

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

September 5, 2019

The Marlboro Township Council held its regularly scheduled meeting on September 5, 2019 at 7:00 P.M. at the Marlboro Greens Clubhouse, 1 Ivy Hill Drive, Englishtown, New Jersey 07726.

Council President Metzger opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of the location change 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 August 19, 2019; published in the Asbury Park Press on August 21, 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 and Council President Metzger. Council Vice President Mazzola was absent.

Also present: Mayor Jonathan Hornik, Township Attorney Louis N. Rainone, Esq., Business Administrator Jonathan Capp, Municipal Clerk Alida Manco and Deputy Municipal Clerk Susan A. Branagan.

Councilwoman Marder moved that the minutes of August 15, 2019 be adopted. This was seconded by Council President Metzger and passed on a roll call vote of 4 - 0 in favor (Absent: Mazzola).

The following Resolution #2019-277/Ordinance #2019-11 (Appropriating \$875,000 Grant - Route 79 Sidewalk Extension Project) was introduced by reference, offered by Councilman Scalea, seconded by Councilwoman Marder and passed on a roll call vote of 4 - 0 in favor (Absent: Mazzola).

RESOLUTION # 2019-277

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

ORDINANCE # 2019-11

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING AN \$875,000 GRANT TO BE RECEIVED BY THE TOWNSHIP FOR THE ROUTE 79 SIDEWALK EXTENSION PROJECT IN AND FOR THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY

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

BE IT FURTHER RESOLVED that the same be considered for final passage on October 3, 2019 at 7:00 p.m. at the Greenbriar at Marlboro Clubhouse, 21 Clubhouse Lane, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2019-11

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING AN \$875,000 GRANT TO BE RECEIVED BY THE TOWNSHIP FOR THE ROUTE 79 SIDEWALK EXTENSION PROJECT IN AND FOR THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than a majority of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The \$875,000 grant expected to be received by the Township from the State of New Jersey DOT Transportation Alternatives Set-Aside Program is hereby appropriated for the purpose of providing funds for the Route 79 Sidewalk Extension project, including all work and materials necessary therefor and incidental thereto.

Section 2. The capital budget or temporary capital budget, as applicable, of the Township is hereby amended to conform with

the provisions of this ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or temporary capital budget, as applicable, and capital program as approved by the Director of the Division of Local Government Services is on file with the Township Clerk and is available there for public inspection.

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

The following Resolution #2019-278 (Authorizing Acceptance of 2018 Municipal Audit) was introduced by reference, offered by Councilman Cantor, seconded by Councilman Scalea, and passed on a roll call vote of 4 - 0 in favor (Absent: Mazzola).

RESOLUTION # 2019-278

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the annual report of audit for the year 2018 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body, and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34, and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed as a minimum, the sections of the annual audit entitled "Comments and Recommendations", and

WHEREAS, the members of the governing body have personally reviewed at a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations", as evidenced by the group affidavit form of the governing body, and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five (45) days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Business Administrator Jonathan Capp asked that Resolution #2019-284 be amended for the removal of a paragraph. As the amended Consent Agenda, the following Resolutions were introduced by reference, offered by Councilwoman Marder, seconded by Councilman Scalea and passed on a roll call vote of 4 - 0 in favor (Absent: Mazzola): Res. #2019-279 (Amending Professional Services Contract - Ethics Board Counsel), Res. #2019-280 (Authorizing Execution of Home Improvement Program Agreement under Affordable Housing Rehabilitation Program - 827 Mariposa Court), Res. #2019-281 (Authorizing and Directing the Planning Board to Prepare a Redevelopment Plan that Certain Properties be Designated as an Area in Need of Redevelopment), Res. #2019-282 (Award of Bid - Improvements to Peasley Drive Phase II), Res. #2019-283 (Authorizing Renewal of Contract - Generator Rental), Res. #2019-284 (Authorizing Renewal Shared Services Agreement WMUA - Confined Space Entry Team Services), Res. #2019-285 (Authorizing Renewal Shared Services Agreement

WMUA - Provision of Snow Plow Operators), Res. #2019-286 (Naming Police Custodian of Records), Res. #2019-287 (Tax Overpayment - Block 251 Lot 4), Res. #2019-288 (Tax Lien Redemptions - Block 195, Lot 5).

RESOLUTION # 2019-279

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 2019

WHEREAS, on January 3, 2019, the Township Council adopted resolution 2019-022 authorizing a contract for ETHICS BOARD ATTORNEY for the period of January 1, 2019 through December 31, 2019; 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 August 8, 2019, Kenneth Biedzynski, Esq. of the firm of Goldzweig, Green, Eiger & Biedzynski, LLC has requested an increase in the contract amount of \$2,000.00 due to the Marlboro Township Ethics Board's proposed amendments to its Ethics Code.

WHEREAS, in a letter dated August 22, 2019, the Chairwoman of the Ethics Board has recommended the proposed increase in the contract amount of \$2,000.00 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 \$2,000.00.

2. The Chief Financial Officer will certify funds in the amount of \$2,000.00 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
- c. Chief Financial Officer
- d. Township Ethics Board

RESOLUTION # 2019-280

RESOLUTION AUTHORIZING THE EXECUTION OF A HOME IMPROVEMENT PROGRAM AGREEMENT UNDER THE TOWNSHIP'S AFFORDABLE HOUSING REHABILITATION PROGRAM

WHEREAS, the Township re-petitioned the Council on Affordable Housing (COAH) for substantive certification of its Housing Element and Fair Share Plan in July of 2010; and

WHEREAS, the Township of Marlboro's Fair Share Plan promotes an affordable housing program pursuant to the Fair Housing Act (N.J.S.A. 52:27D-301, et. seq.) and COAH's Third Round Substantive Rules (N.J.A.C. 5:97-1, et. seq.); and

WHEREAS, a municipality's fair share obligation pursuant to N.J.A.C. 5:97-2.2(a) is comprised, in part, of an owner-occupied rehabilitation obligation as well a rental rehabilitation obligation which pertains to housing units that are both deficient and occupied by low and/or moderate households; and

WHEREAS, the Township of Marlboro's Administrative Agent has received an application for housing rehabilitation assistance from Denise Bara who resides at 827 Mariposa Court, Morganville, NJ 07751 ("Applicant"); and

WHEREAS, the Administrative Agent has certified that the applicant has met the eligibility requirements of the Township's Affordable Housing Rehabilitation Program; and

WHEREAS, the Township wishes to address the needs of qualified households through its Affordable Housing Rehabilitation Program and supports this application.

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 the execution of a Home Improvement Program Agreement with Denise Bara by the Mayor and Township Clerk in a form approved by the Township Attorney; and

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

- a. Township Business Administrator
- b. Administrative Agent
- c. Municipal Housing Liaison
- d. Township Attorney

RESOLUTION # 2019-281

RESOLUTION OF THE TOWNSHIP OF MARLBORO DETERMINING AND DECLARING THAT CERTAIN PROPERTIES BE DESIGNATED AS AN AREA IN NEED OF REDEVELOPMENT AND AUTHORIZING AND DIRECTING THE PLANNING BOARD TO PREPARE A REDEVELOPMENT PLAN THERETO

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "Redevelopment Law"), authorizes municipalities to determine whether certain properties located therein constitute areas in need of redevelopment; and

WHEREAS, on August 10, 2017, the Township Council of the Township of Marlboro (the "Township Council") adopted Resolution # 2017-272 authorizing and directing the Planning Board of the Township of Marlboro (the "Planning Board") to undertake a preliminary investigation to determine whether the following parcels (the "Study Area") satisfied the criteria for designation as a Condemnation Redevelopment Area pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "Redevelopment Law"):

Block	Lot (s)
103	1
111	10, 11, 12 and 13
146	28, 30, 31, 32, 33 and 38
147	34
170	2 and 3
172	13 (known as Lot 13.01)
268	79

WHEREAS, on October 4, 2018, the Township Council adopted Resolution 2018-293 directing the Planning Board to undertake a

preliminary investigation to determine whether the parcel identified on the Township's official tax maps as Block 111, Lot 4 (137 Texas Road) satisfied the criteria for designation as a Condemnation Redevelopment Area as part of the Study Area; and

WHEREAS, in accordance with Resolution 2017-272 and Resolution 2018-293, the Planning Board retained CME Associates (the "Township Planner") as its consultant to conduct the preliminary investigation on its behalf to determine whether the Study Area satisfied the criteria for designation as a Condemnation Redevelopment Area in accordance with the Redevelopment Law; and

WHEREAS, as part of the preliminary investigation, the Township Planner prepared a report entitled "Marlboro Scattered Site Area In Need of Redevelopment Study" dated January 2019 (the "Investigation Report") analyzing whether the Study Area satisfied the criteria for designation as a Condemnation Redevelopment Area; and

WHEREAS, the analysis presented in the Investigation Study was based upon an examination of existing conditions, site inspections, review of historic data pertaining to the sites and area, an assessment of the surrounding development pattern, master plan goals, objectives, policy statements and land use recommendations, zoning provisions, official tax maps, aerial photographs, ownership and sales information for the properties located in the Investigation Area, and historic data regarding building, police, fire and environmental violations; and

WHEREAS, at a duly noticed public hearing on July 17, 2019, the Township Planner presented the Investigation Report with the support of the Planning Board Attorney, Planner and Engineer, and the Planning Board took testimony from members of the public; and

WHEREAS, at the conclusion of the July 17, 2019 public hearing, the Planning Board adopted Resolution No. PB 1-2019, and subsequently adopted Amended Resolution No. PB 1-2019 at its September 4, 2019 meeting, finding that the Investigation Report, which was based upon numerous factors including, but not limited to, existing site conditions, site inspections, review of historic data, an assessment of the surrounding development pattern and Master Plan goals and objectives, properly concluded that the Study Area satisfied the criteria for designation as a Condemnation Redevelopment Area; and

WHEREAS, having approved the findings and conclusions of the Investigation Report, the Planning Board recommended that the Township Council designate the Study Area as a Condemnation



Redevelopment Area, which would authorize the Township to use all the powers afforded to it under the Redevelopment Law, including the power to use eminent domain to acquire properties in the Condemnation Redevelopment Area, if such action is deemed necessary.

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

1. The Township Council hereby accepts, in part, the recommendation of the Planning Board to designate the entire Study Area as a Condemnation Redevelopment Area.

2. The Township Council hereby determines and declares that the following properties be designated as a Condemnation Redevelopment Area, which shall authorize the Township to use all those powers afforded to it under the Redevelopment Law and, if necessary, to exercise the power of eminent domain to acquire any property in the Study Area:

Block	Lot(s)
103	1
111	4,10, 11, 12 and 13
146	28,30,31,32,33 and 38
147	34
170	2 and 3
172	13.01
268	79

3. The Township Clerk is hereby directed to transmit a copy of this Resolution to the Commissioner of the New Jersey Department of Community Affairs for review pursuant to N.J.S.A. 40A:12A-6(b) (5) (c).

4. Pursuant to N.J.S.A. 40A:12A-6(b) (5) (d), notice shall be served within ten (10) days of the adoption of this Resolution upon all record owners of property located within the Study Area, those whose names are listed on the tax assessor's records and upon each person who filed a written objection to the proposed area in need of redevelopment and who indicated in such written objection an address to which notice of the determination may be sent.

5. Pursuant to N.J.S.A. 40A:12A-6(b) (5) (e), for those properties designated as a Condemnation Redevelopment Area, the notice required under N.J.S.A. 40A:12A-6(b) (5) (d) shall also indicate that (i) the determination operates as a finding of public

purpose and authorizes the Township to exercise the power of eminent domain to acquire properties in the Condemnation Redevelopment Area, and (ii) legal action to challenge the determination must be commenced within 45 days of receipt of notice and that failure to do so shall preclude an owner from later raising such challenge.

6. Pursuant to N.J.S.A. 40A:12A-7(f), the Planning Board is hereby authorized and directed to prepare a redevelopment plan for the Study Area and to transmit the completed redevelopment plan to the Township Council for review and adoption.

7. A certified copy of this Resolution shall be forwarded to the Township Clerk, Chief Financial Officer and Township Planning Board.

RESOLUTION # 2019-282

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT TO MECO, INC.  
FOR THE IMPROVEMENTS TO PEASLEY DRIVE PHASE II

WHEREAS, the Township of Marlboro as part of its 2019 capital program (060-6) authorized the IMPROVEMENTS TO PEASLEY DRIVE PHASE II; and

WHEREAS, the Township was awarded a Fiscal Year 2019 Community Development Block Grant (CDBG) through the Monmouth County Division of Planning, Office of Community Development which included a project for Improvements to Peasley Drive with a grant allocation of \$120,370.00; and

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the IMPROVEMENTS TO PEASLEY DRIVE PHASE II and on August 13, 2019, received seven (7) bids, as follows:

		S. BROTHERS INC.	EARLE ASPHALT COMPANY	JADS CONSTRUCTION	CAPITAL PAVING & CONTRACTING LLC	MECO INC.	DEFINO CONTRACTING COMPANY	LUCAS BROTHERS INC.
		P.O. BOX 317	P.O. BOX 556	P.O. BOX 513	1225 ROUTE 31 S BLDG A STE 124	37 PRODELIN WAY	28 INDUSTRIAL DRIVE	80 AMBOY ROAD
		South River, NJ 08882	Farmingdale, NJ 07727	South River, NJ 08882	Lebanon, NJ 08833	Millstone, NJ 08535	Cliffwood Beach, NJ 07735	Morganville, NJ 07751
1	MAINTENANCE & PROTECTION OF TRAFFIC	\$7,840.00	\$3,750.00	\$3,750.00	\$5,200.00	\$5,000.00	\$2,700.00	\$14,000.00
2	TRAFFIC DIRECTOR, MUNICIPAL POLICE ALLOWANCE	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00
3	FUEL PRICE ADJUSTMENT	\$3,100.00	\$3,100.00	\$3,100.00	\$3,100.00	\$3,100.00	\$3,100.00	\$3,100.00
4	ASPHALT PRICE ADJUSTMENT	\$6,600.00	\$6,600.00	\$6,600.00	\$6,600.00	\$6,600.00	\$6,600.00	\$6,600.00
5	CLEARING SITE, MOBILIZATION, DEMOBILIZATION	\$27,840.00	\$9,850.93	\$12,000.00	\$17,000.00	\$10,000.00	\$10,125.00	\$17,818.00
6	EXCAVATION, UNCLASSIFIED (IF & WHERE DIRECTED)	\$1.50	\$2,325.00	\$150.00	\$4,500.00	\$1.50	\$7,500.00	\$150.00
7	DENSE GRADED AGGREGATE, BASE COURSE, 6" THICK (IF & WHERE DIRECTED)	\$0.80	\$412.00	\$80.00	\$1,200.00	\$0.80	\$4,000.00	\$80.00
8	HMA MILLING, 3" OR LESS	\$60,000.00	\$60,000.00	\$61,600.00	\$48,000.00	\$47,200.00	\$68,800.00	\$76,000.00
9	HOT MIX ASPHALT 9.5M64 SURFACE COURSE, 2" THICK	\$184,800.00	\$203,700.00	\$189,000.00	\$183,225.00	\$178,500.00	\$226,800.00	\$197,400.00
10	HOT MIX ASPHALT 19M64 BASE COURSE, 4" THICK (IF & WHERE DIRECTED)	\$10,800.00	\$9,000.00	\$17,000.00	\$16,850.00	\$17,000.00	\$25,000.00	\$200.00
11	RESET MANHOLE FRAME & CASTING	\$0.14	\$1,400.00	\$4,200.00	\$8,050.00	\$3,150.00	\$7,000.00	\$4,200.00
12	TRAFFIC MARKINGS, THERMOPLASTIC	\$1,125.00	\$1,575.00	\$1,575.00	\$2,115.00	\$1,575.00	\$1,980.00	\$1,800.00
13	TRAFFIC MARKINGS, THERMOPLASTIC	\$4,200.00	\$2,800.00	\$2,800.00	\$2,100.00	\$2,905.00	\$1,995.00	\$2,800.00
14	RESET WATER VALVE BOX	\$20.00	\$0.20	\$3,000.00	\$1,100.00	\$100.00	\$400.00	\$2,000.00
15	RESET MANHOLE, SANITARY SEWER, USING EXISTING CASTING	\$0.16	\$1,600.00	\$4,800.00	\$8,400.00	\$3,600.00	\$8,000.00	\$7,200.00
16	ALLOWANCE FOR WORK NOT SPECIFIED	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00
<b>Grand Total (proposals 1-16)</b>		<b>\$321,327.60</b>	<b>\$321,113.13</b>	<b>\$324,655.00</b>	<b>\$322,440.00</b>	<b>\$293,732.30</b>	<b>\$389,000.00</b>	<b>\$348,348.00</b>

; and

WHEREAS, it has been determined that the submission of the lowest bidder, Mecco, Inc. is responsive as detailed in an August 16, 2019 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 upon approval from the Monmouth County Division of Planning, Office of Community Development, that a contract be awarded to Mecco, Inc., whose address is, P.O. Box 536, Clarksburg, NJ 08510 in an amount not to exceed \$293,732.30 for the IMPROVEMENTS TO PEASLEY DRIVE PHASE II.

BE IT FURTHER RESOLVED that the award of a contract to Mecco, Inc. is expressly contingent upon the availability of funds for this project through the Monmouth County Division of Planning, Office of Community Development; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, a contract with Mecco, Inc. in an amount not to exceed \$293,732.30.

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that sufficient funds in the amount of \$293,732.30 are available for the aforesaid contract in capital accounts # 04-215-19-01D-060288 and 04-215-19-08A-120288, subject to the

availability of funds for this project through the Monmouth County Division of Planning, Office of Community Development.

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

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

RESOLUTION # 2019-283

A RESOLUTION AUTHORIZING YEAR 3 OF CONTRACT TO FOLEY, INCORPORATED FOR THE PROVISION OF GENERATOR RENTAL SERVICE FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (DPW)

WHEREAS, on October 5, 2017 (R.2017-289) the Township Council of the Township of Marlboro awarded a contract to FOLEY, INCORPORATED for THE PROVISION OF GENERATOR RENTAL SERVICE FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (DPW); and

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

WHEREAS, on August 9, 2018 (R.2018-243) the Township Council of the Township of Marlboro approved the first one-year extension of the contract; and

WHEREAS, in a memo dated August 21, 2019, the Director of Public Works has recommended that the Township approve a second and final one (1) year extension of the contract; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract be awarded to FOLEY INCORPORATED whose address is 855 Centennial Avenue, Piscataway, NJ 08855 for a period of one (1) year beginning on November 1, 2019 through October 31, 2020, for an amount not to exceed \$92,610.00.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Township Clerk to witness, contracts with FOLEY INCORPORATED in accordance with this resolution, the bid

specifications, and in a form to be approved by the Township Attorney.

BE IT FURTHER RESOLVED, that the Chief Financial Officer has certified funds in the amount of \$15,435.03 for the aforesaid contract in Current Account #05-201-55-500-215020.

BE IT FURTHER RESOLVED, funds in the amount of \$77,175.00 will be made available and certified in 2020 upon adoption of the budget.

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

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

RESOLUTION # 2019-284

A RESOLUTION REAUTHORIZING SHARED SERVICES AGREEMENT  
BETWEEN THE TOWNSHIP OF MARLBORO AND THE WESTERN MONMOUTH  
UTILITIES AUTHORITY TO PROVIDE FOR CONFINED SPACE RESCUE TEAM  
SERVICES FOR THE MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, on October 18, 2018 (R.2018-312) the Township Council of the Township of Marlboro authorized a share services agreement with the Western Monmouth Utilities Authority to provide for CONFINED SPACE RESCUE TEAM SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS; and

WHEREAS, in a memo dated August 21, 2019, the Director of Public Works has recommended that the Township reauthorize the shared services agreement for CONFINED SPACE RESCUE TEAM SERVICES; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that the shared services agreement be reauthorized with Western Monmouth Utilities Authority whose address is 103 Pension Road, Manalapan, NJ 07726 for a one (1) year period beginning on January 1, 2020, through December 31, 2020, for an amount not to exceed \$2,750.00.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Township Clerk to witness, a shared services

agreement with the Western Monmouth Utilities Authority in accordance with this resolution, and in a form to be approved by the Township Attorney.

BE IT FURTHER RESOLVED, funds in the amount \$2,750.00 will be certified by the Chief Financial Officer upon adoption of the 2020 municipal budget; and

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

- a. Western Monmouth Utilities Authority
- b. Township Business Administrator
- c. Director of Public Works
- d. Chief Financial Officer

RESOLUTION # 2019-285

A RESOLUTION REAUTHORIZING SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF MARLBORO AND THE WESTERN MONMOUTH UTILITIES AUTHORITY TO PROVIDE FOR SNOW PLOW OPERATOR CONTRACT SERVICES FOR THE MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, on August 9, 2018 (R.2018-246) the Township Council of the Township of Marlboro authorized a share services agreement with the Western Monmouth Utilities Authority to provide for SNOW PLOW OPERATOR CONTRACT SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS; and

WHEREAS, in a memo dated August 21, 2019, the Director of Public Works has recommended that the Township reauthorize the agreement for snow plow operator contract services; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that the shared services agreement be reauthorized with Western Monmouth Utilities Authority whose address is 103 Pension Road, Manalapan, NJ 07726 for a one (1) year period beginning on December 1, 2019, through November 30, 2020, for an amount not to exceed \$21,000.00.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Township Clerk to witness, shared services agreement with Western Monmouth Utilities Authority in accordance with this resolution, and in a form to be approved by the Township Attorney.

BE IT FURTHER RESOLVED, that the Chief Financial Officer has certified funds in the amount of \$10,500.00 for the aforesaid shared services agreement in Current Account #01-201-26-119-288105.

BE IT FURTHER RESOLVED, funds for the 2020 portion in an amount of \$10,500.00 will be certified at the time of adoption of the 2020 municipal budget; and

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

- a. Western Monmouth Utilities Authority
- b. Township Business Administrator
- c. Director of Public Works
- d. Chief Financial Officer

RESOLUTION # 2019-286

RESOLUTION DESIGNATING A CUSTODIAN FOR THE MARLBORO  
TOWNSHIP POLICE DEPARTMENT RECORDS

WHEREAS, to ensure public access to government records in accordance with the provisions of N.J.S.A. 47:1A-1, et seq., the Township of Marlboro Police Department desires to designate Deputy Chief Fred Reck of the Township Police Department's Administration, Police Records Section, as the custodian of the Marlboro Township Police Department records; and

WHEREAS, Township Council of the Township of Marlboro concurs with the designation of Deputy Chief Fred Reck as custodian of the Township Police Department's records.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that Deputy Chief Fred Reck of Marlboro Police Department's Administration, Police Records Section, be and is hereby designated as custodian of the Marlboro Township Police Department records; and

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

- a. Fred Reck
- b. Township Business Administrator
- c. Chief of the Marlboro Township Police Department

RESOLUTION # 2019-287

WHEREAS, the attached list in the amount of \$3,052.40 known as Schedule "A", is comprised of amounts representing overpayments for 2019 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>2019 REFUND</u>
251/4	Title Closing Services 1909 Route 70 East Cherry Hill, NJ 08003	3,052.40

RESOLUTION #2019-288

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$127,164.19 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 \$ 127,164.19 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>
2017-034	185/5	US Bank Cust BV002 Trst 50 South 16 <sup>th</sup> Street, Ste 250 Philadelphia, PA 19102 Assessed Owner: Ward, Craig A & Illysa J	127,164.19

At 7:40 p.m., Councilwoman Marder moved that the meeting be adjourned. This was seconded by Council President Metzger, and as there was no objection, the Clerk was asked to cast one ballot.



MINUTES APPROVED: OCTOBER 3, 2019

OFFERED BY: CANTOR

AYES: 2

SECONDED BY: MARDER

NAYS: 0

ABSENT: METZGER, SCALIA

ABSTAIN: MAZZOLA

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ALIDA MANCO,  
MUNICIPAL CLERK

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CAROL MAZZOLA,  
COUNCIL VICE PRESIDENT