

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

December 12, 2019

The Marlboro Township Council held its regularly scheduled meeting on December 12, 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: Councilwoman Marder, Council Vice President Mazzola, and Council President Metzger. Councilman Cantor, Councilman Scalea and Mayor Jonathan L. Hornik were absent.

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

Council Vice President Mazzola moved that the regular meeting and closed session minutes of November 14, 2019 be adopted. This was seconded by Councilwoman Marder and passed on a roll call vote of 3 - 0 in favor (Absent: Cantor, Scalea).

The following Resolution #2019-331/Ordinance #2019-12 (Repealing and Replacing Chapter 70, Article III and IV - Affordable Housing Development Fees to Address Requirements of Fair Housing Act and Uniform Housing Affordability Controls (UHAC) and to Comply with Township's Third Round Affordable Housing Obligations) was introduced by reference, offered by Council Vice President Mazzola and seconded by Council President Metzger. Council President Metzger opened the Public Hearing on Ordinance #2019-12. 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 3- 0 in favor (Absent: Cantor, Scalea).

RESOLUTION # 2019-331

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

ORDINANCE # 2019-12

AN ORDINANCE REPEALING AND REPLACING IN ITS ENTIRETY CHAPTER 70, ARTICLE III AND ARTICLE IV, OF THE "CODE OF THE TOWNSHIP OF MARLBORO" REGARDING AFFORDABLE HOUSING DEVELOPMENT FEES, TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC) AND TO COMPLY WITH THE TOWNSHIP'S THIRD ROUND AFFORDABLE HOUSING OBLIGATIONS

which was introduced on November 14, 2019, public hearing held on December 12, 2019, be adopted on second and final reading this 12th day of December, 2019.

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

The following Resolution #2019-332/Ordinance #2019-13 (Repealing and Replacing Chapter 70, Article I, Article IA and Article II - to Address Requirements of Fair Housing Act and Uniform Housing Affordability Controls (UHAC) and to Comply with Township's Third Round Affordable Housing Obligations) was introduced by reference, offered by Councilwoman Marder and seconded by Council Vice President Mazzola. Council President Metzger opened the Public Hearing on Ordinance #2019-13. 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 3 - 0 in favor (Absent: Cantor, Scalea).

RESOLUTION # 2019-332

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

ORDINANCE # 2019-13

AN ORDINANCE REPEALING AND REPLACING IN ITS ENTIRETY CHAPTER 70, ARTICLE I, ARTICLE IA, AND

ARTICLE II OF THE "CODE OF THE TOWNSHIP OF MARLBORO" REGARDING AFFORDABLE HOUSING, TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC) AND TO COMPLY WITH THE TOWNSHIP'S THIRD ROUND AFFORDABLE HOUSING OBLIGATIONS

which was introduced on November 14, 2019, public hearing held on December 12, 2019, be adopted on second and final reading this 12th day of December, 2019.

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

The following Resolution #2019-333/Ordinance #2019-14 (Amending Section 220 "Land Use and Development," Article III to Implement the Recommendations of the Township Master Plan Re-examination Report and the Housing Element and Fair Share Plan) was introduced by reference, offered by Councilwoman Marder and seconded by Council President Metzger. Council President Metzger opened the Public Hearing on Ordinance #2019-14. 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 3 - 0 in favor (Absent: Cantor, Scalea).

RESOLUTION # 2019-333

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

ORDINANCE # 2019-14

AN ORDINANCE AMENDING SECTION 220 "LAND USE AND DEVELOPMENT," ARTICLE III, OF THE CODE OF THE TOWNSHIP OF MARLBORO TO IMPLEMENT THE RECOMMENDATIONS OF THE TOWNSHIP MASTER PLAN REXAMINATION REPORT AND THE HOUSING ELEMENT AND FAIR SHARE PLAN which was introduced on November 14, 2019, public hearing held on December 12, 2019, be adopted on second and final reading this 12th day of December, 2019.

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

The following Resolution #2019-334/Ordinance #2019-15 (Adopting a Redevelopment Plan for the Designated Redevelopment Area known as the Scattered Site Redevelopment Area in

Accordance with the NJ Local Redevelopment and Housing Law (N.J.S.A 40A:12A-1, et. seq)) was introduced by reference, offered by Councilwoman Marder and seconded by Council President Metzger. Council President Metzger opened the Public Hearing on Ordinance #2019-15. 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 3- 0 in favor (Absent: Cantor, Scalea).

RESOLUTION # 2019-334

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

ORDINANCE # 2019-15

AN ORDINANCE ADOPTING A REDEVELOPMENT PLAN FOR THE DESIGNATED REDEVELOPMENT AREA KNOWN AS THE SCATTERED SITE REDEVELOPMENT AREA IN ACCORDANCE WITH THE NEW JERSEY LOCAL REDEVELOPMENT AND HOUSING LAW (N.J.S.A. 40A:12A-1, ET SEQ.)

which was introduced on November 14, 2019, public hearing held on December 12, 2019, be adopted on second and final reading this 12th day of December, 2019.

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

The following Resolution #2019-335/Ordinance #2019-16 (Authorizing Acceptance of Block 154, Lot 17.05 (Reids Hill Road)) was introduced by reference, offered by Councilwoman Marder and seconded by Council Vice President Mazzola. Council President Metzger opened the Public Hearing on Ordinance #2019-16. Shital Rajan, Chairman of the Open Space Committee - spoke about the property and introduced Don and Doug Antisell, thanking them for their generous donation of 13.9 acres. He stated that the street will be named Antisell Way and the park, Antisell Park. After the public hearing was closed, Council President Metzger stated that there was a technical issue with the property description that must be correct before proceeding. Motion to table the ordinance was made by Councilwoman Marder, seconded by Council Vice President Mazzola and was passed by roll call vote of 3 - 0 in favor of tabling (Absent: Cantor, Scalea).

The following Resolution #2019-336 (Setting Reorganization Meeting - January 6, 2020 - 7 PM) was introduced by reference, offered by Councilwoman Marder, seconded by Council Vice

President Mazzola and was passed on a roll call vote of 3 - 0 in favor (Absent: Cantor, Scalea).

RESOLUTION # 2019-336

SETTING REORGANIZATION MEETING FOR
JANUARY 6, 2020

BE IT RESOLVED, by the Township Council of the Township of Marlboro that it will hold its annual reorganization meeting on January 6, 2020 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 Marder, seconded by Council Vice President Mazzola and passed on a roll call vote of 3 - 0 in favor (Absent: Cantor, Scalea): Res. #2019-337 (Authorizing Adjustments and Cancellation to Grant Receivable and Appropriation Reserve Balances), Res. #2019-338 (Authorizing Cancellation of Unexpended Capital Account Balances), Res. #2019-339 (Authorizing 2020 Temporary Budget), Res. #2019-341 (Authorizing Cancellation of Recreation Utility Unexpended Operating Fund Balances), Res. #2019-343 (Amending Professional Planning Services in Connection with Implementation of the Re-Examination of Master Plan Recommendations and Scattered Site Redevelopment Plan), Res. #2019-344 (Approving and Adopting an Affordable Housing Spending Plan), Res. #2019-345 (Adopting the Affirmative Marketing Plan for Marlboro Township), Res. #2019-346 (Appointing a Municipal Housing Liaison), Res. #2019-347 (Intent to Issue Debt if Necessary to Effectuate Certain Affordable Housing Mechanisms), Res. #2019-348 (Endorsement for Inclusion in Sewer Service Area), Res. #2019-349 (Authorizing Renewal of Membership in Monmouth County Joint Insurance Fund), Res. #2019-350 (Authorizing Final Close Out Change Order Gate Valve Preventative Maintenance), Res. #2019-351 (Authorizing Water Bond Reduction - American Plaza III/ Chick-Fil-A & Aldi), Res. #2019-352 (Authorizing Water Bond Reduction - Marlboro Estates/ Texas & Falson), Res. #2019-353 (Authorizing Site Bond Reduction - Marlboro Estates/ Texas & Falson), Res. #2019-354 (Authorizing Site Bond Release - Pantheon Homes/ Harrington Estates), Res. #2019-355 (Authorizing Site Bond Release - Route 79 Associates/87 South Main Street), Res. #2019-356 (Authorizing Lease Agreement Morganville Fire Company No. 1 - Use of Hall by Marlboro Recreation), Res. #2019-357 (Award of Bid - Pool Maintenance Services for Swim Club and Aquatic Center, Res. #2019-358 (Authorizing Renewal Shared Services Agreement - Manalapan - Use of Marlboro Swim Club), Res. #2019-359 (Authorizing Renewal Shared Services Agreement - Colts Neck -

Use of Marlboro Swim Club), Res. #2019-360 (Authorizing Renewal Shared Services Agreement - Old Bridge - Use of Marlboro Swim Club), Res. #2019-361 (Authorizing Renewal Shared Services Agreement - Marlboro Basketball Booster Club - Refereeing and League Registration Services), Res. #2019-362 (Authorizing Renewal Shared Services Agreement - Marlboro Soccer Association Boosters - Refereeing and League Registration Services), Res. #2019-363 (Authorizing State Contract - Local/Long Distance Telephone Service 2020 - Broadview Networks), Res. #2019-364 (Authorizing State Contract - Wireless Phone Services - Verizon Wireless), Res. #2019-365 (Award of State Contract Purchases - Computer Desktops, Server Equipment and Software (2019-033-2.4)), Res. #2019-366 (Authorizing Amendment State Contracts for Auto/Truck Parts), Res. #2019-367 (Award of Bid - Curbside Bulk Pick-up), Res. #2019-368 (Authorizing Change Order to Agreement with Foley Inc. - Generator Rental Service), Res. #2019-369 (Authorizing Contracts for Various Street & Road Materials through Bids Obtained by Western Monmouth Purchasing Group Cooperative Pricing System), Res. #2019-370 (Authorizing Contract for Rock Salt through Bids Obtained by Somerset County Cooperative Purchasing Program), Res. #2019-371 (Authorizing Contract for Provision of Treated Rock Salt through Bids Obtained by Monmouth County Cooperative Purchasing Program), Res. #2019-372 (Authorizing Removal of Hazardous Overgrown Vegetation and Recording of a Lien by Tax Collector - 180 Pleasant Valley Road), Res. #2019-373 (Authorizing Removal of Hazardous Overgrown Vegetation and Recording of a Lien by Tax Collector - 121 South Main Street), Res. #2019-374 (Authorizing Removal of Hazardous Overgrown Vegetation and Recording of a Lien by Tax Collector - 37 Barn Swallow), Res. #2019-375 (Authorizing Removal of Hazardous Overgrown Vegetation and Recording of a Lien by Tax Collector - 2 Further Lane), Res. #2019-376 (Authorizing Acceptance of Donation of Office Furniture), Res. #2019-377 (Authorizing Renewal Shared Services Agreement - Use of Howell Firearms Range), Res. #2019-378 (Authorizing Renewal Shared Services Agreement - Fire Districts - Computer Aided Dispatch (CAD)-Based Emergency Recall Services for Volunteers), Res. #2019-379 (Authorizing Renewal Shared Services Agreement - Matawan Borough - Animal Control Services), Res. #2019-380 (Lien Redemptions - Various), Res. #2019-381 (Disabled Veteran Exemption - 24 Suffolk Way), Res. #2019-382 (Cancel Taxes Township-owned Properties 2019), Res. #2019-383 (Authorizing Amendment to Agreement - Ethics Board Attorney Services) and Res. #2010-384 (Endorsing and Supporting Marlboro's Housing Element and Fair Share Plan).

RESOLUTION # 2019-337

AUTHORIZING ADJUSTMENTS AND CANCELLATION TO GRANT
RECEIVABLE AND APPROPRIATION RESERVE BALANCES

WHEREAS, the Township of Marlboro Financial Statements contain certain grant balances; and

WHEREAS, the cancellation of the grants listed is necessary to accurately represent the grant records maintained by the Township of Marlboro.

NOW, THEREFORE, BE IT RESOLVED that the following adjustments and cancellations are hereby approved, and the Chief Financial Officer is authorized to make the appropriate entries to reflect this action.

RESOLUTION # 2019-338

CANCELLING UNEXPENDED CAPITAL FUND BALANCES

WHEREAS, certain capital ordinances within the Township of Marlboro General Capital Accounts have balances remaining for capital improvement authorizations previously authorized by the Township Council of the Township of Marlboro, Monmouth County, State of New Jersey, and

WHEREAS, certain projects for which remaining funding exists have been deemed as unnecessary or no longer needed, and

WHEREAS, the cancellation of these balances must be completed through resolution of this Governing Body;

NOW, THEREFORE, BE IT RESOLVED that the following adjustments and cancellations are hereby approved, and the Chief Financial Officer is authorized to make the appropriate entries to reflect this action.

GENERAL CAPITAL:		
Ordinance Number	Funded	Unfunded
2011-04		\$ 111,196.15
2014-13	\$ 244,617.15	
2016-05	2,153.64	
Total	\$ 246,770.79	\$ 111,196.15
Grants Receivable:		
Ordinance Number	Amount	
2015-14	\$ 1,248.99	
Bonds or Notes Authorized:		
Ordinance Number	Amount	
2011-04	\$ 111,196.15	

RESOLUTION # 2019-339

RESOLUTION ADOPTING A TEMPORARY BUDGET
CALENDAR YEAR 2020

WHEREAS, N.J.S.A. 40A:4-19 provides for temporary appropriations to be made by the governing body within the first 30 days of the beginning of the fiscal year, and

WHEREAS, appropriations are to provide for the period for the first three months of the new fiscal year, and

WHEREAS, the total of the appropriations so made shall not exceed 26.25% of the total of the appropriations made for all purposes in the budget for the preceding fiscal year excluding appropriations made for interest and debt redemption charges and capital improvement fund; and

WHEREAS, twenty-six point twenty-five percent (26.25%) of the Township of Marlboro budget for Calendar Year 2019, excluding debt service and capital improvement fund is \$9,119,962.26; and

WHEREAS, twenty-six point twenty-five percent (26.25%) of the Township of Marlboro Water Utility budget for Calendar Year 2019, excluding debt service and capital improvement fund is \$2,169,124.83; and

WHEREAS, twenty-six point twenty-five percent (26.25%) of the Township of Marlboro Recreation and Swim Utility budget for Calendar Year 2019, excluding debt service and capital improvement fund is \$646,034.16; and

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the following temporary appropriations are made for the first three months of Calendar Year 2020 according to the schedule attached hereto and a made a part hereof.

BE IT FURTHER RESOLVED that this Resolution take effect immediately, and that a copy of this Resolution be transmitted to the Business Administrator, Chief Financial Officer and Auditor.

RESOLUTION # 2019-341

CANCELLING 2019 APPROPRIATIONS

WHEREAS, appropriations exist in the 2019 Recreation and Swim Utility Operating budget that have been deemed to not be needed for the operations of 2019; and

WHEREAS, it is permissible for appropriations to be cancelled to surplus in the year budgeted.

NOW, THEREFORE, BE IT RESOLVED that a total of \$136,000.00 in 2019 appropriations be hereby cancelled and credited to Recreation and Swim Utility Operating Surplus as follows:

	Cancellation Amount
Salary & Wages	\$ 15,000.00
Other Expenses	121,000.00
Total	<u>\$ 136,000.00</u>

RESOLUTION # 2019-343

A RESOLUTION AUTHORIZING AN AMENDMENT TO A PROFESSIONAL SERVICES CONTRACT BETWEEN CME ASSOCIATES AND THE TOWNSHIP OF MARLBORO FOR PROFESSIONAL PLANNING SERVICES IN CONNECTION WITH THE PREPARATION AND IMPLEMENTATION OF THE RE-EXAMINATION OF THE TOWNSHIP MASTER PLAN RECOMMENDATIONS AND SCATTERED SITE REDEVELOPMENT PLAN

WHEREAS, the Township of Marlboro and CME Associates previously entered into a Professional Services Contract for TOWNSHIP PLANNER, and subsequently authorized an amendment to the Contract (R.2019-179 dated May 16, 2019) for purposes of undertaking a RE-EXAMINATION OF THE TOWNSHIP MASTER PLAN and preparing a SCATTERED SITE REDEVELOPMENT PLAN, pursuant to R.2017-272 (August 10, 2017); and

WHEREAS, the Township of Marlboro will require supplementary professional planning services IN CONNECTION WITH THE PREPARATION AND IMPLEMENTATION OF THE RE-EXAMINATION OF THE TOWNSHIP MASTER PLAN RECOMMENDATIONS AND SCATTERED SITE REDEVELOPMENT PLAN ("Project"), estimated at \$60,000.00 ("Project"); and

WHEREAS, the Township of Marlboro and CME Associates seek to amend the Professional Services Contract for TOWNSHIP PLANNER, awarded under a fair and open process to include the supplementary Professional Services (as defined hereinabove) for the Project at a fee not to exceed \$60,000.00 for such Professional Services, as further described and set forth in CME's Proposal, attached hereto and made a part hereof; and

WHEREAS, the value of the Professional Services Contract will exceed \$17,500.00 in the aggregate; and

WHEREAS, the Chief Financial Officer has certified that funds in the amount of \$60,000.00 are available for this purpose Affordable Housing Trust Account #15-201-56-209-280209; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the Township of Marlboro to amend its contract with CME Associates to provide the required additional Professional Services for the Project; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that an amendment to the Professional Services Contract between CME Associates and the Township of Marlboro, to expand the scope of services as described hereinabove by way of its Township Planner ("Professional Services"), at a fee not to exceed \$60,000.00 for such Professional Services, be and is hereby authorized.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Clerk to witness, in a form legally acceptable to the Township Attorney, the Professional Services Contract described herein.

BE IT FURTHER RESOLVED, that this Professional Services Contract is awarded without competitive bidding pursuant to N.J.S.A. 40A:11-5(1)(a)(i) and shall provide for compensation in an amount not to exceed \$60,000.00 for such additional Professional Services for the Projects.

BE IT FURTHER RESOLVED, that a copy of the Professional Services Contract and this Resolution shall be available for public inspection in the office of the Municipal Clerk.

BE IT FURTHER RESOLVED, notice of award of the Professional Services Contract shall be published pursuant to law, and a certified copy of this Resolution shall be provided to each of the following:

- a. CME Associates, 1460 Route 9 South, Howell, NJ 07731
- b. Township Business Administrator
- c. Chief Financial Officer

RESOLUTION # 2019-344

RESOLUTION APPROVING AND ADOPTING AN
AFFORDABLE HOUSING SPENDING PLAN

WHEREAS, in compliance with the Municipal Land Use Law (N.J.S.A 40:55D-1 et seq.), the Fair Housing Act (N.J.S.A. 52:27D-301), the Township of Marlboro (the "Township") adopted, on December 12, 2019 via Ordinance #2019-12, a Development Fee Ordinance; and

WHEREAS, as a material term and condition of the settlement agreement with the Fair Share Housing Center, ("Settlement Agreement") in an action captioned In the Matter of the Application of the Township of Marlboro, County of Monmouth, Docket No. MON-L-2121-15 ("Action"), and such Settlement Agreement was approved by Court Order of May 14, 2019, the Township is required to adopt a new spending plan consistent with the settlement terms; and

WHEREAS, a document entitled "TOWNSHIP OF MARLBORO AFFORDABLE HOUSING TRUST FUND SPENDING PLAN" has been provided to the Township Council for review; and

WHEREAS, the Township Council now seeks to approve and adopt said "TOWNSHIP OF MARLBORO AFFORDABLE HOUSING TRUST FUND SPENDING PLAN".

NOW, THEREFORE, BE IT RESOLVED by the Township Council, Township of Marlboro, Monmouth County, New Jersey, hereby approves and adopts, and agrees to implement the "TOWNSHIP OF MARLBORO AFFORDABLE HOUSING TRUST FUND SPENDING PLAN".

BE IT FURTHER RESOLVED, that the Township Council, Township of Marlboro, Monmouth County, New Jersey, hereby authorizes its professionals to take any and all actions reasonable and necessary to secure approval of the "TOWNSHIP OF MARLBORO AFFORDABLE HOUSING TRUST FUND SPENDING PLAN" and to maintain the Township's immunity from any Mount Laurel lawsuits.

RESOLUTION # 2019-345

RESOLUTION ADOPTING THE "AFFIRMATIVE
MARKETING PLAN' FOR THE TOWNSHIP OF MARLBORO

WHEREAS, in accordance with the New Jersey Uniform Housing Affordability Controls ("UHAC") pursuant to N.J.A.C. 5:80-26.1 et seq., the Township of Marlboro (the "Township") is required to adopt an Affirmative Marketing Plan to ensure that all affordable housing units created within the Township are affirmatively marketed to low and moderate income households, particularly those living and/or working within Housing Region 4, the Housing Region encompassing the Township; and

WHEREAS, an Affirmative Marketing Plan has been prepared for the Township; and

WHEREAS, the Affirmative Marketing Plan details the mechanisms to be employed in advising the public of the availability of affordable units within the Township, which include advertising in print media as well as the contacting of companies and firms; and

WHEREAS, the Affirmative Marketing Plan also includes notifying community groups and organizations within the Housing Region pertaining to the availability of affordable housing units; and

WHEREAS, the Affirmative Marketing Plan complies with the Affordable Housing Ordinance, specifically Chapter 70, Section 8 entitled "Affirmative Marketing" for the administration of affordable units in compliance with the Uniform Housing Affordability Controls; and

WHEREAS, the Governing Body has reviewed the Affirmative Marketing Plan and determined same to be consistent with the requirements of UHAC.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council, Township of Marlboro, Monmouth County, New Jersey, that the Mayor and Council of the Township of Marlboro has hereby determined that the Affirmative Marketing Plan is in accordance with the applicable requirements and does hereby adopt the attached Affirmative Marketing Plan.

RESOLUTION # 2019-346

RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT
OF A MUNICIPAL HOUSING LIAISON

WHEREAS, the Township is seeking a determination that the Township has complied with its *Mount Laurel Obligation*, in accordance with the procedures set forth in In Re Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) (*Mount Laurel IV*) and the approval of the Court in the Declaratory Judgment action of a Housing Element and Fair Share Plan that satisfies the Township's obligation to provide for its fair share of the regional need of low and moderate income housing; and

WHEREAS, after a Fairness Hearing, by Order dated May 14, 2019, Hon. Jamie S. Perri, J.S.C. approved a settlement agreement between the Township and Fair Share Housing Center intended to establish the Township's affordable housing obligations; and

WHEREAS, in accordance with the May 14, 2019 Order, the Township of Marlboro Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq., which addresses the requirements of N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C.5:80-26.1, et seq. as amended and supplemented, and the New Jersey Fair Housing Act of 1985; and

WHEREAS, the Township'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 Substantive Rules (N.J.A.C. 5:94-1, et. seq.); and

WHEREAS, pursuant to N.J.A.C. 5:94-7 and N.J.A.C. 5:80-26.1 et. seq., the Township is required to appoint a Municipal

Housing Liaison for the administration of the Township's affordable housing program to enforce the requirements of N.J.A.C. 5:94-7 and N.J.A.C. 5:80-26.1 et. seq.; and

WHEREAS, Chapter 70 entitled "Affordable Housing" in the Code of the Township of Marlboro provides for the appointment of a Municipal Housing Liaison to administer the Township's affordable housing program.

NOW THEREFORE BE IT RESOLVED, by the Governing Body of the Township of Marlboro in the County of Monmouth, and the State of New Jersey that the Township Council confirms the appointment of Lynn Franco as the Municipal Housing Liaison for the administration of the affordable housing program, pursuant to and in accordance with Section 18 of Chapter 70 of the Code of the Township of Marlboro.

RESOLUTION # 2019-347

RESOLUTION OF INTENT TO BOND IN THE EVENT THAT
THERE IS A SHORTFALL IN FUNDING TO EFFECTUATE
CERTAIN AFFORDABLE HOUSING MECHANISMS

WHEREAS, the Township is seeking a determination that the Township has complied with its *Mount Laurel Obligation*, in accordance with the procedures set forth in In Re Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) (Mount Laurel IV) and the approval of the Court in the Declaratory Judgment action of a Housing Element and Fair Share Plan that satisfies the Township's obligation to provide for its fair share of the regional need of low and moderate income housing;

WHEREAS, after a Fairness Hearing, by Order dated May 14, 2019, Hon. Jamie S. Perri, J.S.C. approved a settlement agreement between the Township and Fair Share Housing Center intended to establish the Township's affordable housing obligations; and

WHEREAS, in accordance with the May 14, 2019 Order, the Township of Marlboro Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq., which addresses the requirements of N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C.5:80-26.1, et seq. as amended and supplemented, and the New Jersey Fair Housing Act of 1985; and

WHEREAS, the Housing Element and Fair Share Plan provides for a Rehabilitation Program in addition to other municipally-funded and developer-funded mechanisms; and

WHEREAS, the Township has adopted a Development Fee Ordinance in order to generate revenue for the Township's Affordable Housing Trust Fund; and

WHEREAS, the Township anticipates that monies collected and deposited in the Affordable Housing Trust Fund, along with other permitted funding sources, will be sufficient to effectuate the above-referenced mechanism; and

WHEREAS, the Township is committed to securing judicial approval of its Housing Element and Fair Share Plan; and

WHEREAS, the Township acknowledges the COAH rules and regulations that provide that, although utilization of a mandatory development fee ordinance is an appropriate mechanism to raise money for the purpose of off-setting the expenses incurred in connection with the Housing Element and Fair Share Plan, there must be an alternative funding source in the event that insufficient monies are derived from the mandatory development fee ordinance or other resources, or the funds are not received in a timely fashion, for the purpose of effectuating the Rehabilitation Program; and

WHEREAS, the Township wishes to express its commitment to cover such funding shortfalls and to fully implement the mechanisms set forth in its Housing Element and Fair Share Plan through bonding or other lawful means.

NOW, THEREFORE BE IT RESOLVED, by the Governing Body of the Township of Marlboro, that it does hereby confirm its intent that in the event that the projected funding from the mandatory development fee ordinance the Township has adopted is insufficient to complete the aforementioned affordable housing mechanisms, it is the intention of the Governing Body of the Township of Marlboro to adopt appropriate bond ordinances in order to provide the requisite funding in an appropriate time frame.

RESOLUTION # 2019-348

RESOLUTION ENDORSING INCLUSION OF
PROPERTY IN SEWER SERVICE AREA

WHEREAS, the Township of Marlboro ("Township") seeks to comply with its constitutional obligation to provide its fair share of housing to those families with low and moderate incomes consistent with the Township's Settlement Agreement with Fair Share Housing Center in In the Matter of the Application of the Township of Marlboro, Monmouth County, New Jersey For a Declaratory Judgment, Superior Court of New Jersey, Law Division, Monmouth County, Docket No. MON-L-2121-15, and consistent with the Township's Settlement Agreement dated April 10, 2019 with various builders' remedy plaintiffs, including Ashbel Associates, L.L.C. and Pallu Associates, L.L.C. (collectively, the "Developer"), which settlement agreements were approved by court Order entered on May 14, 2019 after a duly noticed Fairness Hearing was conducted on March 25, 2019 and April 30, 2019;

WHEREAS, consistent with the aforementioned settlement agreements, the Township intends to satisfy a portion of its affordable housing obligation by agreeing to the construction of a multi-family development on real property located along Texas Road, specifically identified as Block 146, Lots 25 and 26, and Block 119, Lot 16 on the Official Tax Map of the Township (collectively, the "Subject Property");

WHEREAS, the Township's Settlement Agreement with the Developer permits the development of 507 total units on the Subject Property, 102 of which shall be affordable units;

WHEREAS, the Subject Property (Block 146, Lots 25 and 26, and Block 119, Lot 16) requires public sewer service to support the Subject Property's proposed development;

WHEREAS, the Subject Property is not presently located within the Sewer Service Area element of Monmouth County's Wastewater Management Plan;

WHEREAS, in order to receive public sewer service, the Subject Property must be included in the Sewer Service Area element of Monmouth County's Wastewater Management Plan;

WHEREAS, the Township's Settlement Agreement with the Developer requires the Township to support and cooperate with the Developer's efforts to have the Subject Property included in the Sewer Service Area element of Monmouth County's Wastewater Management Plan;

WHEREAS, it is the Township's intent to comply with the Settlement Agreement and ensure that the Subject Property is eligible to receive public sewer service;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that the Township hereby endorses the Subject Property's (Block 146, Lots 25 and 26, and Block 119, Lot 16) inclusion in the Sewer Service Area element of Monmouth County's Wastewater Management Plan.

RESOLUTION # 2019-349

A RESOLUTION AUTHORIZING THE RENEWAL OF MEMBERSHIP
IN THE MONMOUTH MUNICIPAL JOINT INSURANCE FUND AND
ADOPTING THE MONMOUTH MUNICIPAL JOINT INSURANCE
FUND'S SAFETY AND COMPLIANCE PROGRAM

WHEREAS, the Monmouth Municipal Joint Insurance Fund (hereinafter the "Fund") is a duly chartered Municipal Insurance Fund as authorized by NJSA 40A:10-36 et seq., and

WHEREAS, the Township of Marlboro ("Municipality") is currently a member of the Fund; and

WHEREAS, said renewed membership terminates as of December 31, 2019 unless renewed earlier by agreement between the Municipality and the Fund; and

WHEREAS, the Municipality desires to renew said membership; and

WHEREAS, it is the policy of the Fund to achieve the best and most practical degree of freedom from accidents and/or injuries; and

WHEREAS, the Fund endeavors to ensure that all of their members' employees, volunteers and public are provided with a safe and healthy environment, free from recognized hazards through a comprehensive Safety and Compliance Program; and

WHEREAS, the Administrator of the Township of Marlboro has reviewed the Fund's Safety and Compliance Program and has recommended that it be adopted by the Governing Body in concert with the renewal.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Township of Marlboro hereby renews its membership in the Monmouth Municipal Joint

Insurance Fund for a three (3) year period, beginning January 1, 2020 and ending December 31, 2022 (12:01 am).

2. The Township of Marlboro agrees to adopt the Monmouth County Municipal Joint Insurance Fund's Safety and Compliance Program.
3. The Mayor and Clerk are hereby authorized to execute the agreement to renew membership annexed hereto and made a part hereof and to deliver same to the Monmouth Municipal Joint Insurance Fund evidencing the Municipality's intention to renew its membership.

RESOLUTION # 2019-350

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

WHEREAS, by Resolution #2019-226 the Township of Marlboro authorized the award of a contract to J.F. Kiely Construction Co. for Gate Valve Preventative Maintenance; and

WHEREAS, Final Close Out Change Order has been requested resulting in a decrease in the original contract amount of \$75,715.00 to \$58,007.00, a net decrease of \$17,708.00; and

WHEREAS, in a memo dated October 29, 2019 the Engineering Project Manager has confirmed that the project has been completed in accordance with the approved plans and specifications and has recommended approval of the Final Close Out Change Order; and

WHEREAS, pursuant to the terms of the contract, J.F. Kiely Construction Co. has provided the required warranty documentation of a maintenance bond in an amount of \$58,007.00; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that Final Close Out Change Order to the existing contract with J.F. Kiely Construction Co. be and is hereby approved, decreasing the original contract amount of \$75,715.00 to \$58,007.00, a net decrease of \$17,708.00.

BE IT FURTHER RESOLVED, by the Township Council of the Township of Marlboro, that the Project improvements be and are hereby accepted for work completed by J.F. Kiely Construction

Co. and 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. Engineering Project Manager
- e. Chief Financial Officer

RESOLUTION # 2019-351

RESOLUTION AUTHORIZING REDUCTION OF PERFORMANCE GUARANTEES
FOR THE WATER IMPROVEMENTS AT THE SITE KNOWN AS AMERICAN PLAZA
III, LLC (CHICK-FIL-A & ALDI), BLOCK 176, LOT 2, LOCATED
AT THE INTERSECTION OF TEXAS ROAD & RT 9 N,
MARLBORO TOWNSHIP, MONMOUTH COUNTY, NJ 07746

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro has received a request from Mr. Marc Portnoy, EP Design Services, LLC, for a reduction in the Township held Performance Guarantees in the form of a Performance Surety Bond and Cash Deposit for water improvements ("Public Improvements") on the Site known as "American Plaza III, LLC" (the "Site"), property known as Block 176, Lot 2, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by American Plaza III, 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 14, 2019, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the aforesaid report recommends that a partial reduction be made in the current Performance Surety Bond and Cash Deposit amounts being held by the Township; and

WHEREAS, the Township Council desires to reduce the performance guarantee Bond and cash deposit amounts in accordance with the recommendation of the Township Engineer's report dated November 14, 2019.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the performance guarantees in the form of a Performance Surety Bond and Cash Deposit posted by the Developer, American Plaza III, LLC, for the site known as "American Plaza III, LLC (Chick-fil-A & Aldi)", located on property known as Block

176, Lot 2, Township of Marlboro, New Jersey, shall be reduced as follows:

1. The Performance Surety Bond (Endurance Assurance Corporation, Purchase NY, Bond No. EACX107000029), in the original and present value of \$ 117,499.68, shall be reduced by \$ 59,146.85, so that the remaining amount shall be \$ 58,352.83.
2. The Cash Deposit, in the original and present amount of \$ 13,055.52 (excludes accrued interest) shall be reduced by \$ 6,571.87, so that the amount to remain shall be \$ 6,483.65;

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

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

- a. American Plaza III, LLC
- b. Endurance Assurance Corporation, Purchase NY
- c. Township Business Administrator
- d. Township Chief Financial Officer
- e. Township Engineer
- f. Louis N. Rainone, Esq.
- g. Salvatore Alfieri, Esq.

RESOLUTION # 2019-352

RESOLUTION AUTHORIZING REDUCTION OF PERFORMANCE GUARANTEES
FOR THE WATER IMPROVEMENTS AT THE SITE KNOWN AS MARLBORO ESTATES
LLC, BLOCK 119, LOT 31, LOCATED AT THE INTERSECTION OF
TEXAS ROAD AND FALSON LANE, MARLBORO TOWNSHIP,
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. Felix Elinson for a reduction in the Township held Performance Guarantees in the form of a Performance Surety Bond and Cash Deposit for water improvements ("Public Improvements") on the Site known as "Marlboro Estates, LLC" (the "Site"), property known as Block 119, Lot 31, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by Falson LN Development, 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 15, 2019, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the aforesaid report recommends that a partial reduction be made in the current Performance Surety Bond and Cash Deposit amounts being held by the Township; and

WHEREAS, the Township Council desires to reduce the performance guarantee Bond and cash deposit amounts in accordance with the recommendation of the Township Engineer's report dated November 15, 2019.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the performance guarantees in the form of a Performance Surety Bond and Cash Deposit posted by the Developer, Falson LN Development, LLC, for the site known as "Marlboro Estates, LLC", located on property known as Block 119, Lot 31, Township of Marlboro, New Jersey, shall be reduced as follows:

1. The Performance Surety Bond (Developers Surety and Indemnity Company, Bond No. 481772S), in the present value of \$122,296.50, shall be reduced by \$49,869.00, so that the remaining amount shall be \$72,427.50.
2. The Cash Deposit, in the present amount of \$13,588.50 (excludes accrued interest) shall be reduced by \$5,541.00, so that the amount to remain shall be \$8,047.50;

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

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

- a. Falson LN Development, LLC (Marlboro Estates, LLC)
- b. Developers Surety and Indemnity Company
- c. Township Business Administrator
- d. Township Chief Financial Officer
- e. Township Engineer
- f. Louis N. Rainone, Esq.
- g. Salvatore Alfieri, Esq.

RESOLUTION # 2019-353

RESOLUTION AUTHORIZING REDUCTION OF PERFORMANCE GUARANTEES
FOR THE SITE IMPROVEMENTS AT THE SITE KNOWN AS
MARLBORO ESTATES LLC, BLOCK 119, LOT 31, LOCATED AT THE
INTERSECTION OF TEXAS ROAD AND FALSON LANE, MARLBORO TOWNSHIP,
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. Felix Elinson for a reduction in the Township held Performance Guarantees in the form of a Performance Surety Bond and Cash Deposit for site improvements ("Public Improvements") on the Site known as "Marlboro Estates, LLC" (the "Site"), property known as Block 119, Lot 31, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by Falson LN Development, 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 15, 2019, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the aforesaid report recommends that a partial reduction be made in the current Performance Surety Bond and Cash Deposit amounts being held by the Township; and

WHEREAS, the Township Council desires to reduce the performance guarantee Bond and cash deposit amounts in accordance with the recommendation of the Township Engineer's report dated November 15, 2019.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the performance guarantees in the form of a Performance Surety Bond and Cash Deposit posted by the Developer, Falson LN Development, LLC, for the site known as "Marlboro Estates, LLC", located on property known as Block 119, Lot 31, Township of Marlboro, New Jersey, shall be reduced as follows:

1. The Performance Surety Bond (Developers Surety and Indemnity Company, Bond No. 481771S), in the present value of \$357,698.81, shall be reduced by \$69,588.06, so that the remaining amount shall be \$288,110.75.
2. The Cash Deposit, in the present amount of \$39,744.31 (excludes accrued interest) shall be reduced by

\$7,732.01, so that the amount to remain shall be \$32,012.30;

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

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

- a. Falson LN Development, LLC (Marlboro Estates, LLC)
- b. Developers Surety and Indemnity Company
- c. Township Business Administrator
- d. Township Chief Financial Officer
- e. Township Engineer
- f. Louis N. Rainone, Esq.
- g. Salvatore Alfieri, Esq.

RESOLUTION # 2019-354

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES FOR THE SITE IMPROVEMENTS AT THE SITE KNOWN AS HARRINGTON ESTATES PANTHEON HOMES, BLOCK 133, LOTS 13 THROUGH 24, LOCATED AT DARRYL DRIVE, MORGANVILLE, MONMOUTH COUNTY, NJ 07751

WHEREAS, in accordance with *N.J.S.A. 40:55D-53*, the Township of Marlboro has received a request from Mr. Andrew Czujko (Pantheon Homes, LLC) for the release of the Township held Performance Guarantees in the form of a Performance Surety Bond and Cash Deposit for the site improvements ("Public Improvements") on the Site known as "Harrington Estates" (the "Site"), property known as Block 133, Lots 13 through 24, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by Pantheon Homes, 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 22, 2019, regarding the completion of the Public Improvements at the Site, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the aforesaid report recommends that the current Performance Guarantee in the form of a Performance Surety Bond, Bond No. FP0013932, in the original and current amount of \$ 424,120.00, 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 the posting of a two (2) year fifteen percent (15%) maintenance bond in the amount of \$64,234.50; and

WHEREAS, the aforesaid report recommends that the current Performance Guarantee in the form of a Cash Deposit, Shrewsbury State Bank check no. 1004, in the original and current amount of \$ 23,294.45 (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 to the time of the performance guarantee release and the posting of a two (2) year fifteen percent (15%) maintenance bond in the amount of \$64,234.50; 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. FP0013932, in the original and current amount of \$ 424,120.00, 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 the posting of a two (2) year fifteen percent (15%) maintenance bond in the amount of \$64,234.50; and

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 Cash Deposit, Shrewsbury State Bank check no. 1004, in the original and current amount of \$ 23,294.45 (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 to the time of the performance guarantee release and the posting of a two (2) year fifteen percent (15%) maintenance bond in the amount of \$64,234.50; and

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

- a. Pantheon Homes, LLC
- b. Township Business Administrator
- c. Township Chief Financial Officer
- d. Township Engineer
- e. First Insurance of America Insurance Company

- f. Louis Rainone, Esq., Township Attorney
- g. Shrewsbury State Bank, Shrewsbury NJ 07702

RESOLUTION # 2019-355

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES FOR THE SITE IMPROVEMENTS AT THE SITE KNOWN AS ROUTE 79 ASSOCIATES, LLC, FRESHWATER WETLANDS AND TRANSITION AREA RESTORATION PLAN, BLOCK 415, LOT 21.31, LOCATED AT 87 SOUTH MAIN STREET (ROUTE 79), MARLBORO TOWNSHIP, MONMOUTH COUNTY, NJ 07746

WHEREAS, in accordance with *N.J.S.A. 40:55D-53*, the Township of Marlboro has received a request from Mr. Christian Ferreira, EIT (Harbor Consultants, Inc.) for the release of the Township held Performance Guarantees in the form of a Performance Surety Bond for the site improvements ("Public Improvements") on the Site known as "Route 79 Associates, LLC" (the "Site"), property known as Block 415, Lot 21.31, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by Route 79 Associates, 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 7, 2019, regarding the completion of the Public Improvements at the Site, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the aforesaid report recommends that the current Performance Guarantee in the form of a Performance Bond, Bond No. 11144, in the original and current amount of \$ 57,927.00, issued by The Service Insurance Company, Inc., posted by the Developer and being held by the Township, be released in its entirety, conditioned upon the payment of any and all inspection fee charges to the time of the performance guarantee release and that the two-year, 15% maintenance bond be waived due to the timing of these matters; 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 Bond, Bond No. 11144, in the original and current amount of \$ 57,927.00, issued by The Service Insurance Company, Inc., posted by the Developer and being held by the Township, be released in its entirety, conditioned upon the payment of any and all inspection fee charges to the time of the performance guarantee release and that the two-

year, 15% maintenance bond be waived due to the timing of these matters; and

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

- a. Route 79 Associates, LLC
- b. The Service Insurance Company, Inc., West Orange NJ
- c. Township Business Administrator
- d. Township Chief Financial Officer
- e. Township Engineer
- f. Louis Rainone, Esq., Township Attorney

RESOLUTION # 2019-356

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 January 1, 2020 and terminating on

December 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 2020 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 Company NO 1
- b. Township Business Administrator
- c. Township Recreation Director
- d. Chief Financial Officer

RESOLUTION # 2019-357

A RESOLUTION AWARING CONTRACT TO AQUATIC SERVICE INC. FOR THE PROVISION OF POOL MAINTENANCE SERVICES FOR THE MARLBORO TOWNSHIP SWIM CLUB AND THE MARLBORO TOWNSHIP RECREATION AQUATIC CENTER

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for THE PROVISION OF POOL MAINTENANCE SERVICES FOR THE MARLBORO TOWNSHIP SWIM CLUB AND THE MARLBORO TOWNSHIP RECREATION AQUATIC CENTER, and on November 13, 2019, received one (1) bid, summarized as follows:

						Aquatic Service Inc. 170 Burlington Avenue Spotswood, NJ 08884	
						Unit Price	Ext. Price
	SWIM CLUB - CONTRACT YEAR ONE - 2020						
A1A	Open Facility (Spring, 2020)						43,950.00
A1B	Winterize Facility (Fall, 2020)						12,990.95
	Service Call During Season - 2020						
A1C(1)a	Cost per hour, supervisor (weekdays)	30	Hours		138.70	4,161.00	
A1C(1)b	Cost per hour, helper (weekdays)	30	Hours		133.20	3,996.00	
A1C(1)a	Cost per hour, supervisor (weekends)	5	Hours		208.05	1,040.25	
A1C(1)b	Cost per hour, helper (weekends)	5	Hours		199.80	999.00	
	Parts (Percent Mark-up From Cost) - 2018						
A1C(2)a	For \$2,000 materials	2,000	Dollars		40.00%	2,800.00	
						\$69,937.20	
	SWIM CLUB - CONTRACT YEAR TWO - 2021						
A2A	Open Facility (Spring, 2021)						43,950.00

A2B	Winterize Facility (Fall, 2021)					12,990.95
	Service Call During Season - 2021					
A2C(1)a	Cost per hour, supervisor (weekdays)	30	Hours		138.70	4,161.00
A2C(1)b	Cost per hour, helper (weekdays)	30	Hours		133.20	3,996.00
A2C(1)a	Cost per hour, supervisor (weekends)	5	Hours		208.05	1,040.25
A2C(1)b	Cost per hour, helper (weekends)	5	Hours		199.80	999.00
	Parts (Percent Mark-up From Cost) - 2021					
A2C(2)a	For \$2,000 materials	2,000	Dollars		40.00%	2,800.00
						\$69,937.20

	AQUATIC CENTER - CONTRACT YEAR ONE - 2020					
B1A	Open Facility (Spring, 2020)					16,950.00
B1B	Winterize Facility (Fall, 2020)					6,204.40
	Service Call During Season - 2020					
B1C(1)a	Cost per hour, supervisor (weekdays)	20	Hours		138.70	2,774.00
B1C(1)b	Cost per hour, helper (weekdays)	20	Hours		133.20	2,664.00
B1C(1)a	Cost per hour, supervisor (weekends)	5	Hours		208.05	1,040.25
B1C(1)b	Cost per hour, helper (weekends)	5	Hours		199.80	999.00
	Parts (Percent Mark-up From Cost) - 2020					
B1C(2)a	For \$2,000 materials	2,000	Dollars		40.00%	2,800.00
						\$33,431.65
	AQUATIC CENTER - CONTRACT YEAR TWO - 2021					
B2A	Open Facility (Spring, 2021)					16,950.00
B2B	Winterize Facility (Fall, 2021)					6,204.40
	Service Call During Season - 2021					
B2C(1)a	Cost per hour, supervisor (weekdays)	20	Hours		138.70	2,774.00
B2C(1)b	Cost per hour, helper (weekdays)	20	Hours		133.20	2,664.00
B2C(1)a	Cost per hour, supervisor (weekends)	5	Hours		208.05	1,040.25
B2C(1)b	Cost per hour, helper (weekends)	5	Hours		199.80	999.00
	Parts (Percent Mark-up From Cost) - 2021					
B2C(2)a	For \$2,000 materials	2,000	Dollars		40.00%	2,800.00
						\$33,431.65
	TWO YEAR CONTRACT TOTAL					\$206,737.70

; and

WHEREAS, it has been determined that the submission of the sole bidder for THE PROVISION OF POOL MAINTENANCE SERVICES FOR THE MARLBORO TOWNSHIP SWIM CLUB AND THE MARLBORO TOWNSHIP RECREATION AQUATIC CENTER, AQUATIC SERVICE INC. is responsive; and

WHEREAS, in a memo dated November 14, 2019 the Director of Recreation has recommended the award of contract to AQUATIC SERVICE INC.; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation of the Director of Recreation 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 AQUATIC SERVICE INC. whose address is 170 Burlington Avenue, Spotswood, NJ 08884 for THE PROVISION OF POOL MAINTENANCE SERVICES FOR THE MARLBORO TOWNSHIP SWIM CLUB AND THE MARLBORO TOWNSHIP RECREATION AQUATIC CENTER, for a contract amount at prices specified in the bid proposal not to exceed \$206,737.70 for a term of two years beginning on January 1, 2020, with an option to renew the contract based upon the same terms and conditions as specified in the bid proposal for an additional one (1) two-year period or two (2) one-year periods at the exclusive option of the Township.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, a contract with AQUATIC SERVICE INC., in accordance with this resolution, the bid specifications, and in a form to be approved by the Township Attorney.

BE IT FURTHER RESOLVED, funds for the 2020 and 2021 contract amounts will be certified by the Chief Financial Officer subject to approval of the 2020 and 2021 budgets respectively.

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

- a. Aquatic Service Inc.
- b. Township Business Administrator
- c. Township Director of Recreation
- d. Township Chief Financial Officer

RESOLUTION # 2019-358

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 # 2019-359

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 # 2019-360

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 # 2019-361

RESOLUTION AUTHORIZING AGREEMENT WITH THE MARLBORO BASKETBALL BOOSTER CLUB, INC. ("BOOSTER CLUB") FOR THE PROVISION OF REFEREEING SERVICES, LEAGUE REGISTRATION, AND SCOREKEEPERS FOR THE MARLBORO TOWNSHIP DEPARTMENT OF RECREATION BASKETBALL PROGRAM

WHEREAS, the BOOSTER CLUB is a not-for-profit organization which provides services on behalf of the residents who register for the basketball program to the Marlboro Township Department of Recreation; and

WHEREAS, the Township of Marlboro Department of Recreation and Recreation Commission are is in need of refereeing and scorekeeper services for the 2020/2021 Fall/Winter basketball seasons; and

WHEREAS, the Township of Marlboro Department of Recreation must register basketball program participants with various regional leagues; and

WHEREAS, the BOOSTER CLUB has proposed to provide refereeing and scorekeeper services for the 2020/2021 Fall/Winter basketball seasons and ensure the registration of program participants with various regional leagues; and

WHEREAS, the total value of the services to be provided for 2020/2021 are estimated based upon the 2019 seasons at and shall not exceed \$16,000.00 in the aggregate; and

WHEREAS, payments by the Township for such services are made following the submission of detailed records and confirmation of payments made by the Booster Club for such services; and

WHEREAS, funds will be certified for this purpose upon adoption of the 2020 Recreation and Swim Utility budget under Accounts # 09-201-55-400-285402 and # 09-201-55-400-288402.

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

RESOLUTION # 2019-362

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

WHEREAS, the BOOSTER CLUB is a not-for-profit organization which provides services on behalf of the residents who register for the soccer program to the Marlboro Township Department of Recreation; and

WHEREAS, the Township of Marlboro Department of Recreation is in need of refereeing services for the 2020 Spring and Fall soccer seasons; and

WHEREAS, the Township of Marlboro Department of Recreation must register soccer program participants with various regional leagues; and

WHEREAS, the BOOSTER CLUB has proposed to provide refereeing services for the 2020 Spring and Fall soccer seasons and ensure the registration of program participants with various regional leagues; and

WHEREAS, the total value of the services to be provided for 2020 are estimated based upon the 2019 seasons at and shall not exceed \$100,000.00 in the aggregate; and

WHEREAS, payments by the Township for such services are made following the submission of detailed records and confirmation of payments made by the Booster Club for such services; and

WHEREAS, the funds will be certified for this purpose upon adoption of the 2020 Recreation and Swim Utility budget under Accounts # 09-201-55-400-285409 and # 09-201-55-400-296409.

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

RESOLUTION # 2019-363

RESOLUTION AUTHORIZING THE PURCHASE FOR LOCAL,
REGIONAL AND LONG DISTANCE TELEPHONE SERVICES FROM
BROADVIEW NETWORKS, INC. FOR THE TOWNSHIP OF MARLBORO
UNDER STATE CONTRACT #85017

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

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

WHEREAS, pursuant to NJSA 40A:11-12, a municipality may,

without advertising for bids, purchase goods under any contract for such goods entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

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

WHEREAS, funds in the amount of \$35,000.00 will be certified by the Chief Financial Officer in Current Account #01-201-31-162-232, upon adoption of the 2020 budget; and

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

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

1. The Township Council of the Township of Marlboro, hereby authorizes and approves the award of a contract to Broadview Networks, Inc., to provide local, regional and long distance telephone services pursuant to the Proposal described above; and

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

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

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

RESOLUTION # 2019-364

RESOLUTION AUTHORIZING THE PURCHASE OF WIRELESS SERVICES FROM CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS FOR THE MARLBORO TOWNSHIP OF MARLBORO UNDER STATE CONTRACT #82583

WHEREAS, the Township of Marlboro is in need of wireless

service for use by certain personnel including those who require wireless voice and/or mobile data for their operational functions; and

WHEREAS, the Township of Marlboro currently utilizes Verizon Wireless for cellular telephone service; 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, funds in the amount of \$84,000.00 will be certified to by the Chief Financial Officer in Current Account #01-201-31-162-232 at the time the 2020 budget is adopted; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase wireless services from CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS, One Verizon Way, Basking Ridge, NJ 07920, under State Contract #82583 in an amount not to exceed \$84,000.00.

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

- a. Cellco Partnership
- b. Township Business Administrator
- c. Chief Information Officer
- d. Chief Financial Officer

RESOLUTION # 2019-365

RESOLUTION AUTHORIZING AWARD OF STATE CONTRACT #40116 TO DERIVE TECHNOLOGIES FOR THE PURCHASE OF SERVER AND STORAGE EQUIPMENT, STATE CONTRACT #89967 OCEAN COMPUTER GROUP FOR PURCHASE OF DESKTOP COMPUTERS AND STATE CONTRACT #89851 TO SHI INTERNATIONAL CORP. FOR THE PURCHASE OF BACKUP SOFTWARE FOR THE TOWNSHIP OF MARLBORO IT DEPARTMENT

WHEREAS, the Township of Marlboro as part of its 2018 capital program (033-2) authorized the purchase of server and storage equipment (033-4) authorized purchase of annual PC and Laptop replacement program for the Marlboro Division of

Information Technology ("IT"); and

WHEREAS, the server and storage equipment will replace aging backup server and will be compatible with the newest virtual environments, and in the future can be expanded to accommodate the backup of planned cloud environments if needed; and

WHEREAS, the desktops to be purchased will replace aging desktops, PCs, many of which are approaching five (5) years of age or older. These machines are experiencing more frequent hardware failures and are lagging in performance when attempting to run newer software and updates; and

WHEREAS, once implemented, the new backup software with host-based backup capability will allow for swift backup and restoration of virtual machines; and

WHEREAS, IT has recommended, in a memo dated December 2, 2019, that the Township purchase the server and storage equipment from Derive Technologies, under State Contract #40116 in an amount not to exceed \$25,149.28, purchase desktops computers from Ocean Computer Group, under State Contract #89967 in an amount not to excess \$42,438.30 and purchase backup software from SHI International Corp. under state contract #89851 in an amount not to exceed \$2,523.72; 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 server and storage equipment from Derive Technologies, desktop computers from Ocean Computer Group and backup software from SHI International Corp.; and

WHEREAS, funds are available and have been certified by the Chief Financial Officer in an amount not to exceed \$70,111.30 from Capital Accounts 04-215-16-02A-033297 04-215-18-01A-033297 and 04-215-17-01A-033297; and

WHEREAS, the Township Council desires to approve the purchase of the server and storage equipment from Derive Technologies, desktop computers from Ocean Computer Group and backup software from SHI International Corp.

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 server and storage equipment from Derive Technologies, 40 Wall Street, 20th Floor, New York, NY 10005, under State Contracts #40116 in an amount not to exceed \$25,149.28, purchase of desktop computers from Ocean Computer Group, 90 Matawan Road, Matawan, NJ 07747, under State Contract #89967 in an amount not to exceed \$42,438.30 and purchase of backup software from SHI International Corp., 290 Davidson Avenue, Somerset, NJ 08873 under contract #89851 in an amount not to exceed \$2,523.72.

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

- a. Derive Technologies
- b. SHI International Corp.
- c. Ocean Computer Group
- d. Township Business Administration
- e. Chief Information Officer
- f. Chief Financial Officer

RESOLUTION # 2019-366

RESOLUTION AMENDING AWARD OF STATE CONTRACTS TO
VARIOUS VENDORS FOR PURCHASE OF AUTO, TRUCK, HEAVY
EQUIPMENT AND LAWN MOWER PARTS AND SUPPLIES FOR THE
DEPARTMENT OF PUBLIC WORKS DIVISION OF VEHICLE
MAINTENANCE

WHEREAS, the Township of Marlboro's Department of Public Works Division of Vehicle Maintenance is in need of AUTO, TRUCK, HEAVY EQUIPMENT AND LAWN MOWER PARTS AND SUPPLIES in order to maintain the Township vehicle fleet; 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 Township Council previously granted authorization to utilize vendors approved under the State Cooperative Purchasing Program pursuant to R.2019-062; and

WHEREAS, the Division of Vehicle Maintenance has recommended that the Township purchase AUTO, TRUCK, HEAVY EQUIPMENT AND LAWN MOWER PARTS AND SUPPLIES under various State contracts as follows:

State Contract				
Vendor	Contract Number	Authorized by Res. # 2019-62	Change Amount	New Amount
National Parts Supply Company	85993	\$ 15,000.00	(\$ 13,000.00)	\$ 2,000.00
Service Tire Truck Center	82527	\$ 20,000.00		
Route 1 Chrysler Dodge	79170	\$ 15,000.00	(\$ 5,000.00)	\$ 10,000.00
Chemung Supply	88262	\$ 10,000.00		
Creston Hydraulics	89297, 88272	\$ 15,000.00		
A & K Equipment	88273	\$ 7,500.00		
Brown Hunterdon Mack	89271	\$ 12,000.00	\$ 8,000.00	\$ 20,000.00
D & W Diesel	42124	\$ 5,400.00	\$ 1,000.00	\$ 6,400.00
Norman's Auto Services	40174	\$ 3,000.00	(\$ 1,000.00)	\$ 2,000.00
Quality Auto Glass	40174	\$ 3,000.00		
Norcia	42083, 85864, 89298	\$ 3,500.00		
Perth Amboy Springs	89276	\$ 7,500.00	\$ 1,000.00	\$ 8,500.00
Craft Oil (Petro Choice)	81514	\$ 18,000.00		
Varga Transmission Center	40828	\$ 7,000.00		
Trius, Inc.	88269, 85856, 89249, 42108	\$ 30,000.00		
Malouf Chevrolet	79154	\$ 3,000.00		
Foley Equipment	85846	\$ 15,000.00	\$ 5,000.00	\$ 20,000.00
Aurora Environmental	42274	\$ 5,500.00		
Kaldor Emergency Lighting	81333, 81334	\$ 15,000.00		
Praxair Distribution	83290	\$ 2,500.00		
ODB Municipal Products	85861	\$ 17,500.00	(\$ 5,000.00)	\$ 12,500.00
W. E. Timmerman Co.	85857	\$ 2,500.00		
Joseph Fazzio Steel	84215	\$ 5,000.00		
B. J. and M. Auto	89295	\$ 2,500.00		
NAPA Auto Parts (F & C Auto)	42104	\$ 50,000.00	\$ 10,000.00	\$ 60,000.00
Mid Atlantic Truck Center	42075	\$ 15,000.00		
Edwards Tire	82527, 82528	\$ 55,000.00		
Air Brake & Equipment	42086, 89279	\$ 7,500.00	(\$ 3,000.00)	\$ 4,500.00
Campbell Freightliner	42074	\$ 5,000.00		
Eastern AutoParts Warehouse	86011	\$ 0.00	\$ 2,000.00	\$ 2,000.00

; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey for the Department of Public Works to obtain AUTO, TRUCK, HEAVY EQUIPMENT AND LAWN MOWER PARTS AND SUPPLIES under various State contracts in order to maintain the Township vehicle fleet; and

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

WHEREAS, the Township Council desires to approve the purchase of said AUTO, TRUCK, HEAVY EQUIPMENT AND LAWN MOWER PARTS AND SUPPLIES.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase AUTO, TRUCK, HEAVY EQUIPMENT AND LAWN MOWER PARTS AND SUPPLIES from the aforementioned vendors and under the State Contracts identified above.

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

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

RESOLUTION # 2019-367

A RESOLUTION AWARDING CONTRACT TO FREEHOLD CARTAGE, INC. FOR COMMUNITY SPRING BULK PICK-UP AND DISPOSAL FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for COMMUNITY SPRING BULK PICK-UP AND DISPOSAL FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS, and on December 03, 2019, received two (2) bids received were as follows:

Company	BASE BID (Collection and Disposal)	ALTERNATE OPTION 1 (Collection, Transport and Disposal at Twp Contracted Disposal Rate)
Central Jersey Waste & Recycling, Inc, Ewing, NJ	184,500.00 - 2020 190,035.00 - 2021 195,000.00 - 2022 200,500.00 - 2023 206,000.00 - 2024	192,500.00 - 2020
Freehold Cartage, Inc, Freehold, NJ	104,893.70 - 2020 110,057.78 - 2021 115,221.85 - 2022 120,385.93 - 2023 125,550.00 - 2024	135,796.77 - 2020

; and

WHEREAS, it has been determined that the submission of the apparent low bidder on the Base Bid, FREEHOLD CARTAGE, INC. is responsive; and

WHEREAS, in a memo dated December 4, 2019 the Director of Public Works has recommended the award of the Base Bid to Freehold Cartage, INC.; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract be awarded to Freehold Cartage, INC. whose address is PO BOX 5010, Freehold, NJ 07728 for COMMUNITY SPRING BULK PICK-UP AND DISPOSAL FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS, for a contract amount at prices specified in the bid proposal not to exceed \$135,796.77 for a term of one year (2020), with an option to renew the contract based upon the same terms and conditions as specified in the bid proposal and for four (4) additional one (1) year periods in accordance with N.J.S.A. 40A:11-15(3) at the exclusive option of the Township; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, a contract with Freehold Cartage, INC., in accordance with this resolution, the bid specifications, and in a form to be approved by the Township Attorney.

BE IT FURTHER RESOLVED funds in the amount of \$135,796.77 will be made available and certified by the Chief Financial Officer in accounts 01-201-26-117-233112 and 01-201-32-170-233112 upon adoption of the 2020 budget.

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

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

RESOLUTION # 2019-368

A RESOLUTION CONFIRMING EMERGENCY CONTRACTS WITH FOLEY INCORPORATED FOR THE PROVISION OF GENERATOR RENTAL SERVICES

AND AUTHORIZING A CHANGE ORDER TO THE CONTRACT WITH FOLEY
INCORPORATED FOR THE PROVISION OF GENERATOR RENTAL SERVICES
FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF
PUBLIC WORKS WATER UTILITY DIVISION

WHEREAS, during 2018 and 2019, the Department of Public Works Water Utility Division experienced several severe weather events, resulting in emergency declarations designated as EM 1811 (Winter Storm Riley) and EM 1915 (Windstorm 7/22/2019); 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 conditions posed a serious threat to the public health, safety and welfare, constituting an emergency under the terms of N.J.S.A. 40A:11-6; and

WHEREAS, pursuant to N.J.S.A. 40A:11-6, the Water Utility utilized the services of its existing emergency generator rental contractor, FOLEY, INC., 855 CENTENNIAL AVENUE, PISCATAWAY, NJ 08855 to provide emergency generator rental services related to the above mentioned emergencies in an amount of \$64,759.60; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds in the amount of \$64,759.60 are available for the emergency contracts in Water Utility Fund Accounts #05-203-55-500-215020 and #05-201-55-500-215020; and

WHEREAS, on October 5, 2017 (R.2017-289), the Township of Marlboro authorized a contract with FOLEY INCORPORATED, the lowest responsible bidder for Emergency Generator Rental Service for the Township of Marlboro Department of Public Works, in the amount of \$92,610.00; and

WHEREAS, the Township subsequently executed renewal agreements with FOLEY INCORPORATED for the 2017/2018 and 2018/2019 contract periods; and

WHEREAS, the Director of Public Works has reported in a memo dated December 5, 2019 the circumstances under which the Utility needed to maintain a 1,000 kw generator at the Tennent Road water facility, necessitating a change order increasing the

existing authorization by approximately 17.9% in the amount of \$16,587.40; and

WHEREAS, the additional expenditures are necessary in order to maintain the operation of the water facility located at Tennent Road, 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 the emergency contracts be confirmed pursuant to N.J.S.A. 40A:11-6 with FOLEY, INCORPORATED for the provision of emergency generator rental services.

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 FOLEY INCORPORATED whose address is 855 Centennial Avenue, Piscataway, NJ 08855 be authorized in a total amount not to exceed \$16,587.40.

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that sufficient funds in the amount of \$16,587.40 are available for the aforesaid change order in Account #05-201-55-500-215020.

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. Director of Public Works

RESOLUTION # 2019-369

RESOLUTION AUTHORIZING A CONTRACT FOR THE PROVISION OF VARIOUS STREET & ROAD MATERIALS THROUGH BIDS OBTAINED BY THE WESTERN MONMOUTH PURCHASING GROUP COOPERATIVE PRICING SYSTEM

WHEREAS, the Township is authorized to purchase goods and services from bids obtained from a cooperative pricing system such as the Western Monmouth Purchasing Group Cooperative Pricing System pursuant to the authority provided by N.J.S.A. 40A:11-10(a) et seq.; and

WHEREAS, Freehold Borough, Lead Agency of the Western Monmouth Purchasing Group, conducted a public bidding process for the provision of various street & road materials for the members of the cooperative pricing system; and

WHEREAS, four (4) bids were received as follows*; and

MATERIAL	QUANTITY	LOCATION	R. W. V. Land & Livestock South, PO Box 1323, Jackson, NJ 08527		Yardville Supply Company, PO Box 8427, Hamilton, NJ 08650		Trap Rock Industries, LLC, PO Box 419, Kingston, NJ 08528		Stavola Construction Materials, Inc., 175 Drift Road, Tinton Falls, NJ 07724	
(1) FABC TYPE I-5	5,000 TONS	AT PLANT	N/B	N/B	N/B	N/B	77.00	385,000	73.00	365,000
(2) FABC TYPE I-2	2,500 TONS	AT PLANT	N/B	N/B	N/B	N/B	75.00	187,500	69.00	172,500
(3) BITUMINOUS COLD PATCH	150 TONS	AT PLANT	N/B	N/B	N/B	N/B	N/B	N/B	N/B	N/B
(4) TAC COAT EMULSION	500 GALLONS	AT PLANT	N/B	N/B	N/B	N/B	N/B	N/B	N/B	N/B
(8) HIGH PERFORMANCE COLD PATCH	250 TONS	AT PLANT	N/B	N/B	N/B	N/B	N/B	N/B	150.00	37,500
(10) SAND (ICE CONTROL)	1,000 TONS	DELIVERED	18.00	17,730	N/B	N/B	N/B	N/B	N/B	N/B
(13) 3/4" BROKEN STONE	500 TONS	DELIVERED	N/B	N/B	N/B	N/B	25.00	12,250	22.00	11,000
(14) 1" AND 1 1/2" BROKEN STONE, CLEAN	250 TONS	DELIVERED	N/B	N/B	N/B	N/B	25.00	6,125	23.00	5,750
(18) RIP RAP STONE	200 TONS	DELIVERED	N/B	N/B	N/B	N/B	34.00	6,800	45.00	9,000
(30) ROCK SALT	1,000 TONS	DELIVERED	N/B	N/B	N/B	N/B	N/B	N/B	N/B	N/B
(31) LIQUID CALCIUM CHLORIDE	5,000 GALS.	DELIVERED	N/B	N/B	N/B	N/B	N/B	N/B	N/B	N/B
(32) PRE-MIXED ROCK SALT SODIUM CHLORIDE / CALCIUM CHLORIDE	6,000 TONS	DELIVERED	N/B	N/B	87.25	523,500	N/B	N/B	N/B	N/B
(33) PRE-MIXED 75% COURSE SAND	2,500 TONS	DELIVERED	N/B	N/B	N/B	N/B	N/B	N/B	N/B	N/B
(41) R-BLEND RECYCLED CONCRETE	1,500 TONS	DELIVERED	N/B	N/B	N/B	N/B	N/B	N/B	17.00	25,500
(43) STONE DUST	500 TONS	AT PLANT	N/B	N/B	N/B	N/B	20.00	10,000	20.00	10,000

mileage to plant	N/B	N/B	21.00	10.90
	\$17,730	\$523,500	\$6,800	\$627,250

*A bid submission was received from the Walter R. Earle Corporation, PO Box 757, Farmingdale, NJ 07727. Walter R. Earle Corporation declined to bid on all items.

WHEREAS, per the bid specifications, the following calculations apply to the FABC TYPE I-5 and FABC TYPE I-2 items, resulting in the following effective bid offerings:

MATERIAL	QUANTITY	LOCATION	Trap Rock	ADJUSTED UNIT PRICE	Stavola Construction	ADJUSTED UNIT PRICE
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			Industries 4415 Route 27 Kingston, NJ 08528	MILEAGE ADJUSTMENT PER TON		Materials 175 Drift Road Tinton Falls, NJ 07724	MILEAGE ADJUSTMENT PER TON	
(1) FABC TYPE I-5	5,000 TONS	AT PLANT	77.00	1.05	\$ 78.05	73.00	0.55	\$ 73.55
(2) FABC TYPE I-2	2,500 TONS	AT PLANT	75.00	1.05	\$ 76.05	69.00	0.55	\$ 69.55

and;

WHEREAS, with the understanding that no minimum or maximum quantities are guaranteed in the bid specifications and materials will be purchased on an as needed basis, the Public Works Department has recommended the following awards of contract in a memo dated November 25, 2019:

(1) R.W.V. Land & Livestock South, Inc.: Item 10, Sand (Ice Control) for 1,000 tons of material at the contract price of \$17.73 per ton, for a total amount not to exceed \$17,730.00; and

(2) Yardville Supply: Item 32, Pre-Mixed Rock Salt for an open ended contract on an as needed basis at the contract price of \$87.25 per ton, for a not to exceed total of \$250,000.00; and

(3) Trap Rock Industries: Item 18, Rip Rap Stone for 200 tons of material at the contract price of \$34.00 per ton, for a total amount not to exceed \$6,800.00; and

(4) Stavola Construction Materials, Inc.: Item 1, for FABC Type I-5, Item 2, FABC Type I-2, Item 8, Hi-Performance Cold Patch, Item 13, ¾" Stone, Item 14, 1" and 1 ½" Clean Stone, Item 41, R-Blend Recycled Concrete and Item 43, Stone Dust at the prices indicated in the bids, for a total amount not to exceed \$627,250.00; and

WHEREAS, funds will be certified by the Chief Financial Officer upon adoption of the 2020 budget and capital program, and at the time materials are ordered; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that contracts be awarded to R.W.V. Land & Livestock South, Inc., PO Box 1323, Jackson, New Jersey 08527, in an amount not to exceed

\$17,730.00, Yardville Supply Company, PO Box 8427, Trenton, New Jersey 08620, in an amount not to exceed \$250,000.00, Trap Rock Industries, 4415 Route 27, Kingston New Jersey in an amount not to exceed \$6,800.00, and Stavola Construction Materials, Inc., 120 Old Bergen Mills Road, Millstone, New Jersey 08535, on Items 1,2,8,13,14,41 and 43 in an amount not to exceed \$627,250.00.

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

- a. R.W.V. Land & Livestock South, Inc.
- b. Yardville Supply Company
- c. Trap Rock Industries
- d. Stavola Construction Materials, Inc.
- e. Township Business Administrator
- f. Township Chief Financial Officer
- g. Township Director of Public Works

RESOLUTION # 2019-370

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, in a memo dated December 5, 2019 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, representing 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 Business Administrator
- b. Township Chief Financial Officer
- c. Township Director of Public Works

RESOLUTION # 2019-371

RESOLUTION AUTHORIZING CONTRACTS FOR THE PROVISION OF DE-ICING MATERIAL (SODIUM CHLORIDE TREATED WITH LIQUID MAGNESIUM CHLORIDE AND ORGANIC BASED PERFORMANCE ENHANCER) THROUGH BIDS OBTAINED BY THE MONMOUTH COUNTY COOPERATIVE PURCHASING PROGRAM UNDER MONMOUTH COUNTY CO-OPERATIVE CONTRACT NUMBERS F-23-2018 and F-39-2020

WHEREAS, the Township approved R. 2018-300 dated October 4, 2018 authorizing the purchase of de-icing material from Chemical Equipment Labs, Inc., P.O. Box 1136 Linwood, Pennsylvania, 19061 through the Monmouth County Cooperative Purchasing Program under Contract Number F-23-2018 which expires on December 31, 2019; and

WHEREAS, as a contingency, in order to ensure sufficient supplies of de-icing material through the end of 2019, the Department of Public Works has recommended that an additional authorization be approved to include an additional 2,000 tons at a price of \$77.77 per ton; and

WHEREAS, the Monmouth County Cooperative Purchasing Program conducted a public bidding process and awarded a contract to Chemical Equipment Labs, Inc., P.O. Box 1136 Linwood, Pennsylvania, 19061 for the provision of de-icing material (granular sodium chloride treated with liquid magnesium chloride) and organic based performance enhancer (OBPE) at a

price of \$69.19 per ton which is effective on January 1, 2020;
and

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

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

WHEREAS, in a memo dated December 6, 2019 the Director of Public Works has recommended that an open-ended contract be awarded to Chemical Equipment Labs, Inc. for de-icing material (granular sodium chloride treated with liquid magnesium chloride) and organic based performance enhancer (OBPE) at the contract price of \$69.19 per ton; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to purchase de-icing material (granular sodium chloride treated with liquid magnesium chloride) and organic based performance enhancer (OBPE); and

WHEREAS, funds for contingency supplies through December 31, 2019 totaling \$155,540.00 have been certified by the Chief Financial Officer in Current Fund Account 01-201-26-119-292106, and funds for supplies under the 2020 contract effective January 1, 2020 will be provided for in the 2020 budget and certified by the Chief Financial Officer at the time of order; and

WHEREAS, the Marlboro Township Council, having considered the same, desires to authorize the purchase of de-icing material (granular sodium chloride treated with liquid magnesium chloride) and organic based performance enhancer (OBPE) from Chemical Equipment Labs, Inc., at a price of \$77.77 through December 31, 2019, and at \$69.19 per ton effective January 1, 2020, as needed, pursuant to the bid obtained by the Monmouth County Cooperative Purchasing Program.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase de-icing material (granular sodium chloride treated with liquid magnesium chloride) and organic based performance enhancer (OBPE) from Chemical Equipment Labs,

Inc., at a price of \$77.77 through December 31, 2019, and at \$69.19 per ton effective January 1, 2020, as needed, pursuant to the bids obtained by the Monmouth County Cooperative Purchasing Program.

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

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

RESOLUTION # 2019-372

A RESOLUTION AUTHORIZING THE REMOVAL OF HAZARDOUS OVERGROWN VEGETATION AND THE RECORDING OF A LIEN BY THE TAX COLLECTOR ON THE PROPERTY LOCATED AT 180 PLEASANT VALLEY ROAD (BLOCK 155, LOT 1.03) MARLBORO, NEW JERSEY

WHEREAS, the Administration has been advised by the Zoning Officer that a nuisance and hazardous condition in the form of extremely over-grown grass, weeds and brush exists on the property known as 180 Pleasant Valley Road (Block 155, Lot 1.03); and

WHEREAS, attempts to abate and remediate such nuisance and hazardous condition have been unsuccessful; and

WHEREAS, pursuant to Chapter 278, Section 188 of the Code of the Township of Marlboro entitled "Abatement of hazard or nuisance by Township; lien.", the Municipality has the authority to abate a nuisance as authorized under N.J.S.A. 40:48-2.14 and "shall cause the cost as shown thereon to be charged against said lands"; and

WHEREAS, the Township has taken the necessary enforcement action and has abated the nuisance located at 180 Pleasant Valley Road, (Block 155, Lot 1.03) at a total cost of \$ 9,120.22; and

WHEREAS, it is recommended that the amount of \$ 9,120.22 incurred by the Municipality to abate the nuisance be recorded as a lien against the property.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro, being the governing body thereof, that the Tax Collector is hereby authorized to record a lien against the property known as 180 Pleasant Valley Road (Block 155, Lot

1.03) in the amount of \$ 9,120.22 to reflect the costs incurred by the Municipality to abate the nuisance to be added to the taxes next to be assessed and levied, the same to bear interest at the same rate as taxes which shall be collected and enforced by the same officers and in the same manner as taxes.

RESOLUTION # 2019-373

A RESOLUTION AUTHORIZING THE REMOVAL OF HAZARDOUS OVERGROWN VEGETATION AND THE RECORDING OF A LIEN BY THE TAX COLLECTOR ON THE PROPERTY LOCATED AT 121 SOUTH MAIN STREET (BLOCK 415, LOT 25) MARLBORO, NEW JERSEY

WHEREAS, the Administration has been advised by the Zoning Officer that a nuisance and hazardous condition in the form of extremely over-grown grass, weeds and brush exists on the property known as 121 South Main Street, Marlboro Twp., (Block 415, Lot 25); and

WHEREAS, attempts to abate and remediate such nuisance and hazardous condition have been unsuccessful; and

WHEREAS, pursuant to Chapter 278, Section 188 of the Code of the Township of Marlboro entitled "Abatement of hazard or nuisance by Township; lien.", the Municipality has the authority to abate a nuisance as authorized under N.J.S.A. 40:48-2.14 and "shall cause the cost as shown thereon to be charged against said lands"; and

WHEREAS, the Township has taken the necessary enforcement action and has abated the nuisance located at 121 South Main Street, (Block 415, Lot 25) at a total cost of \$ 3,579.17; and

WHEREAS, it is recommended that the amount of \$ 3,579.17 incurred by the Municipality to abate the nuisance be recorded as a lien against the property.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro, being the governing body thereof, that the Tax Collector is hereby authorized to record a lien against the property known as 121 south main Street (Block 415, Lot 25) in the amount of \$3,579.17 to reflect the costs incurred by the Municipality to abate the nuisance to be added to the taxes next to be assessed and levied, the same to bear interest at the same rate as taxes which shall be collected and enforced by the same officers and in the same manner as taxes.

RESOLUTION # 2019-374

A RESOLUTION AUTHORIZING THE REMOVAL OF HAZARDOUS OVERGROWN VEGETATION AND THE RECORDING OF A LIEN BY THE TAX COLLECTOR ON THE PROPERTY LOCATED AT 37 BARN SWALLOW BOULEVARD (BLOCK 412.08, LOT 18) MARLBORO, NEW JERSEY

WHEREAS, the Administration has been advised by the Zoning Officer that a nuisance and hazardous condition in the form of extremely over-grown grass, weeds and brush exists on the property known as 37 Barn Swallow Boulevard (Block 412.08, Lot 18); and

WHEREAS, attempts to abate and remediate such nuisance and hazardous condition have been unsuccessful; and

WHEREAS, pursuant to Chapter 278, Section 188 of the Code of the Township of Marlboro entitled "Abatement of hazard or nuisance by Township; lien.", the Municipality has the authority to abate a nuisance as authorized under N.J.S.A. 40:48-2.14 and "shall cause the cost as shown thereon to be charged against said lands"; and

WHEREAS, the Township has taken the necessary enforcement action and has abated the nuisance located at 412 Barn Swallow Boulevard, (Block 412.08, Lot 18) at a total cost of \$ 532.70; and

WHEREAS, it is recommended that the amount of \$532.70 incurred by the Municipality to abate the nuisance be recorded as a lien against the property.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro, being the governing body thereof, that the Tax Collector is hereby authorized to record a lien against the property known as 412 Barn Swallow Boulevard (Block 412.08, Lot 18) in the amount of \$532.70 to reflect the costs incurred by the Municipality to abate the nuisance to be added to the taxes next to be assessed and levied, the same to bear interest at the same rate as taxes which shall be collected and enforced by the same officers and in the same manner as taxes.

RESOLUTION # 2019-375

A RESOLUTION AUTHORIZING THE REMOVAL OF HAZARDOUS OVERGROWN VEGETATION AND THE RECORDING OF A LIEN BY THE TAX COLLECTOR ON THE PROPERTY LOCATED AT 2 FURTHER LANE (BLOCK 190 LOT 19) MARLBORO, NEW JERSEY

WHEREAS, the Administration has been advised by the Zoning Officer that a nuisance and hazardous condition in the form of extremely over-grown grass, weeds and brush exists on the property known as 2 Further Lane (Block 190, Lot 19); and

WHEREAS, attempts to abate and remediate such nuisance and hazardous condition have been unsuccessful; and

WHEREAS, pursuant to Chapter 278, Section 188 of the Code of the Township of Marlboro entitled "Abatement of hazard or nuisance by Township; lien.", the Municipality has the authority to abate a nuisance as authorized under N.J.S.A. 40:48-2.14 and "shall cause the cost as shown thereon to be charged against said lands"; and

WHEREAS, the Township has taken the necessary enforcement action and has abated the nuisance located at 2 Further lane, (Block 190, Lot 19) at a total cost of \$245.22; and

WHEREAS, it is recommended that the amount of \$245.22 incurred by the Municipality to abate the nuisance be recorded as a lien against the property.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro, being the governing body thereof, that the Tax Collector is hereby authorized to record a lien against the property known as 2 Further Lane (Block 190, Lot 19) in the amount of \$245.22 to reflect the costs incurred by the Municipality to abate the nuisance to be added to the taxes next to be assessed and levied, the same to bear interest at the same rate as taxes which shall be collected and enforced by the same officers and in the same manner as taxes.

RESOLUTION # 2019-376

A RESOLUTION AUTHORIZING ACCEPTANCE
OF DONATION FROM DYNASTY ADVISORS, LLC
FOR THE MARLBORO TOWNSHIP POLICE DEPARTMENT

WHEREAS, Dynasty Advisors, LLC approached the Marlboro Township Police Department to donate three (3) Desks and two (2) Flat Screen Televisions; and

WHEREAS, there have been no promises 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 donations as described herein are hereby accepted.

BE IT FURTHER RESOLVED that the Township Council of the Township of Marlboro hereby extends it thanks and appreciation to Dynasty Advisors, LLC for their donation and 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 # 2019-377

A RESOLUTION OF THE TOWNSHIP OF MARLBORO IN
MONMOUTH COUNTY, NEW JERSEY, AMENDING AND
RENEWING THE SHARED SERVICES AGREEMENT WITH
THE HOWELL TOWNSHIP DEPARTMENT OF POLICE FOR
THE USE OF THE HOWELL FIREARMS RANGE

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 Howell Township ("Howell") 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 services agreement with Howell Township on December 9, 2010 for use of the Howell Township Firearms Range; and

WHEREAS, Marlboro desires to continue the utilization of the Howell Township's Firearms Range; and

WHEREAS, representatives of Marlboro and Howell have negotiated an amended 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, funding for this agreement, in an amount not to exceed \$2,500.00 will be certified by the Chief Financial Officer upon adoption of the 2020 budget under Current Fund account 01-201-25-106-288644; 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 Mayor is hereby authorized to execute the Shared Services Agreement annexed hereto as EXHIBIT A.

RESOLUTION # 2019-378

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 November 29, 2018 (R.2018-332) 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 Township Council 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 # 2019-379

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 ("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, the Township of Marlboro ("Marlboro") and the Borough of Matawan ("Matawan") 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 of Matawan wish to extend the agreement to include calendar year 2020; 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.

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 #2019-380

WHEREAS, the rightful owners of several properties have
redeemed tax sale certificates totaling \$150,883.80 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 \$150,883.80 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>
2019-028	283/2	Fig Cust FIGNJ19 LLC PO Box 54226 New Orleans, LA 70154 Assessed Owner: Schone, Donna A	60,998.77
2019-040	383/7	Fig Cust FIGNJ19 LLC PO Box 54226 New Orleans, LA 70154 Assessed Owner: Orlando, Patricia	28,714.51
2019-004	111/1	Christiana T C/F CE1 PO Box 5021 Philadelphia, PA 19111 Assessed Owner: Inzelbuch, Azriel	20,076.45
2019-025	214/19.02	Fig Cust FIGNJ19LLC PO Box 54226 New Orleans, LA 70154 Assessed Owner: Smith, Jessica A	41,094.07

RESOLUTION # 2019-381

WHEREAS, the Tax Assessor has granted a disabled veteran exemption for Barbella, Anthony, Block: 385, Lot: 42, located at 24 Suffolk Way,

WHEREAS, taxes were billed for 2019 in the amount of \$5,493.10, and

WHEREAS, this exemption became effective October 10, 2019 and

WHEREAS, pro-rated taxes for 2019 need to be cancelled in the amount of \$1,234.10 and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro to direct the Tax Collector to cancel \$1,234.10 for 2019 taxes.

RESOLUTION # 2019-382

A RESOLUTION AUTHORIZING THE CANCELLATION
OF CERTAIN TAXES ON EXEMPT PROPERTIES

WHEREAS, the attached list in the amount of \$9,084.06 known as Schedule "A", is comprised of taxes that remain outstanding and unpaid; and

WHEREAS, these properties were conveyed to the Township of Marlboro, and the Township Tax Collector has therefore recommended that taxes in the amount of \$9,084.06 be cancelled being that the Township of Marlboro is tax exempt.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro, in the County of Monmouth and State of New Jersey to cancel the taxes as per Schedule "A"

Schedule "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNER</u>	<u>CANCELLED AMOUNT</u>
180/83.03		Twp of Marlboro 1979 Township Dr. Marlboro, NJ 07746	\$3,829.01
180/83.15		Twp of Marlboro 1979 Township Dr. Marlboro, NJ 07746	\$5,255.05

RESOLUTION # 2019-383

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, on September 5, 2019 the Township approved an amendment to the contract (R. 2019-279) totaling \$2,000.00 in connection with proposed amendments to Marlboro Township's Ethics Code; and

WHEREAS, in a letter dated November 11, 2019, Kenneth Biedzynski, Esq. of the firm of Goldzweig, Green, Eiger & Biedzynski, LLC has requested an additional increase in the contract amount of \$750.00 due to a new matter submitted to the Ethics Board since R. 2019-279 was approved.

WHEREAS, in a communication dated December 9, 2019, the Chairwoman of the Ethics Board has approved of the proposed increase in the contract amount of \$750.00.

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 \$1,000.00.

2. The Chief Financial Officer will certify funds in the amount of \$1,000.00 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 # 2019-384

RESOLUTION ENDORSING AND SUPPORTING THE TOWNSHIP
OF MARLBORO'S HOUSING ELEMENT AND FAIR SHARE PLAN

WHEREAS, in compliance with the Municipal Land Use Law (N.J.S.A 40:55D-1 et seq.), the Fair Housing Act (N.J.S.A. 52:27D-301), the Township of Marlboro Planning Board (the "Planning Board") adopted on December 4, 2019 a Housing Element and Fair Share Plan; and

WHEREAS, as a material term and condition of the settlement agreement with the Fair Share Housing Center, ("Settlement Agreement") in an action captioned In the Matter of the Application of the Township of Marlboro, County of Monmouth, Docket No. MON-L-2121-15 ("Action"), and such Settlement Agreement was approved by Court Order of May 14, 2019, the Township is required to endorse the Housing Element and Fair Share Plan adopted by the Planning Board consistent with the settlement terms; and

WHEREAS, the Township of Marlboro's Housing Element and Fair Share Plan has been provided to the Township Council for review; and

WHEREAS, the Township Council now seeks to endorse and support said Housing Element and Fair Share Plan.

NOW, THEREFORE BE IT RESOLVED, by the Governing Body of the Township of Marlboro, that it does hereby endorse and support the Housing Element and Fair Share Plan Elements of the Master Plan.

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 (Absent: Cantor, Scalea).

MINUTES APPROVED: JANUARY 16, 2020

OFFERED BY: MARDER AYES: 2

SECONDED BY: MAZZOLA NAYS: 0

ABSENT: METZGER

ABSTAIN: CANTOR, SCALEA

ALIDA MANCO,
MUNICIPAL CLERK

CAROL MAZZOLA,
COUNCIL PRESIDENT