

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

November 29, 2018

The Marlboro Township Council held its regularly scheduled Meeting on November 29, 2018 at 7:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

The salute to the flag was led by Cub Scout Pack #86.

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, Council Vice President Metzger, Councilman Scalea, and Council President Marder.

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.

PRESENTATION - Youth Exchange Program - students who journeyed to Nanto presented a video of their summer trip to Japan.

Councilwoman Mazzola moved that the minutes of October 18, 2018 be adopted. This was seconded by Councilman Cantor and passed on a roll call vote of 3 - 0 in favor, Council Vice President Metzger and Councilman Scalea abstaining.

The following Resolution #2018-361(Changing Council meeting December 13, 2018 to December 18, 2018) was introduced by reference, offered by Councilman Cantor and seconded by Councilman Scalea and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2018-361

CHANGE OF COUNCIL MEETING DATE

BE IT RESOLVED by the Township Council of the Township of Marlboro that the Council meeting scheduled for December 13, 2018 be changed to Tuesday, December 18, 2018.

BE IT FURTHER RESOLVED that the meeting will take place at the usual time and place, 7 PM, Town Hall, 1979 Township Drive, Marlboro, New Jersey.

The following Resolution #2018-321/Ordinance #2018-21 (Amending Section 138-35 "APPLICABILITY OF TITLE 39, SUBTITLE 1, TO CERTAIN PREMISES" to Revise Certain Language - Maple Tree Plaza) was introduced by reference, offered by Councilwoman Mazzola and seconded by Council Vice President Metzger. Council President Marder opened the Public Hearing on Ordinance #2018-21. 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 5 - 0 in favor.

RESOLUTION # 2018-321

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

ORDINANCE # 2018-21

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

which was introduced on October 18, 2018, public hearing held on November 29, 2018, be adopted on second and final reading this 29th day of November 29, 2018.

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

The following Resolution #2018-322/Ordinance #2018-22 (Amending and Supplementing Licensing and Permitting Fee and Policies for 2019) was introduced by reference, offered by Council Vice President Metzger and seconded by Councilman Scalea and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2018-322

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

ORDINANCE # 2018-22

AN ORDINANCE AMENDING AND SUPPLEMENTING LICENSING AND PERMITTING FEES AND POLICIES OF THE CODE OF THE TOWNSHIP OF MARLBORO PERTAINING TO LAND USE; SIDEWALK REPLACEMENT; UNIFORM CONSTRUCTION CODE; WRECKER LICENSES; WATER UTILITY SYSTEM CONNECTIONS; RECREATION & SWIM PROGRAMS; DISCHARGE OF FIREARMS; TAX SALE ADMINISTRATION AND REFUNDS OF FEES

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 December 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 # 2018-22

AN ORDINANCE AMENDING AND SUPPLEMENTING LICENSING AND PERMITTING FEES AND POLICIES OF THE CODE OF THE TOWNSHIP OF MARLBORO PERTAINING TO LAND USE; SIDEWALK REPLACEMENT; UNIFORM CONSTRUCTION CODE; WRECKER LICENSES; WATER UTILITY SYSTEM CONNECTIONS; RECREATION & SWIM PROGRAMS; DISCHARGE OF FIREARMS; TAX SALE ADMINISTRATION AND REFUNDS OF FEES

BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that the following sections of the Marlboro Township Code Chapter 220 ("Land Use and Development") and Chapter 326 ("Streets and Sidewalks") be and are hereby amended and supplemented to increase the fees for licensing and permitting as follows:

§ 220-23 Plot plans and as-built survey.

K. Inspection fee; review fee.

(1) Single lot development. There shall be a fee of \$100 per review of single lot redevelopment plans as well as \$500 for inspections to prevent grading and/or drainage-type issues relative to adjacent parcels.

(2) Building addition. There shall be a fee of \$75 per review required for reviews of additions to existing structures as well as a fee of \$75 per inspection.

§ 220-43 Tennis and sports courts.

F. A lot grading plan shall be submitted to the Municipal Engineer in accordance with the requirements below, prior to the issuance of a construction/zoning permit for the erection or installation of a tennis or sports court. The purpose of the grading plan is to address the impacts of the tennis or sports court on existing and future drainage patterns.

(6) A plan review fee of \$100 and an inspection fee of \$150 shall be paid with the zoning application.

§ 220-126 Certificate of occupancy.

F. Grading and clearing permit.

(3) The permit fee pursuant to § 220-126F(2) shall be in the amount of \$100 minimum for less than 1,000 square feet of land disturbance, and \$100 per each additional 1,000 square feet disturbance. In addition to the permit fee, the application shall be subject to the escrow requirements of § 220-16.

§ 220-169 Off-street parking.

A. Carports and garages. No carports are permitted in the Township. Unless otherwise permitted by this chapter, detached single-family dwellings shall have a minimum two-car garage, attached to or detached from the principal building, having a minimum area of 400 square feet and shall provide a minimum twenty-foot-wide driveway connecting the garage to the adjacent street constructed in accordance with the requirements contained herein. Single-family dwellings located in zoning districts where one-car garages are specifically permitted shall have ten-foot minimum width driveways otherwise conforming in all respects to the requirements contained herein.

(10) There shall be due to the Township a fee of \$75 for the review of new driveways and driveway additions that are not included as bonded improvements as well as a fee of \$75 for inspection. This fee shall be payable to the Township prior to the inspection of the driveway.

§ 220-17 Exemptions from fees.

Charitable, philanthropic, fraternal, athletic, veterans, recreational, volunteer fire and first aid squads, and religious nonprofit organizations holding a tax-exempt status under the Federal Internal Revenue Code of 1954 [26 U.S.C. § 501(c) or (d)] shall be exempt from the normal application fees required under this chapter. Said exemption shall be granted upon application to the Business Administrator, along with proof of said tax-exempt status. If granted, said exemption shall be confirmed by resolution of the Township Council.

§ 326-10 Sidewalk replacement permit fee.
 A permit shall be required for all sidewalk replacements. The fee for such sidewalk replacement permit shall be \$75 per 100 square feet of sidewalk to be installed.

BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that Chapter 125, "Construction Codes, Uniform", Section 125-3 "FEES" is hereby amended and supplemented as follows:

§ 125-3 A Fees Building

Specific Provision	Code Location	Type of Fee, Charge or Rate	New Fee
Lead abatement and clearance certificate.	Construction Codes, Uniform; 125-3 A 4 d	Building. Demolition or removal of	190.000
For the first 100 square feet per square foot.	Construction Codes, Uniform; 125-3 A 5 b	Building. Signs	6.00 per square foot
For the next 400 square feet per square foot.	Construction Codes, Uniform; 125-3 A 5 c	Building. Signs	5.00 per square foot
Surcharge. New construction per cubic foot of volume.	Construction Codes, Uniform; 125-3 A 7 f 2	Building. Additional fees	Remove
Surcharge. Per \$1,000 of construction value.	Construction Codes, Uniform; 125-3 A 7 f 2	Building. Additional fees	Remove
Radon Mitigation.	Construction Codes, Uniform; 125-3 A 7 i	Building. Additional fees	80.000

§ 125-3 D Fees Electrical

Specific Provision	Code Location	Type of Fee, Charge or Rate	New Fee
For 401 amps to 600 amps or less.	Construction Codes, Uniform; 125-3D 2g	Electrical. Service panels, entrances, and subpanels	500.000
For 601 amps to 1,000 amps or less.	Construction Codes, Uniform; 125-3D 2h	Electrical. Service panels, entrances, and subpanels	600.000
For 1,001 amps or more.	Construction Codes, Uniform;	Electrical. Service panels,	700.000

	125-3D 2i	entrances, and subpanels	
Boiler and Furnace with Plumbing.	Construction Codes, Uniform; 125-3D 17	Electrical	75.000

BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that Chapter 125, "Construction Codes, Uniform", Section 125-8 "Surcharge Fee" is hereby amended as follows:

§ 125-8 Plan review fee.

In addition to the fees specified above, a plan review fee pursuant to N.J.A.C. 5:23-4.18 shall be computed as a percentage of the fee to be charged for the construction permit. This percentage shall, to the extent possible, approximate the actual costs incurred in plan review activities, but in any case shall not be less than five percent nor more than 25 percent of the amount that would be charged for the construction permit.

BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that the following sections of the Marlboro Township Code be and are hereby amended and supplemented to increase the water connection fee for the Marlboro Water Utility Division as follows:

Section 4-88.1 Division of Water Utility

Specific Provision	Code Location	Type of Fee, Charge or Rate	New Fee
Connection Fee	4-88.1 T 2 D 1	Marlboro Water Utility Division	\$5,690.00
Connection Fee for Affordable Units 50%	4-88.1 T 2 D 3	Marlboro Water Utility Division	\$2,845.00

BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that Chapter 362, "Wreckers" is hereby amended as follows:

§ 362-14 Maximum rates.

The maximum rates that may be charged for the use of a wrecker for towing a disabled vehicle from a point within the Township to a destination within the Township or within three miles of its borders, including on weekends and holidays, are as follows:

A. Towing Fee:

- (1) Standard Towing - Vehicles GVWR up to 10,000 lbs
 - a. From 8:00 a.m. to 6:00 p.m.: \$100.00 in 2019, \$125.00 in 2021
 - b. From 6:01 p.m. to 7:59 a.m.: \$125.00 in 2019, \$150.00 in 2021
- (2) Medium Duty Towing - Vehicles GVWR 10,001 to 26,000 lbs
 - a. In effect 24 hours per day: \$300.00
- (3) Heavy Duty Towing - Vehicles GVWR 26,001 to 80,000 lbs
 - a. In effect 24 hours per day: \$500.00
- B. Winching/Recovery, if required per hour.
 - (1) Standard GVWR up to 10,000 lbs \$75.00
 - (2) Medium Duty GVWR 10,001 to 26,000 lbs \$125.00
 - (3) Heavy Duty GVWR 26,001 to 80,000 lbs \$200.00
- C. Medium/Heavy Duty, if required, per hour.
 - (1) Lowboy Trailer Service \$300.00
 - (2) Rotator/Crane Service \$850.00
- D. Cleanup of accident scene mandatory at accident scene per New Jersey Statutes Title 39:4-56.8: \$50.00.
- E. Waiting time: \$60 per hour, to commence 1/2 hour after the arrival at the scene.
- F. Storage charges: first full calendar day with each day starting at 12:01 a.m. and ending at 12:00 midnight will be free. Vehicles will be available to be released from 7:00 a.m. to 5:00 p.m., Monday through Friday. Releasing vehicles other than during normal business hours will result in an additional \$50.00 fee. The following daily storage charges shall apply after the first calendar day:
 - (1) Standard GVWR up to 10,000 lbs \$30.00 in 2019, \$45.00 in 2021
 - (2) Medium Duty GVWR 10,001 to 26,000 lbs \$50.00 in 2019, \$65.00 in 2021
 - (3) Heavy Duty GVWR 26,001 to 80,000 lbs \$70.00 in 2019, \$85.00 in 2021
- G. Additional Miscellaneous Fees
 - (1) Covering/Tarping \$50.00
 - (2) Additional Bags of Absorbent \$22.00
 - (3) Extra Person per hour for large recovery \$65.00
 - (4) Road Service including flats, jump starts, lockouts and fuel delivery excluding cost of fuel
 - (a) 8:00 am to 6:00 pm \$65.00 in 2019, \$85.00 in 2021
 - (b) 6:01 pm to 7:59 am \$85.00 in 2019, \$100.00 in 2021
 - (5) Fuel at cost
- H. Other provisions:
 - (1) The rates specified in sections B through G above, if applicable are in addition to the Towing Fee established in section A.

(2) License holders are required to accept cash, check and credit cards.

§ 362-15 Applicability of maximum rates.

The maximum rates fixed in § 362-14 hereof shall apply to the towing and storage of all passenger vehicles and shall apply as well to the towing and storage of all non-passenger vehicles. In the case of service rendered to other types of vehicles, services of a nature not specified in § 362-14 hereof and services rendered in extraordinary cases involving unusual conditions, the rates to be charged shall be determined by mutual agreement in writing prior to the rendering of such service. The maximum rates fixed in § 362-14 hereof shall not apply to a licensed or unlicensed wrecker for towing of a kind described in § 362-3 of this chapter.

§ 362-18 Transfer of license.

A. An application fee equal to 1/2 the fee required by § 362-10 must accompany an application to transfer a wrecker license. The application must be filed with the Township Clerk, with a copy to the Chief of Police. The purpose of the transfer fee is to defray Township costs incurred in processing said transfer application.

B. Whenever a wrecker license is transferred, the new owner must submit a complete application, and if all criteria is met will be automatically placed on the eligible list, as determined by the Chief of Police. Transferee shall retain all rights and privileges afforded the previous owner as long as the transferee meets all eligibility criteria under this section.

§ 362-19 Suspension or revocation of license.

A license issued under this chapter may be suspended by the Chief of Police or some member of the police force designated by him for the violation of any provision of this chapter or any regulations adopted thereunder. Upon such suspension, the licensee shall be entitled by application in writing to a hearing before the Business Administrator, as to whether such license should be restored, and said Business Administrator shall have the authority to restore said license, affirm the suspension and/or fix the length of such suspension. The Business Administrator may, after hearing, revoke any license issued under this chapter for the violation of any provision of this chapter or any regulations adopted thereunder. The Township shall cause to be served upon said licensee, not less than five days before the hearing to be held for said revocation, written charges, and said applicant may file written answers thereto not less than two days prior to said hearing, and said licensee shall be entitled to be represented by counsel and present his

defense to said charges. There shall be no refund of any wrecker license fees paid in the event of the suspension or revocation of a license under any circumstances.

§ 362-20 Establishment of authorized call list.

B. Eligibility requirements. To be eligible for inclusion in the call list, a wrecker must:

(1) Hold a current and valid wrecker's license issued under the terms of this chapter.

(2) Be owned or operated by a person, firm, partnership, association or corporation engaged in the business of operating a wrecker, who shall have a response time to every area of the Township of Marlboro, of no more than 25 minutes.

(3) Have a storage area for towed vehicles located within the borders or within three miles of the borders of the Township of Marlboro. Said location must include a fenced and secured area for the storage of the towed vehicles. License holders shall maintain their own storage facilities and not share a facility or facilities with any other license holders.

E. Any wrecker that is suspended on two separate occasions or for four months out of a twelve-month period shall be removed from the authorized call list.

F. Upon request, license holder shall submit all invoices bills pursuant to this section to the Police Traffic Safety Bureau for review.

G. Any refusal to respond to a request by the Marlboro Division of Police to aid a disabled motor vehicle shall be cause for removal from the authorized call list.

BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that the following sections of Chapter 265 ("Parks and Recreation Facilities") of the Marlboro Township Code be and are hereby amended and supplemented to increase the fees for licensing and permitting as follows:

D. Summer Camp:

(1) Summer Camp six-week sessions: \$1,160. Non-refundable deposit of \$100 shall apply. For the 2020 season, this fee shall be \$1,180.

(2) Summer Camp three-week sessions: \$644. Non-refundable deposit of \$100 shall apply. For the 2020 season, this fee shall be \$655.

(3) H2O camp/7th week: \$234. Non-refundable deposit of \$50 shall apply. For the 2020 season, this fee shall be \$240.

(4) Pre camps, six weeks: \$310. Non-refundable deposit of \$50 shall apply. For the 2020 season, this fee shall be \$320.

(5) After camps, six weeks: \$460. Non-refundable deposit of \$50 shall apply. For the 2020 season, this fee shall be \$475.

(6) Pre and after camps, six weeks: \$710. Non-refundable deposit of \$100 shall apply. For the 2020 season, this fee shall be \$735.

(7) Pre camps, three weeks: \$160. Non-refundable deposit of \$50 shall apply. For the 2020 season, this fee shall be \$170.

(8) After camps, three weeks: \$235. Non-refundable deposit of \$50 shall apply. For the 2020 season, this fee shall be \$250.

(9) Pre and after camps, three weeks: \$360. Non-refundable deposit of \$50 shall apply. For the 2020 season, this fee shall be \$370.

E. Travel camp: not to exceed \$1,430. Non-refundable deposit of \$250 shall apply.

F. Theater Camp: not to exceed \$600. Non-refundable deposit of \$100 shall apply.

BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that the following sections of Article III of Chapter 265 ("Parks and Recreation Facilities, Marlboro Swim Club") of the Marlboro Township Code be and are hereby amended and supplemented to update the policies and establish fee minimums and non-refundable deposit amounts as follows:

§ 265-18 Membership and other fees.

D. Other fees applicable to resident and sponsored memberships.

(1) Resident or sponsored members who pay by check and whose checks are returned by their bank as uncollectible for any reason will be charged an additional fee as established pursuant to N.J.S.A. 40:5-18 and § 171-5 of the Code of the Township of Marlboro for each returned check.

E. Program fees. Fees for Swim Club facility programs are as follows:

(5) Swim Club Day Camp.

Programs are subject to non-refundable deposits where specified. In cases where a program has already begun, the amount to be refunded will also be prorated based upon the number of days or sessions completed.

(a) Residents. The fee for children residing in Marlboro to enroll in the Swim Club Day Camp for the half-day program for the season shall be \$550 per child. The fee for children residing in Marlboro to enroll in the Swim Club Day Camp for the full-day program for the season shall be \$730 per child. For the 2019 season, this fee shall be \$740. Priority shall be given to children residing in Marlboro to register for the Swim Club Day

Camp before registration is made available to nonresident children. Non-refundable deposit of \$100 shall apply.

(a.1) Residents. Fees for Swim Club Activities Camp and Swim Club Sports Camp:

[1] Swim Club Activities Camp; full day: \$755. For the 2019 season, this fee shall be \$765. Non-refundable deposit of \$100 shall apply.

[2] Swim Club Sports Camp; full day: \$755. For the 2019 season, this fee shall be \$765. Non-refundable deposit of \$100 shall apply.

(b) Nonresidents. The fee for children not residing in Marlboro to enroll in the Swim Club Day Camp for the half-day program for the season shall be \$600 per child. The fee for children not residing in Marlboro to enroll in the Swim Club Day Camp for the full-day program for the season shall be \$830 per child. For the 2019 season, this fee shall be \$840. Non-refundable deposit of \$100 shall apply.

(b.1) Nonresidents. Fees for Swim Club Activities Camp and Swim Club Sports Camp:

[1] Swim Club Activities; full day: \$855. For the 2019 season, this fee shall be \$865. Non-refundable deposit of \$100 shall apply.

[2] Swim Club Sports Camp; full day: \$855. For the 2019 season, this fee shall be \$865. Non-refundable deposit of \$100 shall apply.

(c) Swim Club Pre-Camp: \$190. Non-refundable deposit of \$50 shall apply.

G. Additional miscellaneous fees and other offers. The following additional fees and regulations shall be established for the season:

(4) Additional miscellaneous fees and other offers.

(a) The following additional fees and regulations for special events shall be established for the season. A minimum fee of \$50.00 shall be applied.

	Set Up Fee
2 Tables, 20 Chairs	\$35
Additional tables	\$5 each
Additional chairs	\$1 each

(b) At the discretion of the Recreation Director, a refund of all party fees paid may be made due to inclement weather.

(c) Other special events: up to \$50.00 per person, unless the event is contracted out, in which case the program fee shall be calculated in accordance with § 265-2 M.

§ 265-22 Rules and regulations enforcement.

A. Rules and regulations shall be determined by the Department of Recreation for the operation of the pool facility.

B. Rules and regulations shall be published, posted and strictly enforced. I. As part of its rulemaking authority pursuant to this section, the Department of Recreation may adopt rules and regulations following the procedures set forth in Subsection B above that permit events at the Marlboro Swim Club to occur wherein the consumption of alcoholic beverages is permitted, hereinafter known as "BYOB events." BYOB events may only be held at the Marlboro Swim Club provided that:

(1) No person under 21 years of age shall be permitted to attend such BYOB events;

(2) BYOB events shall only be held in specifically designated areas which are closed to the general membership;

(3) Admissions policies and fees shall be established by the Marlboro Department of Recreation in the rules and regulations;

(4) The rules and regulations shall establish any limitations on the type and quantity of alcoholic beverages brought to the BYOB event by each attendee;

(5) All persons attending BYOB events shall abide by all of the rules and regulations of the Department of Recreation as set forth in §§ 265-22 and 265-23 herein and the ordinances of the Township of Marlboro;

(6) BYOB events shall be staffed by the Division of Police in a manner as determined by the Chief of Police.

BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that the following sections of Article IV of Chapter 265 ("Parks and Recreation Facilities, Marlboro Recreation Aquatic Center") of the Marlboro Township Code be and are hereby amended and supplemented to establish fees for facility rental and update policies as follows:

§ 265-33 Membership and other fees.

H. Facility Rental:

(1) Two (2) hours inclusive of facility use and staffing: \$500.

(2) Each additional hour inclusive of facility and staffing: \$200.

(3) Reservation deposit non-refundable within 48 hours of event: \$200 resident, \$400 non-resident.

(4) Refundable security deposit: \$200.

(5) Insurance coverage.

(a) The applicant shall execute a hold harmless agreement indemnifying the Township of Marlboro from any and all liability, claims, demands, judgments, expenses and costs of any kind resulting from the acts or omissions from any guest,

participant, visitor or other person attending the event herein referred to.

(b) Applicant agrees to furnish a certificate of insurance as to Workers Compensation coverage (except for an individual) and certificate of insurance specifically naming the Township of Marlboro as an additional insured, providing a general liability, bodily injury and property minimum limits of liability not less than:

\$500,000 for individual or non-profit organization

\$1,000,000 for a profit making organization or corporation

(c) Proof of insurance must provide for a thirty-day notice of material change or cancellation.

(d) Vendors such as food caterers or entertainment hired by the applicant to provide service at the facility must also comply with the insurance requirements set forth and all certificates of insurance must also name the Township of Marlboro as additional insured.

§ 265-37 Authority to make rules; enforcement.

A. Rules and regulations shall be determined by the Department of Recreation for the operation of the facility.

B. Rules and regulations shall be published, posted and strictly enforced.

BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that the following section of the Marlboro Township Code be and is hereby supplemented to codify fees pertaining to tax sales authorized pursuant to N.J.S.A. 54:5 et seq, as follows:

Section 171-7 Fees for copies of tax records from Municipal Tax Collector.

D. Pursuant to the provisions of N.J.S.A. 54:5 et seq, the Tax Collector of the Township of Marlboro is authorized to charge and collect a fee of 2% per line item of the amounts to be sold at Tax Sale, with a minimum charge of \$15.00 not to exceed \$100.00, and an additional charge of \$25 per direct mailing to be added to the cost of sale not to exceed \$50.00.

BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that Chapter 171 ("Fees") of the Marlboro Township Code is supplemented as follows:

Section 171-5.2 Refunds

In the case of a request for a refund of fees paid by an applicant for any program, license or permit, the Township Chief Financial Officer is hereby authorized and directed to collect a

processing fee consisting of a minimum of \$5.00 or 20% of the amount to be refunded, whichever is greater, to a maximum of \$25.00 which will be charged on all refunds except for cancellations initiated by the Township. This processing fee shall not be construed to supplant or override any non-refundable deposit applicable to a particular program, nor apply to any portion of any program, license or permit fee which is payable to a State agency.

In cases where a refund request comes after a program has already begun or work has been completed by the Township, the amount to be refunded shall also be prorated based upon the number of days or sessions or reduced by the cost of work already completed.

BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that Chapter 177 ("Discharge of Firearms") of the Marlboro Township Code is supplemented as follows:

Section 177-1 Definitions.

FIREARM: any launching device such as a gun, bow or crossbow which triggers the discharge of a projectile used for purposes of inflicting bodily harm.

BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that the following section, Article - XI Department of Finance Section 4-54 "Powers and Duties" of the Marlboro Township Code be and is hereby amended consistent with N.J.A.C. 5:30-9A.6 and 5:31-4.1 to allow for flexibility when implementing the claimant requirement set forth in N.J.S.A. 40A:5-16(a), as follows:

D. No bill or claim shall be paid unless it contains a detailed statement of the items or demand, specifying particularly how the bill or demand is made up, nor shall any bill, claim or demand be paid unless the voucher on which it is presented carries a certification of a department head, or his duly designated representative, having personal knowledge of the facts that the goods have been received or the services rendered to the Township.

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 #2018-323/Ordinance #2018-23 (Amending Section 220 - Land Use - Recommendations from Land Use Boards) was introduced by reference, offered by Councilwoman Mazzola and seconded by Council Vice President Metzger and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2018-323

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

ORDINANCE # 2018-23

AN ORDINANCE AMENDING SECTION 220 OF THE MARLBORO TOWNSHIP CODE TO UPDATE THE REQUIREMENTS FOR SURVEYS TO BE SUBMITTED WITH APPLICATIONS; OFF-STREET PARKING, LOADING, SERVICE AREAS AND OUTDOOR SEATING; ACCESSORY BUILDINGS OR STRUCTURES; DRIVEWAYS; PROHIBITION OF TREE HOUSES; SIDEWALKS, PERIMETER DRAIN SYSTEMS; DISCHARGE OF STORMWATER ON PUBLIC PROPERTY; REQUIREMENTS FOR RELEASE OF GUARANTIES

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 December 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 # 2018-23

AN ORDINANCE AMENDING SECTION 220 OF THE MARLBORO TOWNSHIP CODE TO UPDATE THE REQUIREMENTS FOR SURVEYS TO BE SUBMITTED WITH APPLICATIONS; OFF-STREET PARKING, LOADING, SERVICE AREAS AND OUTDOOR SEATING; ACCESSORY BUILDINGS OR STRUCTURES; DRIVEWAYS;

SIDEWALKS; PERIMETER DRAIN SYSTEMS; DISCHARGE OF STORMWATER ON
PUBLIC PROPERTY; REQUIREMENTS FOR RELEASE OF GUARANTIES

WHEREAS, the New Jersey Land Use Law, NJSA 20:55D-1 et seq., requires that the Zoning Board of Adjustment annually review its decisions and prepare a report of the Board's findings, specifically on the zoning ordinance provisions which were the subject of variance requests; and

WHEREAS, including in the Zoning Board's report is a series of recommendations for zoning ordinance amendments or revisions; and

WHEREAS, the Planning Board conducted a review of the 2017 Year End Report submitted by Zoning Board and in a letter dated March 23, 2018, concurred with its findings and recommendations; and

WHEREAS, the Department of Community Development conducted a review of the findings and recommendations, and in a memo dated September 21, 2018 put forth its recommendations for amendments and supplements to Section 220 of the Marlboro Township Code.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey that the following provisions of Section 220 of the Marlboro Township Code be and are hereby amended and supplemented as follows:

Section 220a, Attachment 1, Item I.(n.) "Minor Subdivision Applications, Section 220b, Attachment 2, Item II.(o.) "Preliminary Major Subdivision Applications", Section 220d, Attachment 4, Item IV.(f.) "Site Plan Applications", Section 220e, Attachment 5 "Variance Applications"

Supplement: A current certified property survey, including owner's name, prepared by a licensed land surveyor shall be submitted with the application.

Section 220-97C Off-Street Parking Regulations, Access Aisles and Driveways

Amend: (6) Parking areas shall be so arranged as to provide adequate access to all buildings in case of fire or other emergency. ~~No parking shall be allowed within 30 feet of the outer walls of any structure or within such other adequate distance as the Planning Board, in consultation with Township fire officials, may approve. The developer shall post adequate~~

signs and provide pavement markings, approved by the Planning Board, prohibiting such parking and designating such areas as fire zones.

Add subsection: (7) All off-street parking, off-street loading and service areas and outdoor dining and/or seating areas shall be separated from walkways, sidewalks, streets or alleys by curbing and other protective devices, such as bollards, approved by the Planning Board.

Section 220-140C Accessory Buildings and Structures

Amend: Distance between adjacent buildings or structures. The minimum distance between an accessory building or structure and any other building(s) on the same lot shall be ~~20~~ 10 feet, except that no commercial poultry or brooder house shall be erected nearer than 400 feet to any dwelling on the same lot and no livestock shelter shall be erected nearer than 100 feet to any dwelling on the same lot or adjacent lot, and except that accessory buildings or structures other than poultry or brooder houses may be placed a minimum of 10 feet from underground structures, such as the water area of swimming pools, provided such accessory buildings or structures are a minimum of 20 feet from any aboveground principal or accessory building or structure, and except that portable hot tubs/spas shall be permitted less than 10 feet from any building or structure on the same lot.

Section 220-35C(4) Permitted Modifications and Exceptions

Amend: No paved terrace or driveway shall be permitted closer than five feet to any side or rear property line. The requirements of this section shall not apply to any driveways constructed and maintained on a property prior to the year 2000.

Section 220-178 Sidewalks

Amend: Sidewalks shall be constructed of portland cement concrete. The concrete shall be in accordance with § 220-146C and have a minimum compressive strength of ~~3,000~~ 4,500 pounds per square inch after 28 days. Sidewalks shall be not less than four feet wide and not less than four inches in thickness except between driveways and aprons, where they shall be not less than six inches in thickness throughout and include wire mesh reinforcement. A preformed bituminous expansion joint filler 1/2 inch in thickness, conforming to New Jersey Department of Transportation standards, shall be installed not further apart than every 30 feet. The finish shall be a ~~flat~~ broom finish with the edges finished with a suitable finishing tool. All

sidewalks shall provide for disabled access ramps at least at all corners.

Section 220-190 Water Mains, Culverts, Storm Sewers and Sanitary Sewers

Amend and supplement:

All such installations shall be properly connected with an approved system and shall be adequate to handle all present and probable future development. No sump pump outlets, roof leaders or drainage outlets shall be installed on any lot where the piping or discharge for the same is directed to the gutter of any public street within the Township. No sump pump outlets, roof leaders or drainage outlets shall be installed on any lot where the piping or discharge in such a manner as to cause the discharge to pond or puddle on the public sidewalk, rights-of-way or streets.

Section 220-23G Plot Plans and As-Built Survey

Amend and supplement:

If a basement is proposed, a subsurface soil investigation certified by a licensed engineer shall be submitted with the plot plan. Provisions for a perimeter drain system shall be provided. Said drain system shall ultimately tie into a municipal storm sewer system or alternative system as approved by the Township Engineer. The Township Engineer or designee must be notified and be present to inspect the tie into the municipal storm sewer system.

Section 220-30 Guaranties, inspections and developer's agreements

Amend and supplement:

N. In addition to the requirements of Subsection L of this section, no improvement shall be accepted or any performance guaranty released by the governing body for a site plan or major subdivision, or any section thereof, unless and until all of the following conditions have been met:

(4) The developer has paid all outstanding inspection fees and fees estimated by the Township Engineer to cover inspections to be made during the period of coverage under the maintenance guaranty.

(5) The developer has made all necessary payments to any department, utility or agency as required by the Developer's Agreement, Township Code, state statute or the resolutions of

approval of the Planning or Zoning Board, including the payment of all taxes and fees due on the property.

(7) The developer has filed as-built drawings with the Township Engineer's office, to include the following details, either on a single drawing or on a number of sheets:

(a) All bondable improvements, including but not limited to:

[9] Ground slope elevations need not be shown, but directional arrows to show overland flow of surface water are required. As-built ground slope elevations and contours shall be shown in 2-foot increments and as additionally required by the Township Engineer.

[10] If a detention basin was part of the improvements, the top of the slope perimeter should be shown as well as maximum water depth, and storage volume of the basin. Also, low flow channels and the actual volume of the basin should be indicated.

~~(8) The developer has posted a separate bond, subject to Council approval, relating to shade trees in the event that inspections of the same were performed during the winter season when there are no leaves on the trees and where this is the sole remaining item as to release.~~ The developer has prepared and recorded deeds of dedication with the County Clerk for the following: All open space or undeveloped properties dedicated to the Township, all lots containing stormwater facilities (detention, retention basins or other) which are to be owned and/or maintained by the Township, all easements (utility, sight triangle, conservation or other), any applicable affordability controls required by the approval, roadway right-of-way widening or alteration or other as determined by the Township.

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 #2018-324/Ordinance #2018-24

(Amending Chapter 4 - Division of Police - Amending Table of Organization) was introduced by reference, offered by Council Vice President Metzger and seconded by Councilwoman Mazzola and passed on a roll call vote of 4 - 0 in favor. Councilman Cantor voting no.

RESOLUTION # 2018-324

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

ORDINANCE # 2018-24

AN ORDINANCE AMENDING CHAPTER 4, ARTICLE XIV, § 4-98, OF THE CODE OF THE TOWNSHIP OF MARLBORO ENTITLED "DIVISION OF POLICE" AMENDING TABLE OF ORGANIZATION

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 December 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 # 2018-24

AN ORDINANCE AMENDING CHAPTER 4, ARTICLE XIV, § 4-98, OF THE CODE OF THE TOWNSHIP OF MARLBORO ENTITLED "DIVISION OF POLICE" AMENDING TABLE OF ORGANIZATION

WHEREAS, Chapter 4 of the Code of the Township of Marlboro entitled "Division of Police" provides a Table of Organization for positions within the Division of Police; and

WHEREAS, it has been recommended by the Chief of Police that the Township Council amend the Code of the Township of Marlboro to establish the position of Deputy Chief of Police.

BE IT ORDAINED by the Township Council of the Township of Marlboro, in the County of Monmouth and State of New Jersey, that Chapter 4, Article XIV, § 4-98, Section C(2) of the Code of the Township of Marlboro be amended as follows:

C(2) The Table of Organization of the Police Division may be staffed up to the maximum number of persons specified herein:

<u>Maximum #</u>	<u>Position established</u>
1	Deputy Chief

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 provisions 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 on upon passage and publication in accordance with applicable law.

The following Resolution #2018-325/Ordinance #2018-25 (Amending Chapter 4 - Fixing Salaries of Various Officers and Employees 2019) was introduced by reference, offered by Councilwoman Mazzola and seconded by Council Vice President Metzger and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2018-325

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

ORDINANCE # 2018-25

ORDINANCE AMENDING CHAPTER 4, ARTICLE XX
(ADMINISTRATION OF GOVERNMENT, OFFICERS AND EMPLOYEES)
AND FIXING THE SALARIES OF VARIOUS
OFFICERS AND EMPLOYEES OF THE
TOWNSHIP OF MARLBORO 2019

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 December 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 # 2018-25

ORDINANCE AMENDING CHAPTER 4, ARTICLE XX
(ADMINISTRATION OF GOVERNMENT, OFFICERS AND EMPLOYEES)
AND FIXING THE SALARIES OF VARIOUS
OFFICERS AND EMPLOYEES OF THE
TOWNSHIP OF MARLBORO
2019

BE IT ORDAINED by the Township Council of the Township of Marlboro, County of Monmouth, as follows:

SECTION 1. The salaries of the hereinafter designated Township officers and employees in accordance with Schedule "A" are attached hereto.

SECTION 2. All salary ordinances heretofore adopted are hereby repealed, and all other parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION 3. This Ordinance shall take effect upon passage and publication as required by law.

The following Resolution #2018-326/Ordinance #2018-26 (Amending Chapter 4 - Fixing Salaries of Various Officers and Employees 2019) was introduced by reference, offered by Council Vice President Metzger and seconded by Councilman Scalea and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2018-326

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

ORDINANCE # 2018-26

AN ORDINANCE ESTABLISHING A REQUIREMENT
TO OBTAIN A REGISTRATION CERTIFICATE FOR THE
USE OF CRANES 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 December 13, 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 #2018-26

AN ORDINANCE ESTABLISHING A REQUIREMENT
TO OBTAIN A REGISTRATION CERTIFICATE FOR THE
USE OF CRANES IN THE TOWNSHIP OF MARLBORO

WHEREAS, the Township of Marlboro recognizes that a consistent policy concerning the operation of cranes within the Township will help to maintain public safety and prevent damage to public and private property; and

WHEREAS, cranes in the Township may operate in close proximity to residential units, office spaces and pedestrians, thus underscoring the need for professional crane operators who adhere to the highest standards of safety; and

WHEREAS, there exists a need to establish a standard by which crane operators operate within the Township; and

WHEREAS, N.J.S.A. 45:26-1 et seq. requires that anyone who operates a crane in New Jersey as defined in the law must be licensed by the New Jersey Department of Labor and Workforce Development; and

WHEREAS, the Township wishes to enact legislation which will ensure that only properly licensed and certified crane operators will operate cranes in the Township.

NOW THEREFORE BE IT ORDAINED by the Township Council of the Township of Marlboro, as follows:

1. Definitions.

As used in this Ordinance, the following terms shall have the meanings indicated:

"Board" means the Crane Operators License Advisory Board established pursuant to N.J.S.A. 45:26-3.

"Certification" means certification from the National Commission for the Certification of Crane Operators or any other organization found by the Board to offer an equivalent testing and certification program meeting the requirements of the American Society of Mechanical Engineers ASME B30.5 and the accreditation requirements of the National Commission for Certifying Agencies.

"Project" refers to any work performed within the Township of

Marlboro.

"Crane" As used in this ordinance, the term "Crane" shall be defined in accordance with N.J.S.A. 45:26-1 through 45:26-17 (Licensure of Crane Operators Act), hereafter referred to as the Crane Operator Licensure Act and the 1926 OSHA Crane and Derricks in Construction also known as OSHA Subpart CC.

"Crane operator" means an individual engaged in the operation of a crane.

2. Township Registration of Crane Operators.

- a. No person shall engage in the operation of a crane on any Project unless he or she holds a Crane Operator's Registration Certificate, issued by the Township Engineer.

3. Application for and Issuance of Township Crane Registration Certificate.

- a. At least five (5) business days before any planned operation of a crane on a Project, the Crane Operator or contractor as appropriate shall apply to the Township Engineer for issuance of a Township Crane Registration Certificate. In emergent situations, the Township Engineer may grant said registration on less than five days' notice if the operator and contractor if appropriate, meet(s) the balance of the requirements of this Ordinance.

- b. The following documents must be submitted to the Township Engineer by the crane operator and/or contractor as appropriate, together with the application for a Township Crane Registration Certificate:

- i. A current crane operator's license issued by the State of New Jersey pursuant to N.J.S.A. 45:26-1 et seq.;
- ii. Proof of current certification in the specialty or specialties recognized by the New Jersey Department of Labor applicable to the crane he or she is operating issued by an entity recognized by the New Jersey Department of Labor. The specialties currently recognized by the Department of Labor are: a) Lattice Boom Truck Crane, b) Lattice Boom Crawler Crane, c) Small Telescopic Boom Crane (less than

17.5 tons), and d) Large Telescopic Boom Crane (more than 17.5 tons). The Department of Labor currently recognizes certifications issued by:

1. National Commission for the Certification of Crane Operators (NCCCO);
2. Operating Engineers Certification Program (OECF); and
3. Crane Institute of America Certification, LLC.

- iii. A current medical examiner's certification card;
- iv. A copy of the most recent and current proof of inspection for the crane to be operated;
- v. One or more certificates of insurance demonstrating insurance meeting the requirements of this Ordinance.
- vi. Proof of a current commercial driver's license if required to operate the crane.
- vii. Proof that crane operator submits to a random drug testing program if the crane requires a commercial driver's license to operate.
- viii. Proof of Completion of Signal Person Qualification or Certification course on Projects requiring a signal person, as set forth in 29 CFR 1926.1419 and 1926.1428.

c. Upon receipt of a properly completed application and compliance with the requirements of this Section, the Township Engineer shall issue or deny the requested Certificate within five (5) business days. If the application is denied, the reasons for the denial shall be furnished to the applicant in writing.

4. Fee Schedule; Maintenance and Renewal of Registration Certificate.

a. The Township Crane Registration Certificate shall be maintained by the crane operator in the crane at all times. A copy of the registration certificate shall be retained at all times by the contractor or other on-site supervisor, and produced on the work site when requested by the Township.

- b. The permit fee for each crane shall be \$100.00. Each Township Crane Registration Certificate is valid for sixty (60) days and may be extended, modified and/or renewed provided that the crane operator remains in compliance with the requirements of this Ordinance. The fee for an extended or renewal permit is \$50.00.
- c. The crane operator and contractor shall have a continuing obligation to notify the Township Engineer of any change in circumstances that may affect the crane operator's qualification for a Township Crane Registration Certificate or the terms of the Township Crane Registration Certificate.

5. Insurance Required for Crane Operation.

- a. No crane may be operated on a Project unless the crane operator and the work are covered by policies of insurance in at least the amounts set forth herein:
 - i. Commercial General Liability Insurance: Limits of \$1 Million per Occurrence/\$2 Million Aggregate
 - ii. Owned, Leased, and Hired/Non-Owned Commercial Automobile Liability Insurance: Limit of \$1 Million combined single limit.
 - iii. Worker's Compensation Insurance: Part A - Statutory Limits; Part B - \$500,000/\$500,000/\$500,000
 - iv. Umbrella Excess Liability Insurance: Minimum Limits of \$ 4 Million per Occurrence/\$ 4 Million Aggregate.
- b. Where the contract for the Project requires higher levels or additional types of coverage, the terms of the contract shall control.
- c. The Township of Marlboro, its officers, and employees shall be named as Additional Insured as relates to lines of commercial liability coverage.

6. Notification of Accident or Safety Issue Required.

- a. The crane operator, contractor, or crane owner shall immediately notify the Township Engineer of every accident causing personal injury or damage to property involving a construction crane covered by this Ordinance and shall cooperate with the Township and any State or Federal authorities investigating such accident. When an accident involves the failure, breakage, damage or destruction of any part of the crane, it shall be

unlawful to use such device until after the contractor or crane operator submits to the Township Engineer proof of inspection of the crane and certification that the crane is safe to operate.

- b. The crane operator, contractor, or crane owner shall immediately notify the Township Engineer of any citations, notifications, warnings, violations, notices of unsafe conditions, disciplinary, or regulatory enforcement actions issued by any Federal, State, or local agencies with jurisdiction to inspect any crane covered by this Ordinance.

7. Safety equipment- Required.

- a. All crane equipment shall be kept in safe working condition at all times by the crane owner, lessee if applicable, contractor, and crane operator.
- b. If any safety or operational aid used or required to be used in connection with the operation of a crane is not working properly, the crane operator shall immediately shut down the crane until such time that the required safety or operational aid is repaired or replaced and the crane is restored to proper working order.
- c. Any and all safety requirements promulgated by Federal, State, Township, or municipal authorities must be adhered to at all times.
- d. Every crane shall be thoroughly inspected by a competent designated employee or authorized agent of the owner or lessee of such crane at intervals not exceeding one month. Such inspection shall include but not be limited to all blocks, shackles, sheaves, wire rope, connectors, and various devices on the master boom, controls and breaking mechanisms.
- e. A written, dated and signed record of each such inspection shall be completed by the competent designated employee or authorized agent who made the inspection. The most recent record of such inspection shall be posted inside the cab of such crane and shall be filed with the Township. Attached to such record of inspection shall be a written designation naming the competent employee or authorized agent. Such attached designation shall be signed by the owner or lessee of such.

f. Every crane shall be inspected by the operator before being erected or operated for the first time on any job.

g. Adjustments and repairs to cranes shall be made only by competent designated persons.

8. Unsafe Cranes

Any crane which is or hereafter becomes unsafe or otherwise dangerous to human life or public safety, or which involves inadequate maintenance shall be deemed in unsafe condition. All unsafe cranes shall be taken down or removed or made safe as the Township Engineer deems necessary.

9. Administration; enforcement.

The provisions of this article shall be enforced by the Township Engineer.

10. Violations; penalties.

Any person who is convicted of violating the provisions of this chapter shall be subject to the penalties in § 4-3 of the Code.

11. Incorporation into Township Contracts.

The requirements of this Ordinance shall be incorporated into the Township's bid specifications and contracts for all public work in which a crane may be required. Any violation of this Ordinance may constitute a breach of such contract.

12. Repealer.

All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

13. Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

14. Effective Date.

This ordinance shall take effect upon passage and publication as provided by law.

The following Resolution #2018-327 (Setting Reorganization Meeting - January 3, 2019 - 7 PM) was introduced by reference, offered by Council Vice President Metzger, seconded by Councilman Scalea and was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2018-327

SETTING REORGANIZATION MEETING FOR
JANUARY 3, 2019

BE IT RESOLVED, by the Township Council of the Township of Marlboro that it will hold its annual reorganization meeting on January 3, 2019 at 7 PM at the Town Hall, 1979 Township Drive, Marlboro, New Jersey 07746.

As the Consent Agenda, the following resolutions were introduced by reference, offered by Councilwoman Mazzola, seconded by Council Vice President Metzger, and was passed on a roll call vote of 5 - 0 in favor: Res. #2018-328 (Authorizing 2018 Budget Transfers), Res. #2018-329 (Authorizing Amendment to Professional Services Agreement - Ethics Board and Counsel and Affordable Housing Admin Legal Services), Res. #2018-330 (Authorizing Amendment to State Contract - Police Vehicle Equipment), Res. #2018-331 (Authorizing Renewal of Agreement with Matawan Borough - Animal Control Services), Res. #2018-332 (Authorizing Renewal of Shared Services Agreement with Fire Districts - Provision of Computer Aided Dispatch (CAD)-Based Volunteer Emergency Recall Services), Res. #2018-333 (Authorizing Application Drive Sober or Get Pulled Over 2018 Statewide Holiday Crackdown Grant), Res. #2018-334 (Authorizing Purchase of Document Image Scanning Services for Police Division under Union County Cooperative and Related Software Under State Contract #89851), Res. #2018-335 (Authorizing Acceptance of Donation of Public Safety Equipment - Lockers), Res. #2018-336 (Confirming Emergency Award and Payment - Aurora Environmental Temporary Tank Rental), Res. #2018-337 (Authorizing Somerset County Co-Op Contract - Rock Salt), #2018-338 (Authorizing MRESC Co-Op Purchase of a Tandem Dump Body), Res. #2018-339 (Authorizing Final Close Out Change Order - 2017 Road Improvements - Jads), Res. #2018-340 (Authorizing Final Close Out Change Order - Route 9 Water Loop), Res. #2018-341 (Authorizing Change Order to Contract for Supply of Chemicals), Res. #2018-342 (Authorizing Release of Maintenance Bond for Marlboro 18 LLC (B 179, L 1)), Res. #2018-343 (Authorizing Renewal of Shared Service Agreement with Manalapan Township - Swim Club Program), Res. #2018-344 (Authorizing Renewal of Shared Service Agreement with Old Bridge Township - Swim Club

Program), Res. #2018-345 (Authorizing Renewal of Shared Service Agreement with Colts Neck Township - Swim Club Program), Res. #2018-346 (Authorizing Lease Agreement with Morganville Fire Co No. 1 - Use of Hall by Marlboro Recreation), Res. #2018-347 (Authorizing Acceptance of Playground at Municipal Complex and Release of Final Payment), Res. #2018-348 (Authorizing Final Close Out Change Order Recreation Court Improvements), #2018-349 (Authorizing Change Order to Contract for Provision of Pool Maintenance Services), Res. #2018-350 (Amending Agreement Marlboro Soccer Booster Association - Provision of Refereeing Services), Res. #2018-351 (Authorizing Award of State Contract to Derive Technologies for Purchase of Computer Networking Equipment (Capital 2016-033-3 & 19, 2017-033-3)), Res. #2018-352 (Confirming Submission of 2018 Best Practices Inventory to NJ Division Local Government Services), Res. #2018-353 (Redemption Tax Sale Certs - Various), Res. #2018-354 (Payments to Zoning - Tax Sale), Res. #2018-355 (Disabled Veteran Exemption- 64 Brown Rd -B 170, L 49), Res. #2018-356 (Payments to WMUA - Tax Sale), Res. #2018-357 (Payments to MTWUD - Tax Sale), Res. #2018-358 (Refunds to WMUA - Tax Sale Certs), Res. #2018-359 (Refunds to Zoning - Tax Sale Certs), #2018-360 (Refunds for Overpayments 2018 Taxes - Various).

RESOLUTION # 2018-328

AUTHORIZING 2018 BUDGET TRANSFERS

WHEREAS, N.J.S.A. 40A: 4-58 provides for appropriation transfers during the last two (2) months of the fiscal year, when it has been determined that it is necessary to expend for any of the purposes specified in the budget an amount in excess of the sum appropriated therefore and where it has been further determined that there is an excess in any appropriation over and above the amount deemed to be necessary to fulfill the purpose of such appropriation.

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Marlboro does hereby authorize the transfers among the Calendar Year 2018 Municipal Budget as follows:

CURRENT:		
Account	From	To
Employee Insurance Other Expenses	\$ 119,500.00	
Ethics Commission Other Expenses		\$ 3,000.00
Legal Services Other Expenses		20,000.00
Engineering Salaries & Wages		4,000.00
Road Maintenance Salaries & Wages		75,000.00
Vehicle Maintenance Salaries & Wages		8,000.00
Public Works Salaries & Wages		2,000.00
Public Library Other Expenses		1,500.00
Water Other Expenses		1,000.00
Natural Gas Other Expenses		5,000.00
	\$ 119,500.00	\$ 119,500.00
WATER UTILITY:		
Account	From	To
Bond Principal	4,200.00	
Interest on Bonds		\$ 4,200.00
	\$ 4,200.00	\$ 4,200.00

RESOLUTION # 2018-329

RESOLUTION AMENDING A PROFESSIONAL SERVICES CONTRACT
WITH KENNETH BIEDZYNSKI, ESQ. OF THE FIRM OF
GOLDZWEIG, GREEN, EIGER & BIEDZYNSKI, LLC FOR ETHICS
BOARD COUNSEL SERVICES FOR THE TOWNSHIP OF MARLBORO
FOR THE YEAR 2018

WHEREAS, on January 18, 2018, the Township Council adopted resolution 2018-021 authorizing a contract for ETHICS BOARD ATTORNEY for the period of January 1, 2018 through December 31, 2018; 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, in a letter dated November 19, 2018, the Chairman of the Ethics Board has requested an increase in the contract amount of \$3,000.00 due to the Marlboro Township Ethics Board's proposed amendments to its Ethics Code.

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 KENNETH BIEDZYNSKI, ESQ. OF THE FIRM GOLDZWEIG, GREEN, EIGER & BIEDZYNSKI, LLC 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 \$3,000.00.

2. The Chief Financial Officer will certify funds in the amount of \$3,000.00 in Current Account 01-201-20-035-226.

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

- a. Goldzweig, Green, Eiger & Biedzynski, LLC
- b. Township Business Administrator
- b. Chief Financial Officer
- c. Township Ethics Board

RESOLUTION # 2018-330

RESOLUTION AMENDING THE AUTHORIZATION FOR THE PURCHASE OF
VEHICLE EQUIPMENT FOR THE TOWNSHIP OF MARLBORO DIVISION OF
POLICE

WHEREAS, the Township of Marlboro as part of its 2017 capital program (106-1.1) and 2018 capital program (106-1.1, 106-2.1, 106-2.16, 106-3.1, & 106-29) authorized the purchase of replacement vehicles and related equipment for the Marlboro Township Division of Police; and

WHEREAS, on July 12, 2018 (R2018-234) the Township Council granted authorization for the purchase of police vehicle equipment under the various State Contracts and price quotes for a total cost of \$200,301.19; and

WHEREAS, in an effort to help reduce costs of equipping the police vehicles, the Department of Public Works Vehicle Maintenance Division attempts to equip the police vehicles with existing or salvaged equipment; and

WHEREAS, the Vehicle Maintenance Division has since reported that the existing inventory could not be used in the new vehicles; 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 following equipment is available und various State Contracts as follows:

Equipment Description	SC#	Vendor	Cost	PO #
Gun Rack & K9 Bracket	81295	Lawmen Supply Co.	\$289.74	39846
In Car Video Camera System & Related Equipment	81311	L-3 Communications	\$6,414.26	39845
U-Cradle Bracket	83932	PMC Associates	\$336.00	39493
Fire Extinguisher Bracket	79875	W.W. Grainger Inc.	\$454.00	39492
Door Jam Lights	81334	Kaldor	\$1,360.70	39729
Install Labor of Camera System in K9 Unit	81333	Kaldor	\$112.50	39728
Roof Mount LED Light Bar	81334	Kaldor	\$1,920.78	39727

Total \$10,887.98

;and

WHEREAS, a small number of items required to outfit the vehicles are not available on State Contracts; and

WHEREAS, the Department has recommended that the Township purchase the below vehicle equipment based upon price quotes:

Equipment Description	SC#	Vendor	Cost	PO #
Gun Vault & Related Equipment	N/A	Kaldor	\$3,190.00	39844
DSR 2X Radar with Remote	N/A	Stalker Radar	\$8,920.50	39759
Window Tint for K9 Unit	N/A	Kaldor	\$170.00	39916
Radio Faceplate	N/A	Blue Line Emergency Lighting LLC	\$455.00	38563

Total \$12,735.50

;and

WHEREAS, the Division of Police has recommended that the Township amend R.2018-234 to reflect an increase in the original authorization of \$23,623.48; 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 Division of Police to obtain the required equipment for the previously authorized replacement police vehicles; and

WHEREAS, funds have been certified by the Chief Financial Officer in Capital Account 04-215-18-01H-106297 and Highway Traffic Safety Grant Account 02-213-18-804-106297; and

WHEREAS, the Township Council desires to approve the amendment to purchase the required equipment.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase the required equipment in an amount not to exceed \$23,623.48.

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

- a. Township Business Administrator
- b. Chief of Police
- c. Chief Financial Officer
- d. Insurance

RESOLUTION # 2018-331

A RESOLUTION OF THE TOWNSHIP OF MARLBORO IN MONMOUTH COUNTY, NEW JERSEY AMENDING A SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF MARLBORO AND THE BOROUGH OF MATAWAN TO PROVIDE ANIMAL CONTROL SERVICES

WHEREAS, on January 29, 2015 the Township of Marlboro (the "Township") authorized a shared services agreement (R.2015-063) with the Borough of Matawan (the "Borough") for animal control services including emergency response for domestic animal incidents, emergency response for sick or dangerous wildlife and enforcement of the Borough's ordinances pertaining to domestic animals; 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, Marlboro (the "Township") and Matawan (the "Borough") 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 has the personnel as well as the necessary contracts in place to provide the specified services; and

WHEREAS, the Township and the Borough wish to extend the agreement to include calendar year 2019; and

WHEREAS, the Township and Borough have negotiated a Shared Services Agreement, a copy of which is annexed hereto as EXHIBIT A, and the terms of which are incorporated into this resolution as if set forth at length herein; and

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 annexed hereto as EXHIBIT A.
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 # 2018-332

A RESOLUTION OF THE TOWNSHIP OF MARLBORO IN MONMOUTH COUNTY, NEW JERSEY RENEWING SHARED SERVICES AGREEMENT BETWEEN THE MARLBORO TOWNSHIP DEPARTMENT OF PUBLIC SAFETY AND MARLBORO FIRE DISTRICTS TO PROVIDE COMPUTER AIDED DISPATCH (CAD) BASED EMERGENCY RECALL SERVICES FOR VOLUNTEERS

WHEREAS, the Township of Marlboro (the "Township") Department of Public Safety, Division of Police currently provides emergency dispatching services for the Township of Marlboro which includes volunteer emergency medical services and the independent fire districts; and

WHEREAS, on February 25, 2016 (R.2016-096) the Township Council authorized a shared services agreement with Marlboro Fire Districts 1, 2 and 3 ("Marlboro Fire Districts") to provide computer aided dispatch (CAD) based emergency recall services for volunteer firefighters; 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 (the "Township") and Fire Districts 1, 2 and 3 ("Marlboro Fire Districts") 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 has the facilities to provide computer aided dispatch (CAD) based emergency recall services for volunteer firefighters; and

WHEREAS, the Township and Marlboro Fire Districts have negotiated a Shared Services Agreement, a copy of which is annexed hereto as EXHIBIT A, and the terms of which are incorporated into this resolution as if set forth at length herein; and

WHEREAS, the Marlboro Chief of Police has recommended the proposed agreement as representing the best value and public safety solution for Marlboro taxpayers; and

WHEREAS, the Mayor and Council of the Township of Marlboro have indicated their desire to accept the recommendation of the Chief of Police.

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 annexed hereto as EXHIBIT A.

RESOLUTION # 2018-333

SUPPORTING THE DRIVE SOBER OR GET PULLED OVER
2018 STATEWIDE HOLIDAY CRACKDOWN GRANT

WHEREAS, approximately one-third of all fatal traffic crashes in the United States involve drunk drivers; and

WHEREAS, impaired driving crashes cost the United States almost \$50 Billion a year; and

WHEREAS, between 2012-2016 the state experienced 37,964 alcohol related crashes, resulting in 718 fatalities

WHEREAS, 29% of motor vehicle fatalities in New Jersey in 2014 (the last year for which complete data is available) were alcohol-related; and

WHEREAS, an enforcement crackdown is planned to combat impaired driving; and

WHEREAS, the end of year holidays in particular are traditionally times of social gatherings which include alcohol; and

WHEREAS, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the *Drive Sober or Get Pulled Over 2018 Statewide Holiday Crackdown*; and

WHEREAS, the project will involve increased impaired driving enforcement from December 7, 2018 to January 1, 2019 and

WHEREAS, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways.

NOW, THEREFORE, BE IT RESOLVED that Marlboro Township declares its support for the *Drive Sober or Get Pulled Over 2018 Statewide Holiday Crackdown* from December 7, 2018 through January 1, 2019, and pledges to increase awareness of the dangers of drinking and driving.

RESOLUTION # 2018-334

AUTHORIZING CONTRACT FOR THE PURCHASE OF IMAGE SCANNING SERVICES THROUGH THE UNION COUNTY COOPERATIVE PRICING SYSTEM (UCCP-28-2015) AND RELATED SOFTWARE THROUGH STATE CONTRACT #89851 FOR THE POLICE DEPARTMENT

WHEREAS, in 2017, the Township embarked on the establishment of a Township-wide Document Management System featuring cloud based storage with on-premise backup, initially in the Construction Code Division, with plans to expand to other areas including the Planning, Zoning, Engineering Divisions and the Police Department(the "project"); and

WHEREAS, in an effort to continue the project the Division of Police Information Technology ("IT"), in a memo dated November 15 2018, has recommended awarding a contract to DRS Imaging Services under the UNION COUNTY COOPERATIVE PRICING SYSTEM (UCCP-28-2015)for the document image scanning services for the Marlboro Township Police Department in an amount not to exceed \$4,560.00; and

WHEREAS, the Township is authorized to purchase the document image scanning services from bids obtained from a cooperative pricing system such as the UNION COUNTY COOPERATIVE PRICING SYSTEM (UCCP-28-2015) pursuant to the authority provided by N.J.S.A. 40A:11-11(6); and

WHEREAS, additional software is required to complete the image scanning and is available under State Contract # 89851 from SHI International Corp. in an amount not to exceed \$1,016.09; 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 to purchase the document image scanning services from DRS IMAGING SERVICES through the UNION COUNTY COOPERATIVE PRICING SYSTEM (UCCP-28-2015)and the related software from SHI International Corp. through State Contract # 89851 for the Marlboro Police Department.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract with DRS IMAGING SERVICES whose address is 43 Fadem Road, Springfield, NJ 07081 be authorized in a total amount not to exceed \$4,560.00.

BE IT FURTHER RESOLVED, by the Township Council of the Township of Marlboro, that a contract with SHI International

Corp. whose address is 290 Davison Ave., Somerset, NJ 08873 be authorized in a total amount not to exceed \$1,016.09.

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that sufficient funds in the amount not to exceed \$5,576.09 from Current Account 01-201-25-106-288682.

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

- a. DRS Imaging Services
- b. SHI International Corporation
- c. Township Business Administrator
- d. Chief Information Officer
- e. Chief Financial Officer
- f. Chief of Police

RESOLUTION # 2018-335

A RESOLUTION AUTHORIZING ACCEPTANCE
OF DONATION OF LOCKERS FROM THE KEANSBURG POLICE DEPARTMENT
FOR THE MARLBORO TOWNSHIP POLICE DEPARTMENT

WHEREAS, the Keansburg Police Department approached the Marlboro Township Police Department to donate lockers to accommodate newly hired police officers; and

WHEREAS, the Keansburg Police Department is donating fifteen (15) used Standard Steel Lockers, Single Tier 12"w x 12"d x 66"h - 1 Wide, Model #5002, originally purchased at a price of \$142.74 per locker; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the lockers from the Keansburg Police Department as described above is hereby accepted.

BE IT FURTHER RESOLVED that the Township Council of the Township of Marlboro hereby extends it thanks and appreciation to the Keansburg Police Department for their support of the Marlboro Township Police Department.

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

- a. Township Business Administrator

- b. Chief Financial Officer
- c. Chief of Police

RESOLUTION # 2018-336

A RESOLUTION CONFIRMING AMENDMENT TO EMERGENCY CONTRACT WITH AURORA ENVIRONMENTAL INC. FOR TEMPORARY ABOVEGROUND FUEL TANK RENTAL ASSOCIATED WITH THE REPLACEMENT OF THE ABOVEGROUND FUEL STORAGE TANKS LOCATED ON TOWNSHIP PROPERTY PURSUANT TO N.J.S.A. 40A:11-6 FOR THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, on October 16, 2014 the Director of Public Works reported to the Township Business Administrator that the aboveground diesel storage tank at the Township garage was failing; and

WHEREAS, N.J.S.A. 40A:11-6 states that "Any contract may be ... awarded for a contracting unit without public advertising for bids and bidding therefor ... when an emergency affecting the public health, safety or welfare requires the immediate ... performance of services"; and

WHEREAS, N.J.S.A. 40A:11-6(b) states that "Upon the furnishing of such goods or services ... the contractor furnishing such goods or services shall be entitled to be paid therefor and the contracting unit shall be obligated for said payment ..."; and

WHEREAS, the Township promptly reported the resulting spill to the New Jersey Department of Environmental Protection (NJDEP), the Monmouth Joint Insurance Fund and the Environmental Joint Insurance Fund (EJIF), and the Township Business Administrator in consultation with the Director of Public Works and the Township Engineer determined that this constituted an emergency under the terms of N.J.S.A. 40A:11-6; and

WHEREAS, under State Contract #75554, Aurora Environmental, Inc. supplied proposals and was authorized to perform spill response, tank relocation and temporary tank installation and related services confirmed by the Township Council on January 29, 2015 (R.2015-066) totaling \$69,970.00; and

WHEREAS, during the tank remediation process the temporary aboveground tank rented from Aurora Environmental, Inc. was required for an additional three month period through April 2015 confirmed at a cost of \$8,400.00 (R.2015-177); and

WHEREAS, the Township Council confirmed the rental of the temporary tank for an additional twenty month period through December 2016 (R.2015-388, R.2016-179 & R.2016-331); and

WHEREAS, the phase of the tank replacement project which required temporary above ground tank rental is now complete requiring the confirmation of a final payment of an additional six months of rental at a cost of \$2,800.00 per month totaling \$16,800.00; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the Township of Marlboro to confirm the amendment to the emergency contract awarded to Aurora Environmental Inc.; and

WHEREAS, funds have been certified by the Chief Financial Officer in the amount of \$16,800.00 in the Reserve for Insurance account # 01-286-55-004 for this purpose.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that an amendment to the contract with and final payment to Aurora Environmental Inc. whose address is 1102 Union Avenue, Union Beach, NJ 07735 in an amount not to exceed \$16,800.00 for TEMPORARY ABOVEGROUND FUEL TANK RENTAL PURSUANT TO N.J.S.A. 40A:11-6 FOR THE DEPARTMENT OF PUBLIC WORKS, be and is hereby confirmed.

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

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

RESOLUTION # 2018-337

RESOLUTION AUTHORIZING A CONTRACT FOR THE PROVISION
OF ROCK SALT THROUGH BIDS OBTAINED BY THE
SOMERSET COUNTY COOPERATIVE PURCHASING PROGRAM

WHEREAS, the Somerset County Cooperative Purchasing Program conducted a public bidding process and awarded a contract to Atlantic Salt, Inc., 134 Middle Street, Suite 210, Lowell, MA 01852 for the provision of rock salt at a price of \$57.57 per ton; and

WHEREAS, the Township is authorized to purchase rock salt from bids obtained from a cooperative pricing system such as the Somerset 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 Atlantic Salt, Inc. has agreed to extend the pricing provided to Somerset County to Marlboro Township through the Somerset County Cooperative Purchasing Program; and

WHEREAS, at this time, the Director of Public Works has recommended the award of contract for 1,000 tons of rock salt material at the contract price for a total not to exceed \$57,570.00; 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 rock salt; and

WHEREAS, funds in the total amount of \$57,570.00, for 1,000 tons, have been certified by the Chief Financial Officer from Snow Removal Trust Account #11-228-55-020.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase 1,000 tons of rock salt from Atlantic Salt, Inc., at a price of \$57.57 per ton, pursuant to the bid obtained by the Somerset County Cooperative Purchasing Program, for a total amount not to exceed \$57,570.00; and

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

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

RESOLUTION # 2018-338

RESOLUTION AUTHORIZING THE PURCHASE OF A TANDEM TRUCK BODY AND RELATED EQUIPMENT THROUGH THE ESCNJ COOPERATIVE CONTRACT #17/18-30 FROM TRIUS INC. FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township currently has 2 Volvo Tandem Dump Trucks and the capital plan calls for periodic refurbishment or replacement of these vehicles; and

WHEREAS, in 2016, the Township received a 2009 Freightliner (Unit 0906) in very good condition through the DOD LESO military surplus program (R.2016-187); and

WHEREAS, in a memo dated November 8, 2018, the Director of Public Works, has recommended the purchase of a TANDEM TRUCK BODY AND RELATED EQUIPMENT to be installed on Unit 0906, citing the following reasons:

- Unit 0906 outfitted with a tandem truck body will provide essential support for emergency response and operational duties including leaf pick up and snow removal
- outfitting Unit 0906 is less than 20% of the cost of purchasing a new similar unit and represents the best value to Marlboro residents and taxpayers

; and

WHEREAS, the Township is authorized to purchase a TANDEM TRUCK BODY AND RELATED EQUIPMENT from bids obtained from a cooperative pricing system such as the Educational Services Commission of NJ (ESCNJ) pursuant to the authority provided by N.J.S.A. 40A:11-11(6); and

WHEREAS, Trius Inc. was awarded the ESCNJ Cooperative Contract #17/18-30 for the Swenson 14 Ft. Stainless Steel Dump Body and hose kit with a 15% discount, the Buyers lights, mud flaps, truck steps and back up alarm with a 30% discount, the Aero mesh tarp and roller with a 5% discount, and the Bosch hydraulic system, stainless steel valve enclosure and 30 gallon hydraulic reservoir with a 30% discount; 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 TANDEM TRUCK BODY AND RELATED EQUIPMENT, to be utilized by the Department of Public Works; and

WHEREAS, funds are remaining in 2017 and 2018 capital account line items authorized for similar projects (17-120-7 and 18-120-2 respectively) as the result of trade-ins of old public works equipment; and

WHEREAS, funds are available and have been certified by the Chief Financial Officer in an amount not to exceed \$41,831.04 from Capital Accounts 04-215-17-02H-120297 and 04-215-18-01I-120297, and

WHEREAS, the Township Council desires to approve the purchase of the TANDEM TRUCK BODY AND RELATED EQUIPMENT.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase the TANDEM TRUCK BODY AND RELATED EQUIPMENT from Trius Inc., under ESCNJ #17/18-30 in an amount not to exceed \$41,831.04.

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

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

RESOLUTION # 2018-339

A RESOLUTION APPROVING CLOSE OUT CHANGE ORDER TO THE EXISTING CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO AND JADS CONSTRUCTION CO. AND AUTHORIZING FINAL PAYMENT AND ACCEPTANCE OF PROVISIONS OF "2017 DRAINAGE AND ROAD IMPROVEMENT PROGRAM" FOR THE TOWNSHIP OF MARLBORO

WHEREAS, by Resolution #2017-150 the Township of Marlboro authorized the award of a contract to JADS Construction Co. for the drainage and road improvements otherwise known as the 2017 Drainage and Road Improvement Program for the Township Of Marlboro (the "Project"); and

WHEREAS, Close Out Change Order has been requested resulting in a decrease in the original contract amount of \$1,260,503.00 to \$1,176,067.72, a net decrease of \$84,435.28; and

WHEREAS, in a letter dated October 29, 2018 the Township Engineer has confirmed that the project has been completed in accordance with the approval plans and specifications and has recommended approval of the Close Out, acceptance of the Project improvements, and issuance of final payment in the amount of \$59,854.09; and

WHEREAS, pursuant to the terms of the contract, JADS Construction Co. has provided a two-year maintenance bond in an amount equal to 15% of the final contract amount or \$176,410.16; and

WHEREAS, the Township Council of the Township of Marlboro is amenable to approving Close Out, accepting the Project improvements and issuing a final payment to JADS Construction Co. in the amount of \$59,854.09 in order that the Project be

completed, such Project being in the interests of the public health, safety and welfare.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that Close Out Change Order to the existing contract with JADS Construction Co. be and is hereby approved, decreasing the original contract total of \$1,260,503.00 to \$1,176,067.72, a net decrease of \$84,435.28.

BE IT FURTHER RESOLVED, by the Township Council of the Township of Marlboro, that the Project improvements be and are hereby accepted, and that final payment in the amount of \$59,854.09 for work completed by JADS Construction Co. is hereby approved.

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

- a. JADS Construction Company
- b. Township Business Administrator
- c. Township Engineer
- d. Chief Financial Officer
- e. Township Attorney

RESOLUTION # 2018-340

A RESOLUTION APPROVING CLOSE OUT CHANGE ORDER TO THE EXISTING CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO AND KMETZ, INC. AND AUTHORIZING FINAL PAYMENT AND ACCEPTANCE OF PROVISIONS OF "ROUTE 9 WATER MAIN LOOP IMPROVEMENTS" FOR THE MARLBORO TOWNSHIP WATER UTILITY

WHEREAS, by Resolution #2017-223 the Township of Marlboro authorized the award of a contract to Kmetz, Inc. for the water utility improvements otherwise known as the Route 9 Water Main Loop Improvements project for the Township of Marlboro (the "Project"); and

WHEREAS, Close Out Change Order has been requested resulting in a decrease in the original contract amount of \$438,385.00 to \$388,604.13, a net decrease of \$49,780.87; and

WHEREAS, in a letter dated October 30, 2018 the Township Engineer has confirmed that the project has been completed in accordance with the approval plans and specifications and has recommended approval of the Close Out, acceptance of the Project improvements, and issuance of final payment in the amount of \$74,342.63; and

WHEREAS, pursuant to the terms of the contract, Kmetz, Inc. has provided a two-year maintenance bond in an amount equal to 15% of the final contract amount or \$58,290.62; and

WHEREAS, the Township Council of the Township of Marlboro is amenable to approving Close Out, accepting the Project improvements and issuing a final payment to Kmetz, Inc. in the amount of \$74,342.63 in order that the Project be completed, such Project being in the interests of the public health, safety and welfare.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that Close Out Change Order to the existing contract with Kmetz, Inc. be and is hereby approved, decreasing the original contract total of \$438,385.00 to \$388,604.13, a net decrease of \$49,780.87.

BE IT FURTHER RESOLVED, by the Township Council of the Township of Marlboro, that the Project improvements be and are hereby accepted, and that final payment in the amount of \$74,342.63 for work completed by Kmetz, Inc. is hereby approved.

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

- a. Kmetz, Inc.
- b. Township Business Administrator
- c. Township Engineer
- d. Chief Financial Officer
- e. Township Attorney

RESOLUTION # 2018-341

A RESOLUTION AUTHORIZING A CHANGE ORDER TO THE CONTRACT
WITH KLENZOID INC. FOR THE SUPPLY OF CHEMICALS
FOR THE TOWNSHIP OF MARLBORO WATER UTILITY DIVISION

WHEREAS, on February 15, 2018 (R.2018-108), the Township of Marlboro authorized a contract with KLENZOID INC., the lowest responsible bidder, for Bid 2018-01, the SUPPLY OF CHEMICALS FOR THE TOWNSHIP OF MARLBORO WATER UTILITY DIVISION, in the amount of \$18,645.00; and

WHEREAS, the Director of Public Works, in a memo dated November 20, 2018 has requested a change order resulting in an increase in the contract amount by \$2,000.00 or approximately 11% due to the additional supply of Zinc Orthophosphate required

as a result of the additional materials required for the start-up and calibration of the new hardware and higher than estimated usage of the new Harbor Road Water Treatment Plant; and

WHEREAS, the additional authorization is necessary in order to maintain the proper operation of the water treatment facilities, being in the interest of the public health, safety and welfare.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a change order to the contract with KLENZOID INC. whose address is 912 Spring Mill Ave., Conshohocken, PA 19428, be authorized in a total amount not to exceed \$2,000.00.

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that sufficient funds in the amount of \$2,000.00 are available for the aforesaid change order in Account #05-201-55-500-293020.

BE IT FURTHER RESOLVED that the Township Council has deemed it necessary and in the best interest of the Township of Marlboro to amend its contract with KLENZOID INC. to provide the required chemicals for the water treatment plant.

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

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

RESOLUTION # 2018-342

RESOLUTION AUTHORIZING RELEASE OF MAINTENANCE BOND FOR THE GRADING AND CLEARING IMPROVEMENTS AT THE SITE KNOWN AS MARLBORO 18, LLC, BLOCK 179, LOT 1, LOCATED AT HARTMAN 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. Seamus Gilson of Marlboro 18, LLC for release of the Township held two (2) year, fifteen percent (15%) Maintenance Bond in the form of a Cash Deposit for Grading and Clearing ("Public Improvements") on the Site known as "Marlboro 18, LLC" (the "Site"), property known as Block 179, Lot 1, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by Marlboro 18, 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 November 9, 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 two (2) year, fifteen percent (15%) Maintenance Bond in the form of a Cash Deposit in the original amount of \$11,750.44 (excludes accrued interest) posted by the Developer and being held by the Township, be released in its entirety, conditioned upon the payment of any and all outstanding review and/or inspection fee charges; and

WHEREAS, the Township Council now wishes to take the following action regarding the aforesaid Maintenance Bond.

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 two (2) year, fifteen percent (15%) Maintenance Bond in the form of a Cash Deposit, Check No. 4580 issued by Investors Bank in the original amount of \$11,750.44 (excludes accrued interest) posted by the Developer and being held by the Township, be released in its entirety, conditioned upon the payment of any and all outstanding review and/or inspection fee charges; and

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

- a. Marlboro 18, LLC
- b. Investors Bank, Morganville NJ 07751
- c. Township Business Administrator
- d. Chief Financial Officer
- e. Township Engineer
- f. Township Attorney

RESOLUTION # 2018-343

A RESOLUTION OF THE TOWNSHIP OF MARLBORO IN
MONMOUTH COUNTY, NEW JERSEY AUTHORIZING THE
RENEWAL OF A SHARED SERVICES AGREEMENT WITH
THE TOWNSHIP OF MANALAPAN FOR USE OF THE
MARLBORO SWIM CLUB

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 ("Marlboro") and Township of MANALAPAN ("MANALAPAN") 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, Marlboro desires to renew its agreement with MANALAPAN which will permit MANALAPAN residents to join the Marlboro Swim Club; and

WHEREAS, representatives of Marlboro and MANALAPAN have negotiated a Shared Services Agreement, a copy of which is annexed hereto as EXHIBIT A, and the terms of which are incorporated into this resolution as if set forth at length herein; and

WHEREAS, the Township Council of the Township of Marlboro has determined that the renewal of the Shared Services Agreement is in the best interest of the residents and taxpayers of Marlboro,

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 annexed hereto as EXHIBIT A.

RESOLUTION # 2018-344

A RESOLUTION OF THE TOWNSHIP OF MARLBORO IN
MONMOUTH COUNTY, NEW JERSEY AUTHORIZING A
SHARED SERVICES AGREEMENT WITH THE TOWNSHIP
OF OLD BRIDGE FOR USE OF THE MARLBORO SWIM
CLUB

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 ("Marlboro") and Township of OLD BRIDGE ("OLD BRIDGE") 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, Marlboro desires to renew its agreement with OLD BRIDGE which will permit OLD BRIDGE residents to join the Marlboro Swim Club; and

WHEREAS, representatives of Marlboro and OLD BRIDGE have negotiated a Shared Services Agreement, a copy of which is annexed hereto as EXHIBIT A, and the terms of which are incorporated into this resolution as if set forth at length herein; and

WHEREAS, the Township Council of the Township of Marlboro has determined that the entry into the Shared Services Agreement is in the best interest of the residents and taxpayers of Marlboro,

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 annexed hereto as EXHIBIT A.

RESOLUTION # 2018-345

A RESOLUTION OF THE TOWNSHIP OF MARLBORO IN
MONMOUTH COUNTY, NEW JERSEY AUTHORIZING THE

RENEWAL OF A SHARED SERVICES AGREEMENT WITH
THE TOWNSHIP OF COLTS NECK FOR USE OF THE
MARLBORO SWIM CLUB

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 ("Marlboro") and Township of COLTS NECK ("COLTS NECK") 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, Marlboro desires to renew its agreement with COLTS NECK which will permit COLTS NECK residents to join the Marlboro Swim Club; and

WHEREAS, representatives of Marlboro and COLTS NECK have negotiated a Shared Services Agreement, a copy of which is annexed hereto as EXHIBIT A, and the terms of which are incorporated into this resolution as if set forth at length herein; and

WHEREAS, the Township Council of the Township of Marlboro has determined that the renewal of the Shared Services Agreement is in the best interest of the residents and taxpayers of Marlboro,

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 annexed hereto as EXHIBIT A.

RESOLUTION # 2018-346

A RESOLUTION AUTHORIZING THE EXECUTION
OF A LEASE AGREEMENT BETWEEN MORGANVILLE VOLUNTEER FIRE COMPANY
NO. 1 AND THE MARLBORO RECREATION DEPARTMENT FOR USE OF
SPACE AT 78 TENNENT ROAD, MORGANVILLE, NEW JERSEY

WHEREAS, the Township of Marlboro Department of Recreation ("Township") requires additional space to operate its adult recreation programs; and

WHEREAS, MORGANVILLE VOLUNTEER FIRE COMPANY NO. 1, a not for profit corporation registered in the State of New Jersey with a principal place of business at 78 Tennent Road, Morganville, New Jersey 07751 ("Morganville") has agreed to lease space at its property located at 78 Tennent Road, Morganville to the Marlboro Department of Recreation to operate adult recreation programs; and

WHEREAS, Morganville has offered the Township a one year lease of space at its property located at 78 Tennent Road, Morganville commencing on February 1, 2019 and terminating on January 31, 2020 for an annual fee of \$13,000.00, and a maximum allowance for utilities not to exceed \$600.00, for adult recreation programs to be held three (3) days per week, Monday through Thursday between the hours of 8:00 am and 12:30 pm.

WHEREAS, the Department of Recreation is recommending that the Township enter into a one year lease incorporating the terms offered by Morganville.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to execute, and the Township Clerk to witness a lease agreement with MORGANVILLE VOLUNTEER FIRE COMPANY NO. 1, 78 Tennent Road, Morganville, New Jersey 07751 in accordance with this resolution, in a form to be approved by the Township Attorney.

BE IT FURTHER RESOLVED funds in the amount of \$13,600.00 will be certified by the Chief Financial Officer in Current Account #01-201-28-145-216475 at the time of the 2019 budget is adopted.

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

- a. Morganville Volunteer Fire Co. NO. 1
- b. Township Business Administrator
- c. Township Recreation Director
- d. Chief Financial Officer

RESOLUTION # 2018-347

A RESOLUTION APPROVING THE CLOSE OUT OF THE EXISTING CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO AND GAME TIME FOR THE PLAYGROUND AT THE MARLBORO TOWNSHIP MUNICIPAL COMPLEX

WHEREAS, on June 11, 2018 the Township of Marlboro authorized a contract with Game Time for the installation of 2-5 year old playground equipment at the Marlboro Township Municipal Complex; and

WHEREAS, the playground facilities were installed on September 7, 2018 by Game Time's subcontractor Park Builders LLC; and

WHEREAS, in a letter dated October 25, 2018, the Corporate Risk Management Specialist from Game Time confirmed that the playground equipment supplied for the above mentioned project is designed to conform to or exceed the applicable voluntary CPSC guidelines and ASTM Standards (F1487-17), and that the ASTM compliance has been certified by the International Play Equipment Manufacturers Association (IPEMA); and

WHEREAS, in a letter dated October 31, 2018, Park Builders LLC confirmed that the equipment was installed in accordance with the manufacturer's specifications; and

WHEREAS, the Township has received a copy of the applicable playground equipment warranty and certificate of insurance from the manufacturer, Game Time and certificate of insurance from the equipment installer, Park Builders, LLC.; and

WHEREAS, upon completion of installation the Certified Safety Inspector within the Department of Recreation completed a playground safety audit in accordance with ASTM Specification F1487, the Standard Consumer "Safety Performance Specification for Playground Equipment for Public Use" and CPSC Handbook for Public Playground Safety on November 7, 2018; and

WHEREAS, based upon the applicable documentation received from both the manufacturer Game Time and the installer Park Builders LLC, and the completed safety audit, the Director of Recreation has recommended the acceptance of the playground equipment and installation.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, that the Close Out to the existing contract with Game Time for the playground equipment and

installation at the Marlboro Township Municipal Complex be and is hereby approved.

BE IT FURTHER RESOLVED, by the Township Council of the Township of Marlboro, that the Project improvements be and are hereby accepted, and that final payment in the amount of \$31,400.00 for work completed by Game Time is hereby approved.

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

- a. Game Time
- b. Township Business Administrator
- c. Director of Recreation
- d. Insurance

RESOLUTION # 2018-348

A RESOLUTION APPROVING CLOSE OUT CHANGE ORDER TO THE EXISTING CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO AND SHORE TOP CONSTRUCTION CORPORATION AND AUTHORIZING FINAL PAYMENT AND ACCEPTANCE OF PROVISIONS OF "OVERALL RECREATION COURT IMPROVEMENTS" FOR THE TOWNSHIP OF MARLBORO

WHEREAS, by Resolution #2018-138 the Township of Marlboro authorized the award of a contract to Shore Top Construction Corporation for the improvements at Hawkins Road Tennis Courts (2), Robertsville School Tennis Courts (2), Country Park Hand Ball Court (1), and Falson Lane Tennis Court (1), otherwise known as the Overall Recreation Court Improvements project for the Township of Marlboro (the "Project"); and

WHEREAS, Close Out Change Order has been requested resulting in a decrease in the original contract amount of \$247,907.50 to \$208,727.50, a net decrease of \$39,180.00; and

WHEREAS, in a letter dated October 10, 2018 the Township Engineer has confirmed that the project has been completed in accordance with the approval plans and specifications and has recommended approval of the Close Out, acceptance of the Project improvements, and issuance of final payment in the amount of \$5,742.55; and

WHEREAS, pursuant to the terms of the contract, Shore Top Construction Corporation has provided a two-year maintenance bond in an amount equal to 15% of the final contract amount or \$31,309.13; and

WHEREAS, the Township Council of the Township of Marlboro

is amenable to approving Close Out, accepting the Project improvements and issuing a final payment to Shore Top Construction Corporation in the amount of \$5,742.55 in order that the Project be completed, such Project being in the interests of the public health, safety and welfare.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that Close Out Change Order to the existing contract with Shore Top Construction Corporation be and is hereby approved, decreasing the original contract total of \$247,907.50 to \$208,727.50, a net decrease of \$39,180.00.

BE IT FURTHER RESOLVED, by the Township Council of the Township of Marlboro, that the Project improvements be and are hereby accepted, and that final payment in the amount of \$5,742.55 for work completed by Shore Top Construction Corporation is hereby approved.

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

- a. Shore Top Construction Corporation
- b. Township Business Administrator
- c. Township Engineer
- d. Chief Financial Officer
- e. Township Attorney

RESOLUTION # 2018-349

RESOLUTION AUTHORIZING AMENDMENT TO THE AGREEMENT WITH
AQUATIC SERVICES, INC. FOR THE PROVISION OF POOL
MAINTENANCE SERVICES FOR THE MARLBORO TOWNSHIP DEPARTMENT
OF RECREATION SWIM COMPLEXES

WHEREAS, on August 19, 2017 (R.2017-309), the Township of Marlboro authorized an agreement with Aquatic Services, Inc. to provide maintenance service for the 2018 swim season for the Marlboro Swim Club and the Aquatic Center at Vanderburg Park; and

WHEREAS, in a memo dated November 19, 2018, the Director of Recreation advised that additional funds will be needed to close out the season due to an emergency filter repair required mid-season in an amount which will exceed the original authorization by \$9,085.00; and

WHEREAS, funds are available and have been certified by the Chief Financial Officer in an amount not to exceed \$9,085.00 from Current Account #09-201-55-400-288452;and

WHEREAS, the Township Council desires to approve the amendment to the agreement for the maintenance services.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to amend the agreement for pool maintenance services with Aquatic Services, Inc. in an amount not to exceed \$9,085.00.

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 Recreation
- c. Chief Financial Officer

RESOLUTION # 2018-350

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

WHEREAS, on May 3, 2018 (R.2018-179), the Township of Marlboro authorized an agreement with Marlboro Soccer Association Boosters, Inc. (Booster Club) to provide refereeing services for the 2018 Spring and Fall soccer seasons in the amount of \$74,348.00; and

WHEREAS, in a memo dated November 20, 2018, the Director of Recreation has advised that additional refereeing services are needed from the Booster Club to finish out the season in an amount which will exceed the original authorization by \$2,052.00; and

WHEREAS, funds are available and have been certified by the Chief Financial Officer in an amount not to exceed \$2,052.00 from Current Account #09-201-55-400-296409, and

WHEREAS, the Township Council desires to approve the amendment to the agreement for refereeing services.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to amend the agreement for refereeing services

with Marlboro Soccer Association Boosters, Inc. (Booster Club), in an amount not to exceed \$2,052.00.

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 Recreation
- c. Chief Financial Officer

RESOLUTION # 2018-351

RESOLUTION AUTHORIZING AWARD OF STATE CONTRACTS #88739
AND #40116 TO DERIVE TECHNOLOGIES FOR THE PURCHASE
NETWORKING EQUIPMENT FOR THE TOWNSHIP OF MARLBORO IT
DEPARTMENT

WHEREAS, the Township of Marlboro as part of its 2016 capital program (033-3 & 033-19) and part of its 2017 capital program (033-3) authorized the purchase of replacement networking equipment for the Marlboro Division of Information Technology ("IT"); and

WHEREAS, the networking equipment will provide redundant failover capabilities and increase security at the networking core level; and

WHEREAS, IT has recommended, in a memo dated November 20, 2018, that the Township purchase the networking equipment from Derive Technologies, under State Contracts #88739 and #40116 in an amount not to exceed \$32,542.00; 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 IT Division to obtain the networking equipment from Derive Technologies; and

WHEREAS, funds are available and have been certified by the Chief Financial Officer in an amount not to exceed \$32,542.00 from Capital Accounts 04-215-16-02A-033297 and 04-215-02C-033297; and

WHEREAS, the Township Council desires to approve the purchase of the networking equipment from Derive Technologies.

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 networking equipment from Derive Technologies, 40 Wall Street, 20th Floor, New York, NY 10005, under State Contracts #88739 and #40116 in an amount not to exceed \$32,542.00.

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

- a. Derive Technologies
- b. Township Business Administration
- c. Chief Information Officer
- d. Chief Financial Officer

RESOLUTION # 2018-352

WHEREAS, the Township of Marlboro has received and completed the "2018 Best Practices Inventory" sent out on October 15, 2018 by the Division of Local Government Services, and

WHEREAS, the Chief Financial Officer has certified a score of 54 out of a possible 61; and

WHEREAS, the high percentage of positive responses on the 2018 Best Practices Worksheet qualifies the Township of Marlboro to receive 100% of its State Aid; and

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

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Marlboro hereby acknowledges review of the 2018 Best Practices Inventory and hereby confirms the submission to the State of New Jersey.

RESOLUTION # 2018-353

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$69,501.40 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 \$ 69,501.40 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>
2016-069	225/6	Daxuan Wang 11 Walnut Street Livingston, NJ 07039 Assessed Owner: Atkinson, Alvin & Roberta	69,501.40

RESOLUTION # 2018-354

WHEREAS, delinquent zoning charges totaling \$3,041.94 were paid to the Township Tax Collector on behalf of Marlboro Township Zoning Office to avoid tax sale as per Schedule "A",

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the above-mentioned zoning charges in the amount of \$3,041.94 be refunded to the Marlboro Township Zoning Department

Schedule A				
BLOCK	LOT	QUALIFIER	PROPERTY LOCATION	AMOUNT
148	14		139 Tennent Road	\$1,004.65
155	20.08		701 Mohican Court	\$1,196.62
223	12		13 North Main Street	\$301.17
301	36		30 Duncan Drive	\$539.50
Total				\$3,041.94

RESOLUTION # 2018-355

WHEREAS, the Tax Assessor has granted a disabled veteran exemption for Gluck, Gary, Block: 170, Lot: 49, located at 64 Brown Road,

WHEREAS, property taxes were billed for 2018 in the amount of \$7,959.00, and

WHEREAS, preliminary property taxes were billed for 2019 in the amount of \$3,979.50, and

WHEREAS, this exemption became effective November 1, 2018 and

WHEREAS, pro-rated taxes for 2018 need to be cancelled in the amount of \$1,207.96 and

WHEREAS, preliminary taxes for 2019 need to be cancelled in the amount of \$3,979.50 and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro to direct the Tax Collector to cancel \$5,187.46 for prorated 2018 and preliminary 2019 taxes.

RESOLUTION # 2018-356

WHEREAS, delinquent sewer charges totaling \$55,215.90 were paid to the Township on behalf of Western Monmouth Utilities Authority to avoid tax sale as per Schedule "A",

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that the above-mentioned sewer charges in the amount of \$55,215.90 be refunded to Western Monmouth Utilities Authority.

BLOCK	LOT	QUALIFIER	<u>Schedule A</u>		AMOUNT
			PROPERTY	LOCATION	
104	2		196	Greenwood Road	\$186.60
107	17		10	Thomas Lane	\$598.39
108	9		200	Texas Road	\$147.57
108	19		32	Wicker Place	\$346.90
116	1		2	Nolan Road	\$178.26
116	17		5	Lloyd Road	\$541.08
119.01	22		35	Rachael Drive	\$598.32
120	35		74	Tennent Road	\$335.40
132	8		450	Route 79	\$259.52
143.09	16		619	Vale Drive	\$599.37
160	44		206	Conway Court	\$598.60
171	36.02		57	Station Road	\$596.06
173	7	C0032	32	Portland Place	\$598.82
173	7	C0386	386	Hampton Place	\$299.66
176	7	C0458	458	Tivoli Court	\$598.59
176	7	C0540	540	Tivoli Court	\$386.51
176	7	C0633	633	Windflower Court	\$755.69
176	7	C0673	673	Snowdrop Court	\$335.40
176	7	C0771	771	Banyan Court	\$556.73
176	7	C0929	929	Lily Court	\$350.27
176	83		27	Hamilton Avenue	\$598.48

176.02	73		17 Enclosure Drive	\$335.40
178	2	C0109	109 Bedford Place	\$599.29
178	2	C0131	131 Bedford Place	\$588.71
178	2	C0309	309 Stratford Place	\$598.33
178	290	C0226	226 Hidden Lake Drive	\$4,147.19
184	34		127 Valesi Drive	\$465.99
187	2		2 Barclay Street	\$131.59
189	17		4 Adams Street	\$649.02
196	27		14 Overhill Drive	\$442.14
198	9		20 Buttonwood Drive	\$598.60
206.05	27.02		29 Wyncrest Road	\$587.98
207	21		476 Route 520	\$3,589.97
214.01	34		11 Breton Court	\$502.10
223	12		13 North Main Street	\$598.48
225	43		29 Taylor Road	\$588.23
225	55		55 River Drive	\$599.49
225	84		6 Arlington Drive	\$598.34
225	174		23 Mitchell Court	\$187.84
226	10		6 Concord Road	\$608.80
226	11		4 Concord Road	\$488.33
251	38		99 Gordons Corner Road	\$598.68
260	4		101 Church Road	\$488.33
260	21		176 Gordons Corner Road	\$792.49
265	17		8 Prince William Road	\$605.77
267	15		3 Sherbrooke Lane	\$2,771.39
268	28		11 Laurel Lane	\$598.33
268	49.02		26 Bartram Road	\$619.51
268.03	12		17 Crest Drive	\$587.99
270	24		12 Sandburg Drive	\$126.94
270	71		8 Robinson Road	\$488.33
270	72		10 Robinson Road	\$588.21
270	98		21 Millay Road	\$499.88
278	6		12 Markham Drive	\$362.68
278	17		17 Whitman Road	\$598.48
279	8		7 Whitman Road	\$598.48
284	6		14 Harvey Road	\$616.50
287	7		17 Kilmer Drive	\$600.90
287	8		6 Harvey Road	\$598.68
288	29	C0216	216 Ravenswood Road	\$310.91
300	42		36 Duncan Drive	\$295.22
300.01	1		204 Yellowknife Road	\$299.66
300.01	11		356 Timber Hill Drive	\$151.94
300.01	16.01		38 Church Road	\$755.69
305	124		11 Lake Ontario Lane	\$588.36

305	162	1 Stetson Place	\$175.07
312	43	18 Susan Drive	\$598.33
315	25	177 Gordons Corner Road	\$541.08
320	12	17 Susan Drive	\$138.58
328	5	12 Foxcroft Drive	\$587.99
332	2	23 Robertsville Road	\$595.41
333	5	10 Pamela Street	\$604.66
337	14	15 Brookside Circle	\$599.01
337	22	75 Robertsville Road	\$286.21
339	46	9 Eileen Lane	\$437.35
352	6	27 Amherst Road	\$588.11
352	9	6 Dickson Road	\$590.51
353	1.01	1 Brandon Road	\$598.37
360	25.10	3 Livingston Court	\$295.86
371	33	4 Homestead Circle	\$415.04
380	1	107 Clubhouse Lane	\$297.01
400	29	50 Manor Drive	\$174.20
400	30	52 Manor Drive	\$588.29
407	8	52 Heron Drive	\$598.34
408	35	8 Carriage Court	\$598.47
410	14	30 Steeplechase Drive	\$590.37
412	6	9 Steeplechase Drive	\$593.09
412	209	22 Hummingbird Court	\$145.01
412	217	38 Hummingbird Court	\$278.50
412	307	C0048 48 Thrasher Court	\$386.37
412.03	9	18 Warbler Road	\$598.37
412.08	13	27 Barn Swallow Road	\$628.60
415.01	1	7 Pecan Valley Drive	\$598.60
421	9.01	2 Lecarre Drive	\$588.39
421.04	22	16 Coleridge Drive	\$615.32
		Cost of Sale Collect WMUA	\$55,245.90
299	80	9 Ryegate Lane	(\$15.00)
306	3	141 Micki Drive	(\$15.00)

Total reimbursement to
WMUA

\$55,215.90

RESOLUTION # 2018-357

WHEREAS, delinquent water charges totaling \$ 1,559.72 have been paid to the Township on behalf of Marlboro Township Water Utility Division to avoid tax sale as per Schedule "A",

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that the above-mentioned water charges

in the amount of \$ 1,559.72 be refunded to Marlboro Township Water Utility Division.

Schedule A				
BLOCK	LOT	QUALIFIER	PROPERTY LOCATION	AMOUNT
108	2.02		28 Wicker Place	\$168.98
120	1.01		227 Texas Road	\$207.27
167	15		2 High Street	\$100.58
176	7	C0633	633 Windflower Ct	\$157.72
176	7	C0827	827 Mariposa Court	\$142.13
176	7	C0869	869 Mariposa Court	\$36.20
176	7	C0929	929 Lily Court	\$746.84
Total				\$1,559.72

RESOLUTION # 2018-358

WHEREAS, tax sale certificates sold at the 2018 Tax Lien Sale included delinquent sewer charges in the amount of \$4,890.51 as per Schedule "A",

WHEREAS, the above-mentioned tax sale certificates were bought by a third party,

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that the above-mentioned sewer charges in the amount of \$4,890.51 be refunded to the W.M.U.A.

Schedule A				
BLOCK	LOT	QUALIFIER	LIENHOLDER/PROPERTY LOCATION	AMOUNT
120.02	21		Cazenovia Creek Funding II, LLC 407 Ironwood Lane	\$488.33
192	4		Cazenovia Creek Funding II, LLC 35 Stony Hill Drive	\$436.76
193.02	54.1 9		Cazenovia Creek Funding II, LLC 31 Pueblo Court	\$598.48
225	214		Cazenovia Creek Funding II, LLC 25 Girard Street	\$348.17
225	216		Cazenovia Creek Funding II, LLC 21 Girard Street	\$598.48
235	11		Christian T C/F CE1/Firsttrust 6 Hastings Road	\$187.84
269	24		US Bank Cust for Tower DB VIII Trust 2018-1 31 Willow Lane	\$584.72

285	8	Cazenovia Creek Funding II, LLC 3 Poe Court	\$598.48
295	13	Cazenovia Creek Funding II, LLC 23 Marc Drive	\$348.11
392.01	6	Cazenovia Creek Funding II, LLC 9 Whistler Way	\$701.14
			\$4,890.51

RESOLUTION # 2018-359

WHEREAS, tax sale certificates sold at the 2018 Tax Lien Sale included delinquent zoning charges in the amount of \$243.86 as per Schedule "A",

WHEREAS, the above-mentioned tax sale certificates were bought by a third party,

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that the above-mentioned zoning charges in the amount of \$243.86 be refunded to the Marlboro Township Zoning Department.

Schedule A				
BLOCK	LOT	QUALIFIER	LIENHOLDER/PROPERTY LOCATION	AMOUNT
235	11		Christiana T C/F CE1 Firstrust 6 Hastings Road	\$243.86
				Total \$243.86

RESOLUTION # 2018-360

WHEREAS, the attached list in the amount of \$5,390.71 known as Schedule "A", is comprised of amounts representing overpayments for 2018 taxes,

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

SCHEDULE "A"

<u>BLOCK/LOT</u>	<u>ASSESSED OWNER</u>	<u>2018 REFUND</u>
383/3	Monteleone, Vincent & Maddalena	3,528.29

18 Coventry Terrace
Marlboro, NJ 07746

412.07/32	Nimishkumar Shah	1,862.42
	25 Woodpecker Way	
	Marlboro, NJ 07746	

At 8:35 PM, 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.

MINUTES APPROVED: December 18, 2018

OFFERED BY: METZGER AYES: 5

SECONDED BY: MAZZOLA NAYS: 0

ALIDA MANCO,
MUNICIPAL CLERK
121818

RANDI MARDER,
COUNCIL PRESIDENT