seconded by Councilman Cantor, and was passed on a roll call vote of 4 - 0 in favor (Absent: Metzger): Res. #2018-293 (Authorizing Marlboro Planning Board to Undertake Preliminary Investigation for Determination of an Area in Need of Redevelopment), Res. #2018-294 (Authorizing Transfer and Acceptance of Surplus Military Equipment for US Department of Defense (DOD) 1033 Program), Res. #2018-295 (Authorizing Participation in Western Monmouth Active Shooter Training Group), Res. #2018-296 (Authorizing Award of State Contract to Eagle Point Gun - Purchase of Ammunition for Qualifications and Range Training), Res. #2018-297 (Authorizing State Contract for Local/Long Distance Telephone Service 2019 - Broadview Networks), Res. #2018-298 (Authorizing Mobile Friendly Website Redesign and

Renewal of State Contract Website and Cloud Services), Res. #2018-299 (Authorizing State Contracts for Purchase of Water Utility SCADA Software, Cabling, Server and Networking - Harbor Rd Water Treatment Plant Project (2018-500-19)), Res. #2018-300 (Authorizing Contract Provision of De-Icing Material - Monmouth County Cooperative Purchasing Program), Res. #2018-301 (Authorizing State Contract Purchase of De-Icing Material), Res. #2018-302 (Authorizing Shared Services Agreement Monmouth County - Disposal of Millings/Street Sweepings), Res. #2018-303 (Authorizing State Contract - Diesel and Unleaded Fuel), Res. #2018-304 (Authorizing Acquisition of Material Conveyor through Monmouth County Cooperative Purchasing Program), Res. #2018-305 (Bond Reduction Stillwell Road Holdings, LLC/Buckley Manor - B 421, L 3 & 4), Res. #2018-306 (Authorizing Inter-local Agreement with East Brunswick - Purchase of Groundwater Diversion Rights), Res. #2018-307 (Redemption Tax Sale Certs - Various), Res. #2018-308 (Authorizing Tax Collector to Accept and Apply Property Tax Payments towards Subsequent Quarters in Lieu of a Refund Pursuant to Local Finance Notice 2018-17 Issued by NJ Division of Local Government Services).

RESOLUTION # 2018-293

A RESOLUTION AUTHORIZING THE TOWNSHIP OF MARLBORO PLANNING BOARD TO UNDERTAKE A PRELIMINARY INVESTIGATION FOR DETERMINATION OF AN AREA IN NEED OF REDEVELOPMENT OF A CERTAIN AREA WITHIN THE TOWNSHIP OF MARLBORO IDENTIFIED WITH MORE PARTICULARITY AND DESCRIBED BY ADDRESS AND LOT AND BLOCK ON SCHEDULE "A" ATTACHED HERETO AND MADE A PART HEREOF

WHEREAS, the Local Redevelopment and Housing Law N.J.S.A. 40A:12A-1et seq. provides a mechanism to empower and assist local government in its efforts to promote programs of redevelopment; and

WHEREAS, the Local Redevelopment and Housing Law sets forth a specific procedure for establishing an area in need of redevelopment; and

WHEREAS, pursuant to N.J.S.A. 40A:12-A-6, prior to the governing body making a determination as to whether a particular study area qualifies as an area in need of redevelopment, the governing body must authorize the Township Planning Board, by Resolution, to undertake a preliminary investigation to determine whether the area meets the criteria of an area in need of redevelopment as set forth in N.J.S.A. 40A:12-5; and

WHEREAS, the Legislature amended the Local Redevelopment and Housing Law on September 6, 2013 to expand and clarify various provisions of same; and

WHEREAS, as a provision of the amendment to *N.J.S.A.* 40A:12-6, the Legislature has directed that the resolution authorizing the planning board to undertake a preliminary investigation shall state whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain ("Non-Condernation Redevelopment Area") or whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area, including the power of eminent domain ("Condernation Redevelopment Area"); and

WHEREAS, the redevelopment area determination shall authorize the Township of Marlboro to use all of the powers provided by the Legislature for use in a redevelopment area including the use of eminent domain, thus designating it a Condernation Redevelopment Area; and

WHEREAS, the Township previously adopted R. 2017-272 on August 10, 2017 directing the Planning Board to undertake a preliminary investigation to determine whether a list of parcels within the Township of Marlboro qualified as an area in need of redevelopment pursuant to *N.J.S.A.* 40A:12A-5; and

WHEREAS, an additional parcel which was not included on the list approved on August 10, 2017 has been identified for review by the Planning Board as part of the same investigation; and

WHEREAS, the Township of Marlboro wishes to direct the Planning Board to undertake a preliminary investigation to determine whether the additional parcel as part of the proposed study area within the Township of Marlboro and identified with more particularly as described by address, lot and block and zone district on Schedule "A" attached hereto and made apart hereof (the "Study Area") qualifies as an area in need of redevelopment pursuant to *N.J.S.A.* 40A:12A-5.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that the Township Planning Board is hereby directed to conduct the necessary investigation, including the holding of a public hearing, to determine whether the Study Area is or is not an area in need of redevelopment under the criteria set forth in *N.J.S.A.* 40A:12A-1 et seq.

BE IT FURTHER RESOLVED, that the Planning Board shall submit its findings and recommendations to the Township Council in the form of a Resolution with supporting documentation.

RESOLUTION # 2018-294

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. Township Business Administrator
- c. Chief Financial Officer
- d. Insurance

RESOLUTION # 2018-295

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

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

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

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

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

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

WHEREAS, Freehold has proposed an annual budget of \$8,000 to cover the costs of certain protective gear, ammunitions, planning and execution materials and other incidental costs; and

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

WHEREAS, Marlboro's calculated share of the costs of participation in the consortium is \$1,738.00; and

WHEREAS, funds in the amount of \$1,738.00 have been certified by the Chief Financial Officer and are available in Current Account 01-201-25-106-285; and

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

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

1. The above recitals are hereby incorporated into the body of this Resolution as if set forth at length herein.
2. The Shared Services Agreement shall be open to public inspection in the 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 a Shared Services Agreement in a form substantially similar to the document annexed hereto as EXHIBIT A, subject to review and approval by the Township Attorney.
4. A copy of the finalized Shared Services agreement shall be filed, for informational purposes, with the Division of Local Government Services in the Department of Community Affairs.

RESOLUTION # 2018-296

RESOLUTION AUTHORIZING AWARD OF STATE CONTRACT #81296
TO EAGLE POINT GUN SHOP FOR THE PURCHASE OF AMMUNITION
FOR THE TOWNSHIP OF MARLBORO DIVISION OF POLICE

WHEREAS, the Township of Marlboro Division of Police is in need of ammunition for qualifications and range training; and

WHEREAS, the Marlboro Police Department has recommended that the Township purchase the ammunition from Eagle Point Gun Shop, 1707 Third Street, Thorofare, New Jersey 08086 under State Contract #81296 in an amount not to exceed \$37,000.00; and

WHEREAS, pursuant to N.J.S.A. 40A:11-12, a municipality may, without advertising for bids, purchase goods under any contract for such goods entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey for the Police Department to obtain the ammunition from Eagle Point Gun Shop; and

WHEREAS, funds are available in Current Account 01-201-25-106-262644 for an amount not to exceed \$37,000.00 and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Township Council desires to approve the purchase of said ammunition.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase the ammunition from Eagle Point Gun Shop, 1707 Third Street, Thorofare, New Jersey 08086 under State Contract #81296 in an amount not to exceed \$37,000.00.

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

- a. Eagle Point Gun Shop
- b. Township Business Administration
- c. Township Police Department
- d. Chief Financial Officer

RESOLUTION # 2018-297

A RESOLUTION AWARDING A CONTRACT TO BROADVIEW NETWORKS, INC. FOR LOCAL, REGIONAL AND LONG DISTANCE TELEPHONE SERVICES FOR THE TOWNSHIP OF MARLBORO

WHEREAS, the Township of Marlboro is in need of local, regional and long distance telephone services in order to conduct the business of the Township of Marlboro; and

WHEREAS, Broadview Networks has been awarded State Contract #85017 to provide such services; and

WHEREAS, pursuant to NJSA 40A:11-12, a municipality may, without advertising for bids, purchase goods under any contract for such goods entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, the Township of Marlboro Division of Information Technology ("IT") has recommended that a contract to provide local, regional and long distance telephone services be awarded to Broadview Networks, Inc., under State Contract #85017 in an amount not to exceed \$35,000.00; and

WHEREAS, funds in the amount of \$35,000.00 will be certified by the Chief Financial Officer in Current Account #01-201-31-162-232, upon adoption of the 2019 budget; and

WHEREAS, the Township Council deemed it necessary for the proper function of the Township to enter into a contract for the purchase of local, regional and long distance telephone

services.

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 the award of a contract to Broadview Networks, Inc., to provide local, regional and long distance telephone services pursuant to the Proposal described above; and

2. The Mayor and Township Clerk are hereby authorized and directed to execute, seal and deliver the contract for goods and services on behalf of and in the name of the Township of Marlboro; and

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

- a. Broadview Networks, Inc.
- b. Township Division of IT
- c. Township Business Administrator
- d. Chief Financial Officer

RESOLUTION # 2018-298

RESOLUTION AUTHORIZING AGREEMENT WITH CITY CONNECTIONS, LLC FOR THE MOBILE FRIENDLY WEBSITE REDESIGN AND AWARD OF STATE CONTRACT #89851 TO SHI INTERNATIONAL CORP FOR THE PURCHASE OF WEBSITE AND CLOUD SERVICES RENEWAL FOR THE TOWNSHIP OF MARLBORO INFORMATION TECHNOLOGY

WHEREAS, the Township of Marlboro has been utilizing City Connections, LLC for website hosting, email distribution and website maintenance services since 2005; and

WHEREAS, the Division of Police currently has a separate contract for the hosting of its website; and

WHEREAS, the Township wishes to consolidate website hosting and maintenance services under a single contract, and update both platforms with a "mobile friendly" redesign; and

WHEREAS, the Township and Police website platforms were last updated in 2011/12 before the mass expansion of mobile technology; and

WHEREAS, the approved 2018 Information Technology budget included funding for website redesign services; and

WHEREAS, the Chief Informational Officer (CIO) solicited quotes and in a memo dated September 19, 2018 has recommended that the Township move forward with a website redesign at this time, and is recommending award of the low quote proposal to City Connections, Inc. for a total cost of \$8,400.00; and

WHEREAS, the Township of Marlboro is also in need of website and cloud services to operate and maintain the Township's official website and bulk email notification system, currently provided by City Connections under State Contract #89851 through SHI International Corp, and RP Design Web Services for the Police Division ("required services"); and

WHEREAS, pursuant to N.J.S.A. 40A:11-12, a municipality may, without advertising for bids, purchase goods under any contract for such goods entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, in accordance with the State Contract methodology for SOFTWARE LICENSE & RELATED SERVICES, the CIO solicited five (5) quotations for the required services, and received a single quote from SHI International Corp under State Contract #89851 in the amount of \$17,278.25; and

WHEREAS, the Chief Informational Officer, has recommended that the Township purchase the required services through SHI International Corp under State Contract #89851; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to purchase both the mobile friendly redesign services and the website and cloud services necessary to operate and maintain the Township's official website and bulk email notification system as described above; and

WHEREAS, funds in the amount of \$8,400.00 have been certified by the Chief Financial Officer from Current Account #01-201-20-055-288 for the mobile friendly website redesign; and

WHEREAS, funds in the amount of \$17,278.25 will be certified by the Chief Financial Officer from Current Account #01-201-20-055-288 following the adoption of the 2019 budget for the website and cloud services renewal.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase the mobile friendly website redesign services from City Connections, LLC, 5 Ebbtide Court, Barnegat, NJ 08005 in an amount not to exceed \$8,400.00, and City Connections website and cloud services under State Contract #89851 from SHI International Corp, 290 Davidson Avenue, Somerset, NJ 08873 in an amount not to exceed \$17,278.25.

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

- a. City Connections, LLC
- b. SHI International Corp
- c. Township Business Administrator
- d. Chief Information Officer
- e. Chief Financial Officer

RESOLUTION # 2018-299

AUTHORIZING VARIOUS STATE CONTRACTS FOR THE PURCHASE
OF A SCADA SYSTEM FOR THE HARBOR ROAD WATER TREATMENT
PLANT FOR THE MARLBORO WATER UTILITY

WHEREAS, the Township of Marlboro as part of the reconstruction of the Harbor Road Treatment Plant and its 2018 capital program (500-19) authorized the acquisition of a new Supervisory Control And Data Acquisition or "SCADA" System, including the required software, cabling, servers and networking ("SCADA"); and

WHEREAS, the Water Utility utilizes SCADA, a system that allows organizations to control plant processes as well as monitor, gather and process real-time data in order to ensure the efficient and safe operation of the water supply system; and

WHEREAS, the SCADA system is considered critical and it is desired that redundant systems and mechanisms be in place to make it as highly available as possible; and

WHEREAS, both the goods and services being procured will allow for rapid recovery in the event of hardware failure or data corruption; and

WHEREAS, pursuant to N.J.S.A. 40A:11-12, a municipality may, without advertising for bids, purchase goods under any contract for such goods entered into on behalf of the State by

the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, the Division of Information Technology ("IT") has recommended and requested in a memo dated September 18, 2018, that the following items, necessary to implement SCADA be purchased under the following State Contracts:

1) State Contract # 88130 -Derive Technologies (HPE) for Data Communications Equipment servers, networking and server equipment	- \$ 2,594.00
2) State Contract # 40116 - Derive Technologies (HPE) for servers, networking and server equipment	- \$32,598.00
3) State Contract # 89967 - Dell Marketing LP for APC UPS Items	- \$ 1,449.92
4) State Contract # 89851 - SHI for SCADA Operating System Software	- \$38,386.95
5) State Contract # 88739 - NetQ for all fiber & copper structure cabling	- \$15,402.59
Grand Total	- \$90,431.46

; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to purchase the SCADA System through the above mentioned State Contracts for the Harbor Road Water Treatment Plant; and

WHEREAS, funds in the total amount of \$90,431.46 have been certified by the Chief Financial Officer in Capital Account #06-215-18-02B-500288; and

WHEREAS, the Township Council desires to approve the purchase of Water Utility SCADA System for the Harbor Road Water Treatment Plant.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase the SCADA System through the above mentioned State Contracts for the Harbor Road Water Treatment Plant for a total amount not to exceed \$90,431.46.

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

- a. Township Business Administrator
- b. Director of Public Works

- c. Chief Information Officer
- d. Chief Financial Officer
- e. Insurance

RESOLUTION # 2018-300

RESOLUTION AUTHORIZING A CONTRACT FOR THE PROVISION OF DE-ICING MATERIAL (SODIUM CHLORIDE TREATED WITH LIQUID MAGNESIUM CHLORIDE AND ORGANIC BASED PERFORMANCE ENHANCER) THROUGH BIDS OBTAINED BY THE MONMOUTH COUNTY COOPERATIVE PURCHASING PROGRAM UNDER MONMOUTH COUNTY CO-OPERATIVE CONTRACT NUMBER F23-2018

WHEREAS, the Monmouth County Cooperative Purchasing Program conducted a public bidding process and awarded a contract to Chemical Equipment Labs, Inc., P.O. Box 1136 Linwood, Pennsylvania, 19061 for the provision of de-icing material (treated sodium chloride) at a price of \$77.77 per ton; and

WHEREAS, the Township is authorized to purchase de-icing material (treated sodium chloride) from bids obtained from a cooperative pricing system such as the Monmouth County Cooperative Purchasing Program pursuant to the authority provided by N.J.S.A. 40A:11-11(6); and

WHEREAS, the Director of Public Works has indicated that Chemical Equipment Labs, Inc. has agreed to extend the pricing provided to Monmouth County to Marlboro Township through the Monmouth County Cooperative Purchasing Program; and

WHEREAS, at this time, the Director of Public Works has recommended the award of a contract on an as needed basis for de-icing material (treated sodium chloride) at the contract price of \$77.77 per ton; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to purchase de-icing material (treated sodium chloride) through the Monmouth County Cooperative Purchasing Program; and

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

WHEREAS, the Marlboro Township Council, having considered the same, desires to authorize the purchase of de-icing material (treated sodium chloride) from Chemical Equipment Labs, Inc., at a price of \$77.77 per ton as needed, pursuant to the bid obtained by the Monmouth County Cooperative Purchasing Program.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase de-icing material (treated sodium chloride) from Chemical Equipment Labs, Inc., at a price of \$77.77 per ton as needed, pursuant to the bid obtained by the Monmouth County Cooperative Purchasing Program.

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

- a. Chemical Equipment Labs, Inc.
- b. Township Business Administrator
- c. Chief Financial Officer
- d. Director of Public Works

RESOLUTION # 2018-301

RESOLUTION AUTHORIZING A CONTRACT FOR THE PROVISION OF DE-ICING MATERIAL (TREATED SODIUM CHLORIDE) FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS UNDER STATE CONTRACT #40201

WHEREAS, the State of New Jersey conducted a public bidding process and awarded a contract to Morton Salt, Inc., 123 North Wacker Drive, Chicago, IL 60606-1743 for the provision of de-icing material (treated sodium chloride) at a price of \$92.01 per ton; and

WHEREAS, pursuant to N.J.S.A. 40A:11-12, a municipality may, without advertising for bids, purchase goods under any contract for such goods entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, the Public Works Department has recommended the award of a contract on an as needed basis for de-icing material (treated sodium chloride) at the contract price of \$92.01 per ton; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to purchase de-icing material (treated sodium chloride); and

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

WHEREAS, the Marlboro Township Council desires to authorize the purchase of de-icing material (treated sodium chloride) from Morton Salt, Inc., at a price of \$92.01 per ton as needed,

pursuant to the contract authorized by the State of New Jersey Division of Purchase and Property in the Department of Treasury.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase de-icing material (treated sodium chloride) from Morton Salt, Inc., at a price of \$92.01 per ton as needed, pursuant to the contract authorized by the State of New Jersey Division of Purchase and Property in the Department of Treasury.

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

- a. Morton Salt, Inc.
- b. Township Business Administrator
- c. Chief Financial Officer
- d. Director of Public Works

RESOLUTION # 2018-302

AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE COUNTY
OF MONMOUTH RECLAMATION CENTER FOR THE DISPOSAL OF DEBRIS
FOR 2019 FOR THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, The Board of Chosen Freeholders of the County of Monmouth (hereinafter, "the County") has established the Monmouth County Reclamation Center; and

WHEREAS, the Township of Marlboro wishes to enter into a Shared Services Agreement with the County to dispose of debris including that collected through street sweeping at the Monmouth County Reclamation Center; and

WHEREAS, N.J.S.A. 40A:65-1 et seq. authorizes local units to enter into shared services agreements for the provision of services, including the services contemplated herein; and

WHEREAS, the proposed shared services agreement in the form of the County's posted Rules and Regulations is on file in the Township Clerk's office in accordance with the provisions of N.J.S.A. 40A:65-5(b); and

WHEREAS, funds for the aforesaid purpose estimated at an amount not to exceed \$44,040.00 will be certified by the Chief Financial Officer in Current Account #01-201-32-170-233112, following the adoption on the 2019 Budget.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Clerk are hereby authorized and directed to execute the proposed shared services agreement for the disposal of debris with the Monmouth County Reclamation Center, 6000 Asbury Avenue, Tinton Falls, NJ 07753.

BE IT FURTHER RESOLVED, that, pursuant to N.J.S.A. 40A:65-4(b), a copy of the shared services agreement authorized herein shall be filed with the Division of Local Government Services in the Department of Community Affairs for informational purposes.

BE IT FURTHER RESOLVED, that a copy of the shared services agreement authorized herein shall be open to the public for inspection in the Township Clerk's Office.

BE IT FURTHER RESOLVED that a duly certified copy of this resolution be forwarded to:

- a. Monmouth County Reclamation Center
- b. Township Business Administrator
- c. Chief Financial Officer
- d. Director of Public Works

RESOLUTION # 2018-303

A RESOLUTION AUTHORIZING CONTRACT WITH ALLIED OIL LLC FOR THE PURCHASE OF ULTRA LOW SULFUR DIESEL AND 87 OCTANE UNLEADED GAS FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS UNDER NJ STATE CONTRACT #82770 & #80914

WHEREAS, the Marlboro Township fuel dispensing and management system ("fuel system") is used to fuel Township, Board of Education, First Aid and Fire District vehicles throughout the Township; and

WHEREAS, the Township of Marlboro Department of Public Works is in need of Ultra Low Sulfur Diesel and 87 Octane Unleaded Gas to maintain the fuel dispensing and management system; and

WHEREAS, pursuant to N.J.S.A. 40A:11-12, a municipality may, without advertising for bids, purchase goods under any contract for such goods entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, 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 said fuel from

ALLIED OIL LLC under the state contract; and

WHEREAS, the Director of Public Works Department has recommended that the Township purchase said fuel from ALLIED OIL LLC under State Contract #82770 and #80914 in an amount not to exceed \$700,000.00; and

WHEREAS, the estimated total represents the annual cost of gasoline and fuel purchased for the municipality, school district, fire district, first aid departments and other entities; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to contract with ALLIED OIL LLC whose address is 25 OLD CAMPLAIN ROAD, HILLSBOROUGH, NJ 08844 for the purchase of ULTRA LOW SULFUR DIESEL AND 87 OCTANE UNLEADED GAS FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS UNDER NJ STATE CONTRACT #82770 & #80914 in an amount not to exceed \$700,000.00.

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

- a. Allied Oil LLC
- b. Township Business Administrator
- c. Director of Public Works
- d. Chief Financial Officer

RESOLUTION # 2018-304

RESOLUTION AUTHORIZING AWARD OF CONTRACT TO
COMMONWEALTH EQUIPMENT CORP. FOR THE PURCHASE OF A
MATERIAL CONVEYOR FOR THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro as part of its 2018 capital program (120-03) authorized the purchase of a material conveyor for the Department of Public Works; and

WHEREAS, a material conveyor provides for a safer and more efficient way to load delivered material into the "salt" barns constructed for such purpose, allowing for the maximization of the available space in the barns and reducing the potential for material shortages during extreme winters; and

WHEREAS, the Township of Marlboro ("Marlboro") and Township of Manalapan ("Manalapan") have identified an opportunity to

share the cost of the equipment at a substantial savings to both municipalities; and

WHEREAS, on September 6, 2018 by Resolution #2018-274, Marlboro authorized an agreement with Manalapan for the joint purchase of a material conveyor, whereby Manalapan will reimburse Marlboro 50% of the total contract cost; and

WHEREAS, Marlboro as the lead agency is authorized to purchase a material conveyor from bids obtained from a cooperative pricing system such as the Monmouth County Cooperative Purchasing Program pursuant to the authority provided by N.J.S.A. 40A:11-11(6); and

WHEREAS, the Monmouth County Cooperative Purchasing Program conducted a public bidding process and awarded a contract F-157-2018 to Commonwealth Equipment Corp. for the provision of a McCloskey International Model ST100 Wheeled Material Conveyor and Stacker for a price of \$154,000.00; and

WHEREAS, the Director of Public Works has indicated that Commonwealth Equipment Corp. has agreed to extend the pricing provided to the Monmouth County Cooperative Purchasing System to Marlboro Township, and has recommended the acquisition of the material conveyor; 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 material conveyor under the Monmouth County Cooperative Purchasing Program to be used jointly with Manalapan; and

WHEREAS, funds are available and have been certified by the Chief Financial Officer in the amount not to exceed \$154,000.00 from Capital Account 04-215-18-01I-120297.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase material conveyor from Commonwealth Equipment Corp. pursuant to the bid obtained by the Monmouth County Cooperative Purchasing Program, for a total amount not to exceed \$154,000.00.

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

- a. Commonwealth Equipment Corp.
- b. Monmouth County
- c. Township of Manalapan

- d. Township Business Administrator
- e. Director of Public Works
- f. Chief Financial Officer
- g. Insurance

RESOLUTION # 2018-305

RESOLUTION AUTHORIZING REDUCTION OF PERFORMANCE GUARANTEES FOR THE SITE IMPROVEMENTS AT THE SITE KNOWN AS STILLWELL ROAD HOLDINGS, LLC/BUCKLEY MANOR, BLOCK 421, LOTS 3 & 4, LOCATED ON BUCKLEY ROAD BETWEEN BLUEBERRY HILL AND MOORE ROAD, TOWNSHIP OF MARLBORO, MONMOUTH COUNTY, NEW JERSEY 07746

WHEREAS, in accordance with *N.J.S.A. 40:55D-53*, the Township of Marlboro has received a request from Mr. Terry Sherman for a reduction in the Township held Performance Guarantees in the form of a Bond and cash deposit for site improvements ("Public Improvements") on the Site known as "Stillwell Road Holdings, LLC/Buckley Manor" (the "Site"), property known as Block 421, Lots 3 & 4, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by Countryside Developers, Inc. (the "Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed the Township Engineer's report dated September 12, 2018, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the aforesaid report recommends that a partial reduction be made in the current Bond and cash deposit amounts being held by the Township; and

WHEREAS, the Township Council desires to reduce the performance guarantee Bond and cash deposit amounts in accordance with the recommendation by the Township Engineer in a report dated September 12, 2018.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the performance guarantees in the form of a Bond and cash deposit posted by the Developer, Countryside Developers, Inc., for the site known as Stillwell Road Holdings, LLC/Buckley Manor, located on property known as Block 421, Lots 3 & 4, Township of Marlboro, New Jersey, shall be reduced as follows:

1. The Bond (Developers Surety and Indemnity Company, Bond No. 482411S), in the original amount of \$1,838,779.11, and present amount of \$813,818.61, shall be reduced by \$262,184.88, so that the remaining amount shall be \$551,633.73.
2. The Cash Deposit, in the original amount of \$204,308.79, and present amount of \$90,424.29 (excludes accrued interest), shall be reduced by \$29,131.65, so that the amount to remain shall be \$61,292.64;

BE IT FURTHER RESOLVED, that the above reductions shall be subject to the posting of any and all outstanding review and/or inspections fees required by the Planning Board and/or Township and the resolution of any valid homeowners' complaints.

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

- a. Countryside Developers, Inc. (Stillwell Road Holdings, LLC)
- b. Developers Surety and Indemnity Company
- c. Sal Alfieri, Esq.
- d. Township Business Administrator
- e. Chief Financial Officer
- f. Township Engineer

RESOLUTION # 2018-306

A RESOLUTION AUTHORIZING THE MARLBORO TOWNSHIP WATER UTILITY
PURCHASE OF TOWNSHIP OF EAST BRUNSWICK WATER ALLOCATION PERMIT
#5143 OF 274.578 MILLION GALLONS OF GROUND WATER

WHEREAS, on or about July 11, 1995, the Township of East Brunswick (the "Township") and the Marlboro Township Municipal Utilities Authority (the "Authority") entered into an Agreement for the Lease of Ground Water Diversion Rights (the "Agreement"), pursuant to which the Township leased to the Authority approximately 274.578 million gallons of ground water per year under the Township's Water Allocation Permit No. 5143 (the "Diversion Privilege"); and

WHEREAS, the initial term of the Agreement was 15 years, which term expired on December 31, 2009; and

WHEREAS, the Agreement provided that the Authority had the right and option to extend the Agreement for an additional term of 15 years, that is, until December 31, 2024; and

WHEREAS, the right and option to renew the Agreement beyond the initial 15-year term was litigated in the Office of Administrative Law ("OAL"), and the matter was ultimately settled confirming the Authority's right and option to renew the Agreement until December 31, 2024, at which time the Diversion Privilege must end; and

WHEREAS, under the Agreement, the Marlboro Water Utility ("Marlboro"), as successor in interest to the Authority, is currently responsible for a monthly lease payment of \$18,920.71; and

WHEREAS, Marlboro intends to rely upon the permanent transfer of these diversion rights to meet its daily base load requirements and, conjunctively therewith, to utilize available ground water supplies to meet peak demands and to efficiently and effectively utilize its existing ground water system(s) so as to help stabilize the cost of water to its customers, ensure compliance with State and Federal water quality standards and to maintain self-sufficiency in the event of an emergency; and

WHEREAS, East Brunswick and Marlboro have negotiated the terms of a permanent transfer of the Diversion Privilege for a price of \$5,922,182.23, effective on November 1, 2018, payable in three hundred and thirteen (313) monthly lease payments of \$18,920.71, until December 31, 2044; and

WHEREAS, in furtherance of their respective water supply plans, East Brunswick is desirous of permanently transferring certain ground water diversion rights to Marlboro and Marlboro is desirous of accepting the permanent transfer of the Diversion Privilege from East Brunswick; and

WHEREAS, in order to facilitate the planning and implementation of the permanent transfer of the Diversion Privilege, Marlboro and East Brunswick have each determined that it will be economical, efficient and otherwise advantageous to each of them and the residents and taxpayers of Monmouth and Middlesex Counties to enter into an agreement, which provides for Marlboro and East Brunswick to undertake certain duties and obligations concerning the permanent transfer of the Ground Water Diversion Rights; and

WHEREAS, pursuant to N.J.S.A. 40A:11-5(2), Marlboro and East Brunswick are each authorized to enter into this Agreement without public advertising for bids; and

WHEREAS, the New Jersey Bureau of Water Allocation and Well Permitting ("Bureau") has agreed to the permanent transfer of the base allocation from East Brunswick to Marlboro.

NOW THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey that the Marlboro Water Utility purchase water allocation permit number 5143 in the annual amount of 274.578 million gallons for a price of \$5,922,182.23, effective on November 1, 2018, payable in three hundred and thirteen (313) monthly lease payments of \$18,920.71, until December 31, 2044.

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are hereby authorized to execute an agreement for the sale of the Diversion Privilege, in a form substantially similar to the attached EXHIBIT A, subject to review and approval by the Township Attorney.

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

- a. Township of East Brunswick
- b. Township Business Administrator
- c. Chief Financial Officer
- d. Director of Public Works
- e. New Jersey Bureau of Water Allocation and Well Permitting

RESOLUTION # 2018-307

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$41,578.63 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 \$ 41,578.63 be refunded to the certificate holders as per Schedule "A",

<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>SCHEDULE "A"</u> <u>LIENHOLDER</u>	<u>AMOUNT</u>
2016-134	412/307/C0006	Actlien Holding Inc. 50 South 16 th Street, Suite 2050 Philadelphia, PA 19102 Assessed Owner: Bayview Loan Servicing, LLC	3,882.94
2017-015	147/32.18	Fig Capital Investments NJ13 PO Box 54472 New Orleans, LA 70154 Assessed Owner: U.S. Bank Trust NA, Trustee	2,046.25
2016-027	173/7/C0006	TWR as CST for Ebury Fund 2 NJ PO Box 54908 New Orleans, LA 70154 Assessed Owner: Soriano, Cynthia M.	3,661.16
2016-063	214/50	MTAG Cust for Empire VIII NJ PO Box 2208 Hicksville, NY 11802 Assessed Owner: Vams Brook, LLC	31,988.28

RESOLUTION # 2018-308

AUTHORIZING THE TAX COLLECTOR TO ACCEPT AND APPLY EXCESS PROPERTY TAX PAYMENTS TOWARDS SUBSEQUENT QUARTERS IN LIEU OF A REFUND PURSUANT TO LOCAL FINANCE NOTICE 2018-17 ISSUED BY THE NEW JERSEY DIVISION OF LOCAL GOVERNMENT SERVICES

WHEREAS, due to the enactment of the Federal Tax Cuts and Jobs Act, limitations have been placed on certain taxpayers as to the deductibility of property tax payments; and

WHEREAS, taxpayers continue to make prepayments of property taxes, both billed and unbilled; and

WHEREAS, the State Legislature has adopted P.L. 2018, c.8, which requires municipalities to accept prepayment of property taxes ahead of the quarterly due date; and

WHEREAS, P.L. 2018, c.8, further allows taxpayers to make dedicated prepayments which shall explicitly and conspicuously

indicate the quarter against which the payment shall be credited (either billed or unbilled); and

WHEREAS, when the amount of the dedicated prepayment exceeds the amount due for the quarter as established by the final annual tax bill, the municipality shall refund the excess to the taxpayer; and

WHEREAS, if a municipality wishes to allow taxpayers the option to apply excess property tax payments toward subsequent tax quarters (billed and unbilled) in lieu of a refund, the governing body shall adopt a resolution expressly permitting taxpayers to do so upon written request to the tax collector, as promulgated in LFN 2018-17 issued by the Division of Local Government Services on June 4, 2018; and

WHEREAS, the Tax Collector has prepared a form (EXHIBIT A) for taxpayers to affirmatively dedicate the prepayment of property taxes to a future billed or unbilled assessment.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that the application of excess payments made toward subsequent quarters (billed and unbilled) shall be permitted upon execution of the attached form, pursuant to LFN 2018-17.

At 7:25 p.m., Councilwoman Mazzola moved that the meeting be adjourned. This was seconded by Councilman Scalea and as there was no objection, the Clerk was asked to cast one ballot (Absent: Metzger).

MINUTES APPROVED: OCTOBER 18, 2018

OFFERED BY: MAZZOLA AYES: 3

SECONDED BY: CANTOR NAYS: 0

ABSENT: METZGER, SCALEA

ALIDA MANCO,
MUNICIPAL CLERK

RANDI MARDER,
COUNCIL PRESIDENT