

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

March 7, 2019

The Marlboro Township Council held its regularly scheduled meeting on March 7, 2019 at 7:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Metzger opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of this regularly scheduled meeting of the Township Council of the Township of Marlboro was sent to the Asbury Park Press, the Star Ledger, News Transcript and Board of Education Office on January 7, 2019; published in the Asbury Park Press on January 9, 2019; 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 Marder.
Councilman Scalea, Council Vice President
Mazzola, and Council President Metzger.

Also present: Mayor Jonathan L. Hornik, Brian
Trelease P. Esq., Business Administrator Jonathan
Capp, Municipal Clerk Alida Manco and Deputy
Municipal Clerk Suzanne Branagan.

Councilwoman Marder moved that the minutes of February 20, 2019 be adopted. This was seconded by Council President Metzger and passed on a roll call vote of 5 - 0 in favor.

Council Vice President Mazzola moved that the minutes of February 21, 2019 be adopted. This was seconded by Councilman Scalea and passed on a roll call vote of 4 - 0 in favor, with Councilwoman Marder abstaining.

The following Resolution #2019-107/Ordinance #2019-6 (Exceed Municipal Budget Appropriation Limits and Establish a Cap Bank 2019) was introduced by reference, offered by Councilman Scalea, seconded by Council Vice President Mazzola and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2019-107

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

ORDINANCE # 2019-6

CALENDAR YEAR 2019

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION
LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)

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 March 21, 2019 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 # 2019-6

CALENDAR YEAR 2019

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION
LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Council of the Township of Marlboro in the County of Monmouth finds it advisable and necessary to increase its CY 2019 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$295,753.10

in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Township Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of Marlboro in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2019 budget year, the final appropriations of the Township of Marlboro shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$1,035,135.83, and that the CY 2019 municipal budget for the Township of Marlboro be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

The following Resolution #2019-108 (Introduction of 2019 Municipal Budget) was introduced by reference, offered by Councilman Scalea, seconded by Councilwoman Marder and passed on a roll call vote of 5- 0 in favor.

RESOLUTION # 2019-108

INTRODUCTION OF THE 2019 BUDGET

BE IT RESOLVED that the following statements of revenues and appropriations attached hereto constitute the local Budget of the Township of Marlboro, County of Monmouth, New Jersey, for the year 2019, as introduced by the Township Council; and

BE IT FURTHER RESOLVED, that said Budget be published in summary format in the Asbury Park Press, and that a hearing on the Budget be held on Thursday, April 11, 2019 at the Township of Marlboro Municipal Complex.

As the Consent Agenda, the following resolutions were introduced by reference, offered by Council Vice President Mazzola, seconded by Councilman Scalea and passed on a roll call vote of 5 - 0 in favor: Res. #2019-109 (Authorizing 2019 Temporary Emergency Appropriations), Res. #2019-110 (Authorizing Reserve Year 2018 Budget Transfers), Res. #2019-111 (Authorizing Unexpended 2018 Balances Budgeted for Accumulated Absences to Lapse into Accumulated Absence Reserve), Res. #2019-112 (Authorizing Unexpended 2018 Balances Budgeted for Snow Removal to Lapse into Snow Removal Reserve), Res. #2019-113 (Authorizing Internet-based Reverse Auctions for Sale of Solar Renewable Energy Credits (S-RECS) and Award of Bid), Res. #2019-114 (Authorizing Renewal of Shared Services Agreement - Freehold Twp - Municipal Court Administrator Services), Res. #2019-115 (Authorizing Amendment to Shared Services Agreement - Marlboro Board of Education - Busing for Police Youth Academy & Drug Alliance Programs), Res. #2019-116 (Authorizing One Year Renewal - Chemicals), Res. #2019-117 (Authorizing Change Order Close Out Preventative Gate Valve Maintenance - Kiely), Res. # 2019-118 (Authorizing Change Order Close Out Preventative Gate Valve Maintenance - Crine), Res. #2019-119 (Authorizing Release of Maintenance Bond for Camelot West - B 150, L 2, 3 & 4), Res. #2019-120 (Award of Contract - Drainage Improvement Project -Canadian Woods Road and Rand Court), Res. # 2019-121 (Award of Contract - Road Improvement Project - Contract III - Drainage Improvements Peasley Drive/Greenbriar), Res. #2019-122 (Award of Contract - Road Improvement Project - Contract II - Ryan Rd (Robertsville to Manalapan), Gordons Corner (Route 18 to Route 520) and Union Hill Road (Commuter Lot to Route 9), Res. #2019-123 (Redemption Tax Sale Certs - Various).

RESOLUTION # 2019-109

EMERGENCY TEMPORARY APPROPRIATION
PRIOR TO ADOPTION OF THE BUDGET

WHEREAS, N.J.S.A. 40A:4-20 provides authorization for an emergency temporary appropriation after the first thirty days of the fiscal year and before the adoption of the 2019 Municipal budget; and

WHEREAS, this resolution authorizes appropriations representing 50% of the full 2018 appropriations with the

exception of debt service and obligations associated with seasonal considerations; and

WHEREAS, the total emergency temporary resolutions adopted in the year CY 2019 pursuant to the provisions of N.J.C.A. 40A 4-20 (Chapter 96, P.L.1951 as amended) including this resolution total: \$20,053,693.95 for the municipal budget, \$4,545,876.61 for the operations of the water utility, and \$1,251,148.74 for the operations of the recreation and swim utility; and

NOW THEREFORE, BE IT RESOLVED, that in accordance with the provisions of N.J.S.A. 40A:4-20:

1. An emergency temporary appropriation be and the same is hereby made for each of the accounts listed on the attached.
2. That each said emergency temporary appropriation will be provided for in the CY 2019 budget under the same title as appropriated above.
3. That one certified copy of this resolution be filed with the Director of Local Government Services.

RESOLUTION # 2019-110

RESOLUTION AUTHORIZING TRANSFER
OF APPROPRIATION RESERVES
DURING FIRST THREE MONTHS
OF THE FISCAL YEAR

WHEREAS, N.J.S.A. 40A: 4-58 provides for appropriation reserve transfers during the first three (3) months of the following fiscal year, when it has been determined that additional funds may be necessary to pay for services or goods that had been received in the operations of the preceding year.

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

Current Fund:		
Account	From	To
(2018) Employee Insurance Other Expenses	\$ 49,000.00	
(2018) Accumulated Absences		49,000.00
	<u>\$ 49,000.00</u>	<u>\$ 49,000.00</u>

RESOLUTION # 2019-111

RESOLUTION AUTHORIZING UNEXPENDED 2018 BALANCES BUDGETED FOR ACCUMULATED ABSENCES TO BE LAPSED INTO THE ACCUMULATED ABSENCE RESERVE PURSUANT TO NJAC 5:30-15

WHEREAS, NJAC 5:30-15 permits a local unit to establish a reserve for the payment of accumulated absences; and

WHEREAS, the Township of Marlboro has established a reserve for accumulated absences; and

WHEREAS, once an accumulated absence reserve is established, unexpended balances budgeted annually for compensated absences may be lapsed into the reserve; and

WHEREAS, it is recommended that the Township transfer \$50,000.00 to the accumulated absence reserve.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that \$50,000.00 of unexpended 2018 budget appropriations for accumulated absences be transferred to the accumulated absence reserve.

RESOLUTION # 2019-112

RESOLUTION AUTHORIZING UNEXPENDED 2018 BALANCES BUDGETED FOR SNOW REMOVAL TO BE LAPSED INTO THE SNOW REMOVAL RESERVE PURSUANT TO NJSA 40A:4-62.1

WHEREAS, NJSA 40A:4-62.1 permits a local unit to establish a snow removal reserve; and

WHEREAS, the Township of Marlboro has established a snow removal reserve; and

WHEREAS, once a snow removal reserve is established, unexpended balances budgeted annually for snow removal may be lapsed into the reserve; and

WHEREAS, due to the severity of the past several winter seasons, during which the Township utilized an extraordinary amount of de-icing agent to maintain the safety of the roadways, it is recommended that the Township transfer \$100,000.00 to the snow removal reserve.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that \$100,000.00 of unexpended 2018

budget appropriations for snow removal be transferred to the snow removal reserve.

RESOLUTION # 2019-113

A RESOLUTION AUTHORIZING PARTICIPATION IN THE NEW JERSEY E-PROCUREMENT PILOT PROGRAM, AUTHORIZING THE ENGAGEMENT OF AN ON-LINE PURCHASING AGENT AND AUTHORIZING INTERNET-BASED AUCTIONS AND EXECUTION OF AGREEMENTS FOR THE SALE OF SOLAR RENEWABLE ENERGY CREDITS

WHEREAS, the Marlboro Township Municipal Utilities Authority (MTMUA) had a contract for the sale of solar renewable energy credits (S-RECs) which expired on May 31, 2011; and

WHEREAS, pursuant to provisions of the *Local Unit Electronic Technology Pilot Program and Study Act* (P. L. 2001, c. 30), local contracting units are specifically authorized to engage, without competitive bidding, on-line purchasing agents for the purpose of conducting internet-based auctions to procure certain bulk commodities, including S-RECs; and

WHEREAS, the Township has previously solicited proposals from three of the vendors authorized by the State of New Jersey to conduct internet-based auctions of S-RECs; and

WHEREAS, since 2012, the Township Council authorized the engagement of Marex Spectron, an on-line purchasing agent authorized by the State of New Jersey to conduct internet-based auctions for the sale of S-RECs generated or anticipated to be generated, at a reasonable sum of \$3.00 per S-REC; and

WHEREAS, the State of New Jersey allows local government units, through participation in an *E-Procurement Pilot Program* in accordance with the provisions of the *Local Unit Electronic Technology Pilot Program and Study Act* (P. L. 2001, c. 30), to utilize on-line auction services for the sale of S-RECs; and

WHEREAS, the Department of Public Works, Water Utility Division has recommended the selection of Marex Spectron to serve as Marlboro Township's on-line purchasing agent in accordance with its proposal.

WHEREAS, the Department of Public Works, Water Utility Division routinely monitors market conditions and advises that a sale of SRECs to be generated between June 1, 2019 and May 31, 2020, June 1, 2020 and May 31, 2021, and June 1, 2021 and May 31, 2022 may be beneficial at this time.

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

Section 1. The participation of Marlboro Township in the New Jersey *E-Procurement Pilot Program* pursuant to the provisions of the *Local Unit Electronic Technology Pilot Program and Study Act* (P. L. 2001, c. 30) is hereby authorized and approved for the sale of Solar Renewable Energy Credits utilizing on-line competitive bidding services and, in particular, an internet-based auction platform.

Section 2. The Township is hereby authorized to enter into an agreement with Marex Spectron, with corporate offices located at 360 Madison Avenue, Third Floor, New York, NY 10017, as an on-line purchasing agent, to conduct competitive auctions utilizing an internet-based platform in conjunction with the Township's planned sale of S-RECs.

Section 3. The engagement of Marex Spectron, shall be effected through the execution of an Agreement substantially in the form attached hereto and made a part hereof as Exhibit A, which said contract is hereby awarded, without competitive bidding, pursuant to the provisions of Section 7 of the *Local Unit Electronic Technology Pilot Program and Study Act* (P. L. 2001, c. 30).

BE IT FURTHER RESOLVED that

Section 1. The Mayor, or his designee, is hereby authorized to conduct internet-based auctions through Marex Spectron for the sale of up to the estimated 450 S-RECs to be generated between June 1, 2019 and May 31, 2020 and up to the estimated 900 S-RECs to be generated between June 1, 2020 and May 31, 2021, and up to estimated 900 S-RECs to be generated between June 1, 2021 and May 31, 2022; and

Section 2. Funds in the amount of \$4,050.00 have been certified by the Chief Financial Officer in account # 05-201-55-500-268030; and

Section 3. The Mayor, or his designee, is hereby authorized to award a contract to and execute an agreement, in a form approved by the Township Attorney, with the responsible bidder(s) which offer(s) the highest per credit price offering resulting from the aforementioned internet-based auction for the

sale of S-RECs, provided the bid accepted offers a per S-REC price equal to or higher than \$210.00; and

Section 4. The Mayor, or his designee, shall report on the bid results at the first meeting of the Township Council following the conclusion of the auctions to enable the Township Council to ratify and confirm the contract award.

Section 5. A certified true copy of this Resolution shall be provided to each of the following:

- a. Marlboro Township Administrator
- b. Marlboro Township Chief Financial Officer
- c. Marlboro Township Director of Public Works
- d. Marex Spectron
- e. NJ Division of Local Government Services

RESOLUTION # 2019-114

A RESOLUTION OF THE TOWNSHIP OF MARLBORO IN MONMOUTH COUNTY,
NEW JERSEY AMENDING AND RENEWING THE SHARED SERVICES AGREEMENT
BETWEEN THE TOWNSHIP OF MARLBORO AND FREEHOLD TOWNSHIP TO
PROVIDE MUNICIPAL COURT ADMINISTRATION SERVICES

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 Freehold and the Township of Marlboro 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 Council of the Township of Marlboro authorized the execution of a shared service agreement with Freehold Township on March 16, 2017 (R.2017-132) and entered into an Agreement whereby Freehold Township ("Freehold") provides Municipal Court Administration Services to the Township of Marlboro ("Marlboro"); and

WHEREAS, this cooperative Agreement has been beneficial to the taxpayers in both municipalities; and

WHEREAS, Freehold has agreed to continue the provision of Court Administration Services on an as-needed basis to Marlboro; and

WHEREAS, Freehold and Marlboro desire to renew a Shared Services Agreement to set forth the operational and financial terms concerning the work to be performed.

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 Mayor and Township Clerk are hereby authorized to execute a Shared Services Agreement for Municipal Court Services.

RESOLUTION # 2019-115

AMENDING A SHARED SERVICES AGREEMENT WITH THE MARLBORO TOWNSHIP BOARD OF EDUCATION PROVIDING FOR BUS TRANSPORTATION SERVICES FOR THE DIVISION OF POLICE YOUTH ACADEMY AND DRUG AND ALCOHOL ALLIANCE PROGRAMS

WHEREAS, the Township of Marlboro ("Township") has requested and the Marlboro Township Board of Education (the "Board") has agreed to provide transportation services for the Township Youth Police Academy and Drug and Alcohol Alliance ("Alliance") programs; and

WHEREAS, pursuant to N.J.S.A. 18A:39-22, the Board is authorized to permit the use of school buses it owns or leases for the purpose of transporting children and adults participating in a recreation or other program operated by the municipality in which the Board's School District is located; and

WHEREAS, the Township and the Board desire to amend the Shared Services Agreement to provide Transportation Services for Youth Police Academy and Alliance programs for the period commencing on January 1, 2019 and terminating on December 31, 2019; and

WHEREAS, the costs of the Transportation Services for the Youth Police Academy and Alliance programs shall be paid by the Township to the Board as per the attached proposals in an amount not to exceed \$1,800.00; and

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

services, including the transportation services contemplated herein; and

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

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in Current Account 01-201-25-106-288619 and Grant Accounts 02-213-18-721-135200 and 02-213-19-721-135200 in a total amount not to exceed \$1,800.00.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Mayor and Township Clerk are hereby authorized and directed to execute and witness, respectively, the proposed amendment to the Shared Services Agreement for the provision of transportation services for the Marlboro Youth Police Academy and Alliance programs in accordance with the term and conditions described hereinabove.

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

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

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

- a. Marlboro Township Board of Education
- b. Township Business Administrator
- c. Township Chief Financial Officer
- d. Chief of Police
- e. Alliance Coordinator

RESOLUTION # 2019-116

A RESOLUTION AUTHORIZING YEAR 2 OF CONTRACT TO GEORGE S. COYNE CHEMICAL CO. INC, KLENZOID INC., AND MAIN POOL & CHEMICAL CO. INC. FOR THE SUPPLY OF SPECIFIED CHEMICALS FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS WATER UTILITY DIVISION AND RECREATION AND SWIM UTILITY

WHEREAS, on February 15, 2018 (R.2018-108) the Township

Council of the Township of Marlboro awarded contracts to GEORGE S. COYNE CHEMICAL CO. INC, KLENZOID INC., AND MAIN POOL & CHEMICAL CO. INC. FOR THE SUPPLY OF SPECIFIED CHEMICALS FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS WATER UTILITY DIVISION AND RECREATION AND SWIM UTILITY; and

WHEREAS, on November 29, 2018 (R.2018-341) and on February 21, 2019 the Township Council of the Township of Marlboro authorized a change order increases to the contract with Klenzoid Inc. in the amount of \$3,650.00 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 bid specifications included the option to renew said contract for an additional one two-year, or two one-year extensions on the same terms and conditions at the exclusive option of the Township; and

WHEREAS, in a memo dated February 13, 2019, the Director of Public Works has recommended that the Township not renew contract 1B, for Hydrated Lime since it is no longer required, due to the completion of the new treatment facility at Harbor Road; and

WHEREAS, the Director of Public Works has also recommended that the Township approve a one (1) year renewal of each of the remaining chemical supply contracts including an increases to contracts 1C for Zinc Orthophosphate, 1D for Sodium Hypoclorite and 1E for Sodium Hydroxide to cover the needs of both the Tennent Road and Harbor Road Treatment facilities; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation as set forth herein; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro, that Contract 1A be renewed with George S. Coyne Chemical Co., Inc. whose address is 3015 State Road, Croydon, PA 19021 for the Supply of Liquid Chlorine for the Township of Marlboro Water Utility Division, for a contract amount not to exceed \$22,340.25 and for a term of one (1) year beginning on April 1, 2019.

BE IT FURTHER RESOLVED by the Township Council of the Township of Marlboro, that a Contract 1C be renewed with Klenzoid Inc. whose address is 912 Spring Mill Avenue, Conshohocken, PA 19428 for the Supply of Zinc Orthophosphate for the Township of Marlboro Water Utility Division, for a contract amount not to exceed \$22,374.00 and for a term of one (1) year beginning on April 1, 2019.

BE IT FURTHER RESOLVED, by the Township Council of the Township of Marlboro, that Contract 1D, Contract 1E, and Contract

1F be renewed with Main Pool & Chemical Co. Inc. whose address is 110 Commerce Road, Dupont, PA 18641 for the Supply of Sodium Hypochlorite and Sodium Hydroxide, for the Township of Marlboro Water Utility Division, and for the supply of Sodium Hypochlorite, Sodium Bicarbonate, Calcium Chloride, and Sodium Thiosulfate for the Township of Marlboro Recreation and Swim Utility, for a contract amount not to exceed \$360,282.00 and for a term of one (1) year beginning on April 1, 2019.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, Contracts with GEORGE S. COYNE CHEMICAL CO. INC, KLENZOID INC., AND MAIN POOL & CHEMICAL CO. INC. in accordance with this resolution, the bid specifications, and in a form to be approved by the Township Attorney.

BE IT FURTHER RESOLVED the Chief Financial Officer has certified that funds for the 2019 portion of the contracts in the amount of \$285,078.19 are available in the Water Utility Account #05-201-55-500-293020 and funds in the amount of \$24,892.00 for the full 2019 summer season are available in Recreation Utility Accounts #09-201-55-400-293452 & 09-201-55-400-293451.

BE IT FURTHER RESOLVED funds for the 2020 portion of each contract in the total amount of \$95,026.06 will be certified by the Chief Financial Officer for this purpose upon adoption of the 2020 Municipal Budget.

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

- a. George S. Coyne Chemical Co., Inc.
- b. Klenzoid Inc.
- c. Main Pool & Chemical Co. Inc.
- d. Township Business Administrator
- e. Chief Financial Officer
- f. Director of Public Works
- g. Director of Recreation

RESOLUTION # 2019-117

A RESOLUTION APPROVING CLOSE OUT CHANGE ORDER TO THE EXISTING CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO AND J.F. KIELY CONSTRUCTION CO. AND AUTHORIZING FINAL PAYMENT AND ACCEPTANCE OF PROVISIONS OF PREVENTATIVE GATE VALVE MAINTENANCE FOR THE TOWNSHIP OF MARLBORO WATER UTILITY DIVISION

WHEREAS, by Resolution #2018-280 the Township of Marlboro authorized the award of a contract to J.F. KIELY CONSTRUCTION CO.

for the Provision of Preventative Gate Valve Maintenance for the Township Of Marlboro Water Utility Division project(the "Project"); and

WHEREAS, a Closeout Change Order has been requested resulting in an increase in the original contract amount of \$54,975.00 to \$58,000.00, a net increase of \$3,025.00, and

WHEREAS, in a letter dated February 19, 2019 the Engineering Project Manager has confirmed that the project has been completed in accordance with the approval plans and specifications and has recommended approval of the Closeout, acceptance of the Project improvements, and issuance of final payment in the amount of \$58,000.00; and

WHEREAS, pursuant to the terms of the contract, J.F. KIELY CONSTRUCTION CO has provided a fourteen (14) month maintenance bond in an amount equal to 100% of the final contract amount or \$58,000.00; and

WHEREAS, the Township Council of the Township of Marlboro is amenable to approving Closeout, accepting the Project improvements and issuing a final payment to J.F. KIELY CONSTRUCTION CO in the amount of \$58,000.00 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 Closeout Change Order to the existing contract with J.F. KIELY CONSTRUCTION CO be and is hereby approved, decreasing the original contract total of \$54,975.00 to \$58,000.00, a net increase of \$3,025.00.

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 \$58,000.00 for work completed by J.F. KIELY 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. J.F. KIELY CONSTRUCTION CO
- b. Township Business Administrator
- c. Director of Public Works
- d. Chief Financial Officer
- e. Township Attorney

RESOLUTION # 2019-118

A RESOLUTION APPROVING CLOSE OUT CHANGE ORDER TO THE EXISTING CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO AND LUCAS CONSTRUCTION GROUP, INC. AND AUTHORIZING FINAL PAYMENT AND ACCEPTANCE OF PROVISIONS OF PREVENTATIVE GATE VALVE MAINTENANCE FOR THE TOWNSHIP OF MARLBORO WATER UTILITY DIVISION

WHEREAS, by Resolution #2018-215 the Township of Marlboro authorized the award of a contract to Lucas Construction Group, Inc. for the Provision of Preventative Gate Valve Maintenance for the Township Of Marlboro Water Utility Division project (the "Project"); and

WHEREAS, a Closeout Change Order has been requested resulting in a decrease in the original contract amount of \$129,129.00 to \$131,604.01, a net increase of \$2,475.01, and

WHEREAS, in a letter dated February 19, 2019 the Engineering Project Manager has confirmed that the project has been completed in accordance with the approval plans and specifications and has recommended approval of the Closeout, acceptance of the Project improvements, and issuance of final payment in the amount of \$131,604.01; and

WHEREAS, pursuant to the terms of the contract, Lucas Construction Group, Inc. has provided a fourteen (14) month maintenance bond in an amount equal to 100% of the final contract amount or \$131,604.01; and

WHEREAS, the Township Council of the Township of Marlboro is amenable to approving Closeout, accepting the Project improvements and issuing a final payment to Lucas Construction Group, Inc. in the amount of \$131,604.01 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 Closeout Change Order to the existing contract with Lucas Construction Group, Inc. be and is hereby approved, decreasing the original contract total of \$129,129.00 to \$131,604.01, a net increase of \$2,475.01.

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 \$131,604.01 for work completed by Lucas Construction Group, Inc. is hereby approved.

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

- a. Lucas Construction Group, Inc.
- b. Township Business Administrator
- c. Director of Public Works
- d. Chief Financial Officer
- e. Township Attorney

RESOLUTION # 2019-119

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES FOR THE GRADING AND CLEARING IMPROVEMENTS, AT THE SITE KNOWN AS CAMELOT WEST AT MARLBORO, LLC, BLOCK 150, LOTS 2, 3 AND 4 LOCATED AT TENNENT ROAD, TOWNSHIP OF MARLBORO, NEW JERSEY 07746

WHEREAS, in accordance with *N.J.S.A. 40:55D-53*, the Township of Marlboro has received a request from Mr. Bret Kaplan, for release of the Township held Performance Guarantees in the form of a Performance Surety Bond for the grading and clearing improvements on the Site known as "Camelot West at Marlboro, LLC" (the "Site"), property known as Block 150, Lots 2, 3 and 4, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by Kaplan Companies, (the "Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed the Township Engineer's report dated February 22, 2019, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the aforesaid report recommends that the current Performance Guarantee in the form of a Performance Surety Bond, Bond No. FP0023241, in the original and current amount of \$210,600.00, issued by First Indemnity of America Insurance Company, posted by the Developer and being held by the Township, be released in its entirety, conditioned upon the payment of any and all outstanding review and/or inspection fee charges to the time of the performance guarantee release; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the above-described Performance Surety Bond, Bond No. FP0023241, in the original and current amount of \$210,600.00, issued by First Indemnity of America Insurance Company, posted by the Developer and being held by the Township, be released in its entirety, conditioned upon the payment of any and all outstanding review and/or inspection fee charges to the time of the performance guarantee release.

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

- a. Camelot West at Marlboro, LLC
- b. First Indemnity of America Insurance Company
- c. Township Business Administrator
- d. Township Chief Financial Officer
- e. Township Engineer
- f. Township Attorney

RESOLUTION # 2019-120

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT TO R. MOSLOWSKI EXCAVATING, INC. FOR THE 2018 DRAINAGE IMPROVEMENT PROJECT

WHEREAS, the Township of Marlboro as part of its 2018 capital program (060-19.1 & 19.2) authorized various drainage improvements; and

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the 2018 DRAINAGE IMPROVEMENT PROJECT, and on February 20, 2019, received seven (7) bids, as follows:

Bidder	Black Rock Enterprises LLC	Jads Construction	Lucas Construction	S. Brothers Inc.	James R lentile	R. Moslowski Exc. Inc.	Karka Construction Inc.
	Oldbridge, NJ	South River, NJ	Red Bank, NJ	South River, NJ	Marlboro, NJ	Cream Ridge, NJ	Jackson, NJ
Total	\$195,750.00	\$154,647.00	\$165,561.00	\$212,082.00	\$124,005.00	\$72,140.00*	\$97,480.00

*Adjustment made due to a mathematical error in the bid submission

; and

WHEREAS, it has been determined that the submission of the lowest bidder, R. Moslowski Excavating, Inc., is responsive as detailed in an February 25, 2018 letter submitted by the Township Engineer; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation of the Township Engineer to award the bid as set forth herein.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract be awarded to R. Moslowski Excavating, Inc., whose address is P3 Meirs Road, Cream Ridge, NJ 08514 in an amount not to exceed \$72,140.00 for the 2018 DRAINAGE IMPROVEMENT PROJECT.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, a contract with R. Moslowski Excavating, Inc. in an amount not to exceed \$72,140.00.

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that sufficient funds in the amount of \$72,140.00 are available for the aforesaid contract in Capital Account #04-215-18-01C-060288.

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

- a. R. Moslowski Excavating, Inc.,
- b. Township Business Administrator
- c. Director of Public Works
- d. Township Engineer
- e. Chief Financial Officer

RESOLUTION # 2019-121

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT TO JADS CONSTRUCTION FOR THE 2018 ROAD IMPROVEMENT PROGRAM CONTRACT III

WHEREAS, the Township of Marlboro as part of its 2018 capital program (060-1 & 7) authorized various road improvements, and improvements to the Greenbriar Development; and

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the 2018 ROAD IMPROVEMENT PROGRAM CONTRACT III, and on February 20, 2019, received twelve (12) bids, as follows:

Bidder	S. Batata Construction	Black Rock Enterprises	Jads Construction	Earle Asphalt Co.	Fiore Paving Co.	Z Brothers Concrete Contractors Inc.
	Parlin, NJ	Old Bridge, NJ	South River, NJ	Farming Dale, NJ	Oceanport, NJ	Sayerville, NJ
Total	\$301,250.00	\$441,480.00	\$288,767.50	\$359,013.13	\$603,700.00	\$332,921.00
Bidder	Lucas Brothers Inc.	S. Brothers Inc.	A & A Curbing Inc.	Stilo Excavation Inc.	Lucas Construction	James R Ientile Inc.
	Morganville, NJ	South River, NJ	South River, NJ	S. Plainfield, NJ	Red Bank, NJ	Marlboro, NJ
Total	\$336,000.00	\$292,862.30	\$319,171.41	\$306,078.90	\$459,954.00	\$369,655.00

; and

WHEREAS, it has been determined that the submission of the lowest bidder, JADS Construction, is responsive as detailed in a

February 25, 2018 letter submitted by the Township Engineer; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation of the Township Engineer to award the bid as set forth herein.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract be awarded to JADS Construction, whose address is P.O. Box 513, South River, NJ 08882 in an amount not to exceed \$288,767.50 for the 2018 ROAD IMPROVEMENT PROGRAM CONTRACT II.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, a contract with JADS Construction in an amount not to exceed \$288,767.50.

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that sufficient funds in the amount of \$288,767.50 are available for the aforesaid contract in Capital Account #04-215-18-01C-060288.

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

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

RESOLUTION # 2019-122

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT
TO LUCAS BROTHERS, INC. FOR THE
2018 ROAD IMPROVEMENT PROGRAM CONTRACT II

WHEREAS, the Township of Marlboro as part of its 2018 capital program (060-1) authorized various road improvements; and

WHEREAS, in 2018, the Township received notice of a grant award by the State of New Jersey for \$350,000 towards the re-surfacing of Ryan Road (Robertsville to Manalapan), Gordons Corner Road (Route 18 to Route 520) and Union Hill Road (Commuter Lot to Route 9); and

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the 2018 ROAD IMPROVEMENT PROGRAM CONTRACT

II which encompasses the grant funded project scope, and on February 20, 2019, received ten (10) bids, as follows:

Bidder	Black Rock Enterprises	MECO Inc.	Jads Construction	Earle Asphalt	Fiore Paving	Lucas Construction	P & A Construction	Lucas Brothers	Z Brothers	S. Brothers
	Old Bridge, NJ	Clarksburg, NJ	South River, NJ	Farming Dale, NJ	Oceanport, NJ	Red Bank, NJ	Colonia, NJ	Morganville, NJ	Sayerville, NJ	South River, NJ
Total	\$1,001,630.50	\$882,715.00	\$888,888.00	\$910,213.13	\$972,028.00	\$1,019,019.00	\$885,129.00	\$830,000.00	\$852,614.00	\$971,096.00

; and

WHEREAS, it has been determined that the submission of the lowest bidder, Lucas Brothers, Inc. is responsive as detailed in an February 25, 2018 letter submitted by the Township Engineer; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation of the Township Engineer to award the bid as set forth herein.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract be awarded to Lucas Brothers, Inc., whose address is 80 Amboy Road, Morganville, NJ 07751 in an amount not to exceed \$830,000.00 for the 2018 ROAD IMPROVEMENT PROGRAM CONTRACT II.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, a contract with Lucas Brothers, Inc. in an amount not to exceed \$830,000.00.

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that sufficient funds in the amount of \$830,000.00 are available for the aforesaid contract in Capital Account #04-215-18-01C-060288.

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

- a. Lucas Brothers, Inc.
- b. Township Business Administrator
- c. Director of Public Works
- d. Township Engineer
- e. Chief Financial Officer

RESOLUTION # 2019-123

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$3,725.20 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 \$ 3,725.20 be refunded to the certificate holders as per Schedule "A",

SCHEDULE "A"

<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>LIENHOLDER</u>	<u>AMOUNT</u>
2017-052	315/7	C&E Tax Lien Fund I PO Box 5021 Philadelphia, PA 19111 Assessed Owner: Amer, Ashraf	3,725.20

At 7:30 p.m., Councilwoman Marder moved that the meeting be adjourned. This was seconded by Council Vice President Mazzola, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: MARCH 21, 2019

OFFERED BY: SCALEA AYES: 3

SECONDED BY: MARDER NAYS: 0

ABSENT: CANTOR, METZGER

ALIDA MANCO,
MUNICIPAL CLERK

CAROL MAZZOLA,
COUNCIL VICE PRESIDENT