

MARLBORO TOWNSHIP COUNCIL MEETING

December 16, 2021

The Marlboro Township Council held its regularly scheduled meeting on December 16, 2021 at 7:00 P.M. at the Marlboro Municipal Complex located at 1979 Township Drive, Marlboro, New Jersey.

Council President Cantor 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 the Board of Education Office on December 13, 2021; published in the Asbury Park Press on July 20, 2021; 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 Municipal Clerk called the Roll.

PRESENT: Councilwoman Marder, Councilwoman Mazzola (via conference call), Council Vice President Metzger, Councilman Scalea and Council President Cantor.

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

Councilman Scalea moved that the Council meeting minutes of December 2, 2021 be approved. This was seconded by Councilwoman Marder, and passed on a roll call vote of 4 - 0 in favor. Council Vice President Metzger abstained.

The following Ordinance #2021-021 (An Ordinance Authorizing the Sale of Property to be Known as Block 149, Lot 16.01 and the Vacation and Conveyance of Portions of an Unimproved Public Street) was introduced by reference, offered by Council Vice President Metzger and seconded by Councilman Scalea. Council President Cantor opened the Public Hearing on Ordinance #2021-021. As there was no one who wished to speak, the public hearing was closed and the ordinance was passed on a roll call vote of 5 - 0 in favor.

ORDINANCE #2021-021

ORDINANCE AUTHORIZING THE SALE OF PROPERTY TO BE KNOWN AS
BLOCK 149, LOT 16.01 AND THE VACATION AND CONVEYANCE OF
PORTIONS OF AN UNIMPROVED PUBLIC STREET

WHEREAS, The Township of Marlboro (the "Township") and The Place at Marlboro, LLC (the "Developer"), a New Jersey Limited Liability Company, entered into an Affordable Housing Development Agreement (the "Agreement") on May 21, 2020, which governs the rights and obligations of the parties in connection with a development to be built in two phases; and

WHEREAS, Block 149, Lot 16 and Block 148, Lot 31 on the Official Tax Map of the Township of Marlboro, Monmouth County, New Jersey (the "Existing Municipal Owned Tract") was approved for Subdivision by the Planning Board of the Township of Marlboro (the "Planning Board") as evidenced by the Resolution adopted on November 18, 2020, wherein the parcels would be known as Block 149, Lots 16.01, 16.02, and 16.03; and

WHEREAS, the Agreement required the Township to convey Block 149, Lot 16.01 (the "Phase I Property") to the Developer, subject to an affordable housing deed restriction that ensures the Phase I Property shall be used solely for the purpose of providing rental dwelling units for low- and moderate-income households and developed and maintained in accordance with the Township's Housing Element and Fair Share Plan of the Master Plan; and

WHEREAS, the Phase I Property shall be developed first and designed and approved to stand alone, and the transfer of Block 149, Lot 16.03 (the "Phase II Property") shall be subject to an agreement and conveyance at a future date following the start of the construction at the Phase I Property; and

WHEREAS, the Township seeks to convey the Phase I Property to Communities First Initiative, Inc. ("CFI"), a New Jersey Nonprofit Corporation, federal 501(c)(3), and non-profit member of the Developer, for the purpose of developing the Phase I Property, subject to a Bargain and Sale Deed in a form substantially similar to Exhibit A attached hereto, an Affordable Housing Deed Restriction in a form substantially similar to Exhibit B attached hereto, which will ensure that the Phase I Property shall be used solely for the purpose of providing rental dwelling units for low- and moderate-income households, and a Deed of Easement and Right-of-Way in a form substantially similar to Exhibit C attached hereto, which is to be recorded by the Developer simultaneously with the Bargain and Sale Deed and is necessary for the operation, maintenance, monitoring,

repair, renewal, and/or replacement of certain water system improvements that are located and/or to be constructed upon a portion of the Phase I Property; and

WHEREAS, in accordance with the Planning Board approval, the Township and Developer seek to simultaneously grant multiple easements necessary for the development in two phases, namely an easement for cross-access, easement for construction, and easement for utilities, and have negotiated an Access, Construction, and Utilities Easement Agreement in a form substantially similar to Exhibit D attached hereto; and

WHEREAS, N.J.S.A. 40:67-1(b) authorizes the governing body of every municipality to adopt an ordinance to vacate any public street or any part thereof; and

WHEREAS, in accordance with the Planning Board approval, the Township is required to vacate a the portion of Harnley Road on the Existing Municipal Owned Tract described by the metes and bounds description attached hereto as Exhibit E, and to retain the portion of Harnley Road described by the metes and bounds description attached hereto as Exhibit F; and

WHEREAS, in order to facilitate improvements and widening of Tennent Road (a/k/a County Route No. 3), which is owned by the County of Monmouth (the "County"), the Township seeks to vacate and convey to the County a section of Harnley Road adjacent to Tennent Road as described on the metes and bounds description and map attached hereto as Exhibit H and Exhibit I; and

NOW, THEREFORE, BE IT ORDAINED, BY the Township Council of the Township of Marlboro, in the County of Monmouth, State of New Jersey as follows:

1. The Township shall convey the Phase I Property (Block 149, 16.01) for the nominal consideration of \$10.00, by way of a Bargain and Sale Deed in a form substantially similar to Exhibit A attached hereto, subject to an Affordable Housing Deed Restriction in a form substantially similar to Exhibit B attached hereto, which ensures the Phase I Property shall be used solely for the purpose of providing rental dwelling units for low- and moderate-income households, and developed and maintained in accordance with the Township's Housing Element and Fair Share Plan of the Master Plan, and also subject to a Deed of Easement and Right-of-Way in a form substantially similar to Exhibit C attached hereto, which is necessary for water system improvements that are located and/or to be constructed upon a portion of the Phase I

Property and shall be recorded by the Developer simultaneously with the Bargain and Sale Deed.

2. The Mayor is authorized to execute, and the Municipal Clerk is authorized to witness, the Bargain and Sale Deed in a form substantially similar to Exhibit A attached hereto and an Access, Construction, and Utilities Easement Agreement in a form substantially similar to Exhibit D attached hereto, subject to the approval of the Township Attorney, and any other documents or instruments that may be necessary to effectuate the conveyance.
3. The Township hereby vacates and releases from dedication as a public street the portion of Harnley Road more fully described in the metes and bounds description attached as Exhibit E and map attached as Exhibit G, and pursuant to the provisions of N.J.S.A. 40:67-1(b), hereby expressly reserves and excepts from vacation all rights and privileges currently possessed by public utilities (as defined in N.J.S.A. 48:2-13) and by any cable television company (as defined in the Cable Television Act, N.J.S.A. 48:5-1 et seq.), to maintain, repair and replace their existing facilities in, adjacent to, over or under the street, or any part thereof, to be vacated
4. The Township hereby vacates and releases from dedication as a public street the portion of Harnley Road more fully described in the metes and bounds description attached as Exhibit H and map attached as Exhibit I, and that all rights, title, and interest in the vacated land are to be conveyed to the County of Monmouth, in accordance with law, for the purpose of roadway improvements and widening.
5. The Mayor is authorized to execute, and the Municipal Clerk is authorized to witness, any documents which may be required to convey to the County of Monmouth the aforesaid vacated section of Harnley Road.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and in effect; and

BE IT FURTHER ORDAINED, that any ordinance or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict; and

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

The following Ordinance #2021-022 (An Ordinance Appropriating a \$251,900 Grant to be Received by the Township for Improvements to Ryan Road) was introduced by reference, offered by Council Vice President Metzger and seconded by Councilwoman Marder. Council President Cantor opened the Public Hearing on Ordinance #2021-022. As there was no one who wished to speak, the public hearing was closed and the ordinance was passed on a roll call vote of 5 - 0 in favor.

ORDINANCE #2021-022

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING A \$251,900 GRANT TO BE RECEIVED BY THE TOWNSHIP FOR IMPROVEMENTS TO RYAN ROAD IN AND FOR THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY

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

Section 1. The \$251,900 grant expected to be received by the Township from the State of New Jersey Department of Transportation FY2022 Municipal Aid Program is hereby appropriated for the purpose of providing funds for improvements to Ryan Road, including all work and materials necessary therefor and incidental thereto.

Section 2. The capital budget or temporary capital budget, as applicable, of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. In the event, of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or temporary capital budget, as applicable, and capital program as approved by the Director of the Division of Local Government Services is on file with the Municipal Clerk and is available there for public inspection.

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

The following Ordinance #2021-023 (An Ordinance Amending and Supplementing Various License and Permit Fees) was introduced by reference, offered by Councilman Scalea and seconded by Council Vice President Metzger. Council President Cantor opened the Public Hearing on Ordinance #2021-023. As there was no one who wished to speak, the public hearing was closed and the ordinance was passed on a roll call vote of 5 - 0 in favor.

ORDINANCE #2021-023

AN ORDINANCE AMENDING AND SUPPLEMENTING LICENSING AND PERMITTING FEES AND POLICIES OF THE CODE OF THE TOWNSHIP OF MARLBORO PERTAINING TO STORMWATER MANAGEMENT MAINTENANCE FEES; MARLBORO FARMERS' MARKET; UNIFORM CONSTRUCTION CODE; PARKING AT MUNICIPAL FACILITIES; WATER UTILITY SYSTEM SERVICE RATES AND FEES AND CONNECTIONS AND RECREATION & SWIM PROGRAMS

BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that the following sections of the Marlboro Township Code Chapter 220 ("Land Use and Development are hereby amended as follows:

§ 220-18 Stormwater Management Maintenance Fees

Specific Provision	Code Location	Type of Fee, Charge or Rate	New Fee
Stormwater Management maintenance fees	Land use and development; Schedule C 220, 18A	Stormwater Improvement Fees (residential and non-residential development per acre)	\$3,890.00

BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that a new section entitled "Marlboro Farmers' Market" of the Marlboro Township Code is hereby established as follow:

Marlboro Farmers' Market.

1 Definitions.

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

MARLBORO FARMERS' MARKET - Farmers' Market operated by the Township of Marlboro and located at 444 Route 520, Marlboro, New Jersey

2 Application for vendor registration.

An approved application in a form to be determined by the Business Administrator is required in order to participate as a vendor at the Marlboro Farmers' Market. The application shall include but not be limited to the following elements:

A. In-person, mail or online registration through the Township's website.

B. Applicant waiver/indemnification and hold-harmless agreement.

C. Proof of insurance.

D. Applicant "producer" agreement.

E. The applicant must furnish a certificate of insurance (ACORD 25) providing evidence of general liability limits including bodily injury and property damage as follows: \$300,000 per occurrence for an individual; \$500,000 per occurrence for a charitable organization; \$1,000,000 per occurrence for any commercial applicant. Any corporation must also include evidence of workers compensation - statutory limits and employers' liability minimum of \$300,000 per accident/\$300,000 per employee/\$300,000 policy limit.

F. Applications shall be approved in the sole discretion of Township, based upon the availability of space and other factors to be determined by the Business Administrator.

3 Registration Fees.

Vendors shall be responsible for a market registration fee.

Prepaid Seasonal Rate Not to exceed \$500.00

Prepaid Daily Rate Not to exceed \$ 50.00

The registration fee is independent of any license or permit fees required by fire or health officials which shall be the responsibility of the vendor.

No discounts pursuant to Chapter 24 of the Code of the Township of Marlboro shall be applicable.

4 Authority to make rules; enforcement.

A. Rules and regulations shall be determined by the Business Administrator for the operation of the Farmers' Market.

B. Rules and regulations shall be included in the application for vendor registration and strictly enforced.

5 Submission of false or misleading information.

Any person submitting or who knowingly provides false or misleading information will be subject to immediate removal from all programs or facilities, and forfeit any and all fees paid. Such person shall also be subject to the penalties provided in § 6 of this article.

6 Violations and penalties.

Violations of the provisions of this article shall be punishable as provided in § 4-3 of the Code.

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

§ 125-3 A Fees Building

Specific Provision	Code Location	Amendment	Fee
Building: Demolition residential building	125-3 A (4) b 1	From "less than 30 feet high" to "less than 35 feet high"	\$150.00 (no change)
Building. (7) Additional fees: (h) Security Cameras. First set of 10.	125-3 A (7) h (1)	Strike and move to Electrical 125-3 D	\$0.00
Building. (7) Additional fees: (h) Security Cameras. Each additional set of 10.	125-3 A (7) h (2)	Strike and move to Electrical 125-3 D	\$0.00

Specific Provision	Code Location	Fee
Building. (7) Additional fees:(c) For anything not listed	125-3 A (7) c	80.000
Building. (7) Additional fees:(a) Minimum building subcode fee	125-3 A (7) a	80.000
Building. (7) Additional fees:(g) A change of Contractor Review Fee.	125-3 A (7) g	80.000

§ 125-3 B Fees Plumbing

Specific Provision	Code Location	Fee
Plumbing. (19) Plumbing devices other than listed	125-3 B (19)	80.000
Plumbing. (1) Minimum plumbing fee	125-3 B (1)	80.000
Plumbing. (31) a change of contractor review fee	125-3 B (31) a	80.000

§ 125-3 C Fees Fire

Specific Provision	Code Location	Fee
Fire: Wet/Dry Sprinkler Heads: 201-400	125-3 C (2) d	750.000
Fire: Wet/Dry Sprinkler Heads: 401-1000	125-3 C (2) e	950.000
Fire: Wet/Dry Sprinkler Heads: > 1000	125-3 C (2) f	1,100.000
Fire: Additional fees: Each Standpipe	125-3 C (3) a	285.000
Fire: Additional fees: Each Incinerator	125-3 C (3) b	400.000
Fire: Additional fees: Each Crematorium	125-3 C (3)	400.000
Fire: Pre-engineered suppression system not listed	125-3 C (4) a	150.000
Fire: Pre-engineered suppression system; Dry Chemical	125-3 C (4) e	150.000
Fire: Pre-engineered suppression system; Wet Chemical	125-3 C (4) f	150.000
Fire: Kitchen Exhaust Systems; Commercial	125-3 C (4) h	150.000
Fire: Bollards (2 Inspection Process)	125-3 C (NEW)	125.000
Fire: Solar Panels	125-3 C (NEW)	125.000
Fire: Chimney Liners	125-3 C (NEW)	125.000

Specific Provision	Code Location	Fee
Fire. (10) Anything not listed	125-3 C (10)	80.000
Fire. (11) Minimum fire subcode fee (commercial)	125-3 C (11)	80.000
Fire. (3) Additional fees (f) a change of contractor review fee	125-3 C (3) f	80.000

§ 125-3 D Fees Electrical

Specific Provision	Code Location	Fee
Baseboard Heaters	125 3 D NEW	25.000
Additional fees: Security Cameras. First set of 10.	125 3 D NEW (from 125-3A)	75.000
Additional fees: Security Cameras. Each additional set of 10.	125 3 D NEW (from 125-3A)	75.000

Specific Provision	Code Location	Fee
Electrical. (10) Anything not listed	125-3 D (10)	80.000

Electrical. (11) Minimum electrical subcode fee	125-3 D (11)	80.000
Electrical. (21) Additional fees: (a) A change of Contractor Review Fee	125-3 D (21) a	80.000

§ 125-3 F Fees Mechanical

Specific Provision	Code Location	Fee
Mechanical. (1) Minimum mechanical fee	125-3 F (1)	80.000
Mechanical. (NEW) A change of Contractor Review Fee	125-3 F (NEW)	80.000

§ 125-7 Construction Codes, Uniform entitled "Partial exemptions from fees", as follows:

Charitable, philanthropic, fraternal, athletic, recreational and religious nonprofit organizations holding a tax-exempt status under the Federal Internal Revenue Code of 1954 [26 U.S.C. 501(c) or (d)] shall be eligible for a refund of 50% of the Uniform Construction Code ("UCC") fees set forth in § [125-3A\(1\)](#), Alterations, repairs, and remodeling, paid since April 1, 2021, excluding the surcharge fee to the New Jersey Department of Community Affairs provided for in § [125-5](#) upon receipt of satisfactory proof of qualifications. This section providing for partial exemption from the U.C.C. fees for qualified religious, charitable and nonprofit organizations shall expire on December 31, 2022, unless further extended by formal action of the Township Council.

BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that Chapter 258, "Parking at Municipal Facilities", Section 258-4 "PERMITS" and Section 258-11 "DAILY SECTION OF UNION HILL LOT" are hereby amended as follows:

§ 258-4 Permits.

A. Issuance; numbers restricted.

(1) Said permits shall be issued by the Business Administrator during the regular hours during which his or her office is open and only upon copies being furnished of:

(a) A current and valid motor vehicle registration and insurance certificate.

(b) A current gas, water, sewer or electric utility bill dated within the previous thirty (30) days. In order to receive Marlboro or Manalapan resident renewal or registration priority, the bill provided must indicate the name and address of the applicant as a resident of the Township of Marlboro, or as a resident of the Township of Manalapan.

(2) The Business Administrator shall issue not more than 150 permits to the residents of the Township of Manalapan on a first-come, first-served basis in any one year.

(3) The Business Administrator shall not issue more than two permits to any Marlboro household, and shall not issue more than one permit to any Manalapan or non-resident household.

(4) Replacement fee or addition of vehicles. For permit holders requiring a replacement permit or changing vehicles after March 31st and prior to the end of the ~~subsequent~~ permit year, a replacement permit may be issued ~~for which an additional fee of \$25.00 shall be imposed.~~

C. Fees.

(1) The application for the parking permit shall be charged at the rate of \$229.00 per permit year for Marlboro and Manalapan residents payable at the time of application. Effective October 1, 2022, the application for the parking permit shall be charged at the rate of \$237.00 per permit year for Marlboro and Manalapan residents. Non-residents of jurisdictions other than Manalapan may apply for a parking permit at the Texas Road parking facility, subject to the provisions of § 254-4 D (1) and D (2), and shall be charged at the rate of \$275.00 per permit year, payable at the time of application.

~~(2) A pro rata amount of \$57.25 per quarter, payable in one sum at the time of application, will be charged for commuters requesting a permit after April 1 of any permit year.~~

(a) Daily fee for meter parking: \$5.00.

~~(3) A permit holder who no longer resides within the Township of Marlboro or Manalapan during the course of the permit year must surrender his or her permit and may apply for a pro rata refund minus an administrative fee of 10%^[3] for the remainder of the permit year upon surrender of said permit to the Township Clerk.~~

(4) An additional fee of \$25.00 shall be imposed for the replacement of a permit or addition of vehicles prior to the end of a permit year.

D. ~~Permits issued following the adoption of this article shall be valid from the date of issue until 12:00 midnight of March 31 of the following year, and shall be charged at the ~~monthly~~ yearly rate specified hereinbefore. The parking spaces of permit holders who fail to renew by April 1 shall be forfeited and offered to applicants maintained on a waiting list and non-residents.~~

(1) Marlboro and Manalapan parking permit holders shall be entitled to the first opportunity to renew annually, but must do so on or before March 31 of the permit year.

(2) Applications for parking permits from non-residents shall be reviewed following the completion of the renewal process for

Marlboro and Manalapan residents, beginning April 1 of the permit year.

§ 258-11 Manner of parking; regulations; fee.

A. Parking in the daily parking section of the park and pay lot shall be permitted on a first-come-first-served basis, and no decal or permit shall be required to park in the aforesaid facility. The daily parking fee shall be \$5.00.

BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that Chapter 4, "Administration of Government", Section 88.1 "Division of Water Utility", is hereby amended as follows:

§ 4-88.1 Division of Water Utility

T. Water Customer Charges

Specific Provision	Code Location	Type of Fee, Charge or Rate	Fee Not to Exceed
Connection Fee	4-88.1 T 2 D 1	Division of Water Utility; Customer Charges	6,190.000
Connection Fee for Affordable Units 50%	4-88.1 T 2 D 3	Division of Water Utility; Customer Charges	3,095.000
Water service. Schedule A(1). Single-family residential. Basic quarterly service charge, per meter	4-88.1 T 2 A 1.1	Division of Water Utility; Customer Charges	42.000
Water service. Schedule A(1). Single-family residential. For the first 30,000 gallons (0 to 30,000) per thousand gallons	4-88.1 T 2 A 1.2	Division of Water Utility; Customer Charges	4.280
Water service. Schedule A(1). Single-family residential. For the next 20,000 gallons (30,001 to 50,000) per thousand gallons	4-88.1 T 2 A 1.3	Division of Water Utility; Customer Charges	9.200
Water service. Schedule A(1). Single-family residential. For all usage in excess of 50,000 gallons (50,001+) per thousand gallons	4-88.1 T 2 A 1.4	Division of Water Utility; Customer Charges	12.140
Water service. Schedule A(1). Mobile Home Community with single meter. Basic quarterly service charge, per unit	4-88.1 T 2 A 1.5	Division of Water Utility; Customer Charges	36.000
Water service. Schedule A(1). Mobile Home Community residential with single meter. For the first 30,000	4-88.1 T 2 A 1.6	Division of Water Utility; Customer Charges	4.280

gallons (0 to 30,000) per thousand gallons			
Water service. Schedule A(1). Mobile Home Community residential with single meter. For the next 20,000 gallons (30,001 to 50,000) per thousand gallons	4-88.1 T 2 A 1.7	Division of Water Utility; Customer Charges	9.200
Water service. Schedule A(1). Mobile Home Community residential with single meter. For all usage in excess of 50,000 gallons (50,001+) per thousand gallons	4-88.1 T 2 A 1.8	Division of Water Utility; Customer Charges	12.140
Water service. Schedule A(2). Non-residential units. Basic quarterly service charge, per meter	4-88.1 T 2 A 2.1	Division of Water Utility; Customer Charges	42.000
Water service. Schedule A(2). Non-residential units. For the first 30,000 gallons (0 to 30,000) per thousand gallons	4-88.1 T 2 A 2.2	Division of Water Utility; Customer Charges	4.280
Water service. Schedule A(2). Non-residential units. For the next 20,000 gallons (30,001 to 50,000) per thousand gallons	4-88.1 T 2 A 2.3	Division of Water Utility; Customer Charges	9.200
Water service. Schedule A(2). Non-residential units. For all usage in excess of 50,000 gallons (50,001+) per thousand gallons	4-88.1 T 2 A 2.4	Division of Water Utility; Customer Charges	12.140
Water service. Schedule B. Basic quarterly service charge shall be assessed for each unit (dwelling, store, use, or other establishment) in that development, regardless of the size of the master meter.	4-88.1 T 2 B 1	Division of Water Utility; Customer Charges	42.000
Water service. Schedule C. Basic quarterly service charge, per classroom.	4-88.1 T 2 C 1	Division of Water Utility; Customer Charges	21.000
Water service. Schedule D. The cost of a standard residential (5/8" X 3/4") water meter and associated equipment and labor/installation cost.	4-88.1 T 2 D 2	Division of Water Utility; Customer Charges	385.000
Water service. Schedule D. The cost of a standard residential (5/8" X 3/4") PIT water meter and associated	4-88.1 T 2 D 4	Division of Water Utility; Customer Charges	390.000

equipment and labor/installation cost.			
Water service. Schedule E. Private Fire Protection Charges are calculated per quarter and determined in part, based upon the following service line and/or meter sizes, plus usage. 4" or less.	4-88.1 T 2 E 2	Division of Water Utility; Customer Charges	93.380
Water service. Schedule E. Private Fire Protection Charges are calculated per quarter and determined in part, based upon the following service line and/or meter sizes, plus usage. 6".	4-88.1 T 2 E 3	Division of Water Utility; Customer Charges	124.180
Water service. Schedule E. Private Fire Protection Charges are calculated per quarter and determined in part, based upon the following service line and/or meter sizes, plus usage. 8".	4-88.1 T 2 E 4	Division of Water Utility; Customer Charges	152.720
Water service. Schedule E. Private Fire Protection Charges are calculated per quarter and determined in part, based upon the following service line and/or meter sizes, plus usage. 10".	4-88.1 T 2 E 5	Division of Water Utility; Customer Charges	192.240
Water service. Schedule F. Public Fire Protection Charges per fire hydrant per quarter.	4-88.1 T 2 F	Division of Water Utility; Customer Charges	148.180
Water service. Schedule I(3). Water Service Restoration Fee (After Hours).	4-88.1 T 2 I 3	Division of Water Utility; Customer Charges	127.000
Final reading fee	4-88.1 T 2 G	Division of Water Utility; Customer Charges	50.000

BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that Article III of Chapter 265 ("Parks and Recreation Facilities, Marlboro Swim Club") of the Marlboro Township Code is hereby amended and supplemented as follows:

Specific Provision	Code Location	Type of Fee, Charge or Rate	Fee Not to Exceed
Group swimming and diving lessons. Regular	Parks and Recreation	Membership and other fees, Marlboro Swim Club	\$98.00

group swim lessons (per class).	Facilities; 265-18 E 1 a		
Group swimming and diving lessons. Moms and tots (per class).	Parks and Recreation Facilities; 265-18 E 1 b	Membership and other fees, Marlboro Swim Club	\$98.00
Fee for use of the facility by a competitive swim team or other outside organization. Not to exceed.	Parks and Recreation Facilities; 265-18 F 1	Membership and other fees, Marlboro Swim Club	\$175.00/hour
Additional miscellaneous fees: Other special events. Not to exceed.	Parks and Recreation Facilities; 265-18 G (3) c	Membership and other fees, Marlboro Swim Club	\$100.00/person
Guest book coupons. The fee for a guest book of 20 coupons.	Parks and Recreation Facilities; 265-21 A	Membership and other fees, Marlboro Swim Club	\$80.00

BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that the following sections of Article III of Chapter 265 ("Parks and Recreation Facilities, Marlboro Swim Club") of the Marlboro Township Code are hereby removed:

Specific Provision	Code Location	Type of Fee, Charge or Rate
Early bird membership	18 A 1 a, 18 A 1 b, 18 A 1 c	Membership and other fees, Marlboro Swim Club
Mid-season membership	18 A 4 a 1, 18 A 4 a 2, 18 A 4 3 18 B 2 a, 18 B 2 b, 18 B 2 c	Membership and other fees, Marlboro Swim Club

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

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

The following Ordinance #2021-024 (An Ordinance Amending Chapter 4, Article XX of the Code of the Township of Marlboro and Fixing the Salaries of Various Officers and Employees) was read by title only by Council President Cantor. Council Vice President Metzger offered a motion that the amended Ordinance as per the Business Administrator's recommendation be considered for final passage at the December 29, 2021 council meeting. Councilman Scalea seconded the motion and the amended Ordinance passed on a roll call vote of 5 - 0 in favor.

ORDINANCE #2021-024

ORDINANCE AMENDING CHAPTER 4, ARTICLE XX
(ADMINISTRATION OF GOVERNMENT, OFFICERS AND EMPLOYEES)
AND FIXING THE SALARIES OF VARIOUS
OFFICERS AND EMPLOYEES OF THE
TOWNSHIP OF MARLBORO
2022

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

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

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

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

The following Ordinance #2021-025 (An Ordinance Amending Chapter 4 and Chapter 220 of the Code of the Township of Marlboro Concerning the Appointment and Responsibilities of Certain Officers and Employees) was introduced by reference, offered by Council Vice President Metzger and seconded by Councilman Scalea. Council President Cantor opened the Public Hearing on Ordinance #2021-025. As there was no one who wished to speak, the public hearing was closed and the ordinance was passed on a roll call vote of 5 - 0 in favor.

ORDINANCE #2021-025

AN ORDINANCE AMENDING CHAPTER 4 AND CHAPTER 220 OF THE CODE OF
THE TOWNSHIP OF MARLBORO CONCERNING THE APPOINTMENT AND
RESPONSIBILITIES OF CERTAIN OFFICERS AND EMPLOYEES

BE IT ORDAINED, by the Township Council of the Township of

Marlboro that the Code of the Township of Marlboro is hereby amended as follows:

SECTION 1. § 4-11 "Order of Business" is hereby amended to read as follows in pertinent part as follows:

At the organization meeting, the Council shall adopt a resolution designating the order of business at each regular meeting, and such order of business shall prevail until amended or changed by the Council.

- (1) The proposed agenda for each meeting shall be compiled by the Municipal Clerk and the Township Business Administrator. The Municipal Clerk shall make the proposed agenda available to the public and the press upon request, after same has been made available to Council. Any member of Council may add an item to the agenda prior to the agenda being made available to the press. All ordinances and resolutions shall be distributed to the Council no later than the second business day preceding the meeting of the Council unless exigency requires a shorter time frame.
- (2) The Council may amend the agenda at the council meeting upon the determination that a need to amend the agenda exists. A majority of Council members present must agree that a need exists in order to add an item for discussion.

SECTION 2. § 4-18 "Removals" is hereby deleted

SECTION 3. § 4-36 "Appointment; term" is hereby amended to read as follows in pertinent part as follows:

There shall be an Office of the Tax Assessor, the head of which shall be the Tax Assessor. The Tax Assessor shall be appointed by the Mayor; with the advice and consent of the Council, for a term of four years commencing on July 1 next following the appointment. The Office of the Tax Assessor shall be subject to such general administrative procedures and requirements as are other departments of the Township, including, but not limited to, the preparation and submission of an annual budget and of such periodic budget reports as are generally required of departments.

SECTION 4. § 4-37 "Duties of the Tax Assessor" is hereby amended to read as follows in pertinent part as follows:

The duties of the Tax Assessor shall be as prescribed by law. The Tax Assessor shall perform such other duties which are related to his work as are prescribed by the Mayor and Township Council. The Tax Assessor is authorized to negotiate settlements of appeals or complaints filed with the Monmouth County Board of Taxation, or the Tax Court and to authorize settlements of such appeals without obtaining Township Council's approval in the event the settlement involves a refund or credit less than the local bid threshold per parcel per tax year on behalf of the Township of Marlboro.

SECTION 5. § 4-49 "Division of Central Purchasing" is hereby amended to read as follows in pertinent part as follows:

- A. There shall be within the Department of Administration a division of Central Purchasing, the head of which shall be the Business Administrator.
- B. Powers and duties. As the head of the Division of Central Purchasing, the Business Administrator shall:
 - (1) Purchase, store and distribute all supplies, materials and equipment, and contract for all services required by any department, office or agency of the Township government, and contracts awarded for any supplies, materials or equipment or contractual services shall be pursuant to a written requisition from the head of the department, office or agency whose appropriation will be charged and the certification that a sufficient unencumbered balance of appropriation is available to pay therefor. All such contracts shall conform to the provisions relating to Township contracts generally as set forth.
 - (2) Establish and enforce specifications with respect to such services, supplies, materials and equipment.
 - (3) Supervise the inspection of all deliveries of supplies, materials and equipment and the rendition of contractual services and determine their quality, quantity and conformance with specifications.
 - (4) Have charge of any and all central storerooms and warehouses which may be established.
 - (5) Transfer to or between departments, offices and agencies, and from or to central stores, such supplies, materials

and equipment as need appears and arrange for the sale of surplus or obsolete items therefor, subject to the provisions of Subsection B(6).

(6) Attend to and conduct through his office the sale at auction of the following items of personal property as herein provided:

(a) Upon the direction of the Police Department, such goods, chattels, automobiles or other property coming into the possession of the Police Department under and by virtue of the provisions of N.J.S.A. 40A:14-157.

(b) Such goods, chattels and other property coming into the possession of the Municipal Clerk from any institution, department or agency of the Township.

(c) Abandoned automobiles.

[1] The Purchasing Agent shall process the sale of abandoned automobiles, through the State Division of Motor Vehicles, Form C 087 AVJ, request for motor vehicles, junk title certificate and shall comply with all applicable requirements of N.J.S.A. 39:10A-1. Such forms shall be furnished by the Police Department.

[2] The cost of the aforesaid certificate shall be added to the auction price bid.

[3] The purchaser at said sale shall remove all license plates from the automobile and deliver same to the Purchasing Agent, who, in turn, shall forward said plates to the State Division of Motor Vehicles.

[4] It is hereby made a condition of redemption by the owner that he obtain and deliver to the Purchasing Agent a certification by the Violations Clerk of the Municipal Court that there are no outstanding traffic violations involving said automobile.

[5] The cost of the motor vehicle junk title certificate shall be added to the charges to be paid by the owner upon redemption before sale.

[6] All moneys shall be paid to and received by the Division of Central Purchasing and shall be deposited with the Township.

C. Purchasing Agent.

- (1) There is hereby created the position of Purchasing Agent for the Township of Marlboro.
- (2) The Purchasing Agent shall be appointed by the Mayor.
- (3) The Purchasing Agent is required to possess a valid Qualified Purchasing Agent certificate, as issued by the New Jersey Division of Local Government Services, Department of Community Affairs.
- (4) The Purchasing Agent shall have, on behalf of the Township Council of the Township of Marlboro, the authority, responsibility and accountability for the purchasing activity pursuant to Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.); to prepare public advertising for and to receive bids and requests for proposals for the provision or performance of goods, services and construction contracts; to award contracts pursuant to New Jersey law in accordance with the regulations, forms and procedures promulgated by state regulatory agencies; and conduct any activities as may be necessary or appropriate to the purchasing function of the Township of Marlboro. The bid threshold shall be that amount established in accordance with to N.J.S.A 40A:11-3(c).
- (5) The Business Administrator, is authorized to award a contract, without competitive bidding on behalf of the Township for performance of any work, or the furnishing of any services, materials or supplies when the cost or price of such contract does not exceed, in the contract year, the bid threshold established by pursuant to N.J.S.A 40A:11-3(c). The Business Administrator, or his/her designee, shall prepare requests for resolution for purchases or commodities or services over the bid threshold following the procurement guidelines established by statute.

SECTION 6. § 4-57 Division of Tax Collection.

- A. There shall be within the Department of Finance a Division of Tax Collection, the head of which shall be the Tax Collector of the Township, appointed by the Mayor for a term of four years.
- B. The Division shall:
- (1) Receive and collect all current and delinquent real and personal property taxes and charges, receive penalties and interest pursuant to law and account for all collections in such form and number and at such times as may be prescribed or approved by the Director of Finance.
 - (2) Make, or cause to be made, and certify searches for taxes and other liens on real property in the Township as may be authorized by law, and charge and collect for the use of the Township the fee required pursuant to law for any such search.
 - (3) Perform the functions of a collector of taxes under general laws, including, without limitation thereto, the preparation and mailing of tax bills and the maintenance of tax accounting records in such manner as may be prescribed or approved by the Director of Finance, and assist the Division of Assessment in the preparation of the annual tax list and duplicate.
 - (4) Deposit, daily, to the credit of the Township, all moneys received, in one or more depositories selected by the Council; maintain full and complete records and accounts of all sums collected and received according to such procedures and systems as may be prescribed or approved by the Director of Finance and make such periodic reports and accounting of the funds of the Township collected, received and deposited as may be required, which reports and accounting shall be filed as a public record with the Municipal Clerk.
 - (5) Enter into installment payment agreements for tax arrears and delinquent water charges, in the case of hardships, in an amount not to exceed One Thousand (\$1,000.00) Dollars and said installment payment agreements are to provide

that all taxes or other charges are to be kept current as they become due and shall require prompt payments of the installment payments agreed to.

SECTION 7. § 4-62 "Municipal Prosecutor" is hereby amended to read as follows in pertinent part as follows:

There shall be within the Department of Law a Municipal Prosecutor, appointed by the Director of Law. The Municipal Prosecutor shall be an attorney at law of New Jersey. It shall be the duty of the Municipal Prosecutor to act on behalf of the state, the complaining witness and the Township in all the following specific instances:

- A. In all cases involving crimes of violence which are indictable.
- B. In all cases of death by automobile.
- C. In all cases of drunk driving.
- D. In all cases involving assault of a police officer.
- E. In all cases of bastardy where the Township is complainant.
- F. In all Zoning Ordinance violations where for any reason the counsel to the Board of Adjustment does not appear.
- G. In special cases at the express instance and written request of the Judge, the Mayor or the Township Council.

SECTION 8. § 4-63 "Public Defender" is hereby amended to read as follows in pertinent part as follows:

- A. The Public Defender shall be appointed by the Director of Law. He/she shall be an attorney at law of the State of New Jersey and shall serve as Public Defender in all cases as may be required; provided, however, that such Public Defender shall be available at the call of the Municipal Judge, who shall assign the Public Defender for a specific case where the interest of justice so requires. The Public Defender shall serve for a term of one year commencing on January 1. Vacancies shall be filled for the unexpired term.

- B. Fee for representation by Public Defender. Any person applying for representation by the Public Defender shall pay to the Municipal Court an application fee of \$200. Upon application to the Court, the Municipal Judge may waive this application fee, in whole or in part, if the Judge determines, in his or her discretion, that the application fee represents an unreasonable burden upon the person seeking such representation.

BE IT FURTHER ORDAINED, that Section 220-8(A) of the Code of the Township of Marlboro shall be amended to read as follows:

A. Establishment and composition.

- (1) A Zoning Board of Adjustment is hereby established pursuant to N.J.S.A. 40:55D-69 et seq., as amended, consisting of seven residents of the Township of Marlboro appointed by the Mayor to serve for terms of four years from January 1 of the year of their appointment. The terms of the members first appointed shall be so determined that to the greatest practicable extent the expiration of such terms shall be distributed evenly over the first four years after their appointment, provided that the initial term of no member shall exceed four years. Thereafter, the term of each member shall be for four years. Nothing in this chapter shall, however, be construed to affect the term of any present member of the Zoning Board of Adjustment, all of whom shall continue in office until the completion of the term for which they were appointed.
- (2) No member of the Zoning Board of Adjustment may hold any elective office or position under the Township, except that one member may be a member of the Planning Board.
- (3) A vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term only.
- (4) There shall be two alternative members appointed by the Mayor and designated as "Alternate No. 1" and "Alternate No. 2," each for a term of two years. Alternate members may participate in discussions of the proceedings but not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the

event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.

- (5) Quorum. If the Zoning Board of Adjustment lacks a quorum because any of its regular or alternate members is prohibited by N.J.S.A. 40:55D-69 from acting on a matter due to the member's personal or financial interest therein, Class IV members of the Planning Board shall be called upon to serve, for that matter only, as temporary members of the Zoning Board of Adjustment. The Class IV members of the Planning Board shall be called upon to serve in order of seniority of continuous service to the Planning Board until there are the minimum number of members necessary to constitute a quorum to act upon the matter without any personal or financial interest therein, whether direct or indirect. If a choice has to be made between Class IV members of equal seniority, the Chairman of the Planning Board shall make the choice.

BE IT FURTHER ORDAINED, that this ordinance shall take effect in a time and manner prescribed by law.

The following Ordinance #2021-026 (An Ordinance Authorizing the Purchase of Real Property known and Designated as Block 132, Lot 27 (199 Beacon Hill Road) and Block 132, Lot 20.08 (Haven Way)) was introduced by reference, offered by Councilwoman Marder and seconded by Council Vice President Metzger. Council President Cantor opened the Public Hearing on Ordinance #2021-026. Daniel Matares of 485 Texas Road recommended that the council cease purchasing property dedicated to open space preservation and recreation and allow for construction of homes that would generate property taxes. As there was no one else who wished to speak, the public hearing was closed and the ordinance was passed on a roll call vote of 5 - 0 in favor.

ORDINANCE #2021-026

AN ORDINANCE AUTHORIZING THE PURCHASE OF REAL PROPERTY KNOWN AND DESIGNATED AS BLOCK 132, LOT 27 (199 BEACON HILL ROAD) AND BLOCK 132, LOT 20.08 (HAVEN WAY) ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF MARLBORO, MONMOUTH COUNTY, NEW JERSEY, FOR THE PURPOSES OF FARMLAND AND OPEN SPACE PRESERVATION AND RECREATION

WHEREAS, AMERICAN DREAM AT MARLBORO, LLC ("Owner"), holds the right, title and interest in and to certain real property known and designated on the Official Tax Map of the Township of Marlboro, Monmouth County, New Jersey, as follows:

Block 132, Lot 27 approximately 10.80 acres
199 Beacon Hill Road

Block 132, Lot 20.08 approximately 4.86 acres
Haven Way

(the "Property"); and

WHEREAS, the Marlboro Township Open Space Preservation Committee has reviewed the Property for potential acquisition, and in a letter dated June 10, 2021 (attached) recommended that the Township move forward with the preservation of the Property; and

WHEREAS, the Township of Marlboro ("Township") desires to acquire the Property for the public purposes of farmland and open space preservation and recreation within the Township and has entered into discussions with the Owner to purchase the Property; and

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

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

WHEREAS, the Township Council of the Township of Marlboro has determined that it would serve a public purpose and be to the benefit of the health and welfare of the Township's citizens for the Township to acquire the Property in order to use the same for the preservation of farmland and open space and for recreation within the Township of Marlboro;

WHEREAS, the Township has secured 50% matching grant funding from New Jersey Green Acres which may be used to reimburse the Township for the purchase of this Property at a certified market value to be determined by New Jersey Green Acres, subject to the Township meeting the agency's administrative and technical requirements.

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

1. The Mayor is hereby authorized to enter into contract negotiations for the purchase of that certain tract or parcels of real property known and designated in said Township, as

Block 132, Lot 27 on the Official Tax Map of the Township of Marlboro, Monmouth County, New Jersey, consisting of approximately 10.80 acres and is located on 199 Beacon Hill Road; and

Block 132, Lot 20.08 on the Official Tax Map of the Township of Marlboro, Monmouth County, New Jersey, consisting of approximately 4.86 acres and is located on Haven Way; and

for the public purposes of farmland and open space preservation and recreation within the Township of Marlboro, from AMERICAN DREAM AT MARLBORO, LLC ("Owner"), for a purchase price of \$750,000.00 Dollars and 00/100 (\$750,000.00), contingent upon:

a. A certified market value determination for the Property by New Jersey Green Acres of not less than 70% of the purchase price; and

b. The availability of Township open space trust funds; and

c. The resolution of any and all environmental areas of concern by the Owner to the satisfaction of New Jersey Green Acres; and

2. The Mayor and the Municipal Clerk are hereby authorized and directed to execute and witness, any documents which may be required to effectuate the purchase and conveyance of the Property in a form to be approved by the Director of Law; and

BE IT FURTHER ORDAINED, that, if any section, paragraph, subsection, clause, or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

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

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

As the Consent Agenda, the following resolutions were introduced by reference, offered by Council Vice President Metzger, seconded by Councilman Scalea and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION #2021-368

A RESOLUTION CONFIRMING EMERGENCY CONTRACTS AND PAYMENTS
FOR GOODS AND SERVICES REQUIRED IN RESPONSE TO THE COVID-19
PANDEMIC PURSUANT TO N.J.S.A. 40A:11-6 FOR THE TOWNSHIP OF
MARLBORO

WHEREAS, on March 9, 2020, New Jersey Governor Phil Murphy issued Executive Order 103 concerning the outbreak of COVID-19 in the State; and

WHEREAS, on March 15, 2020, Mayor Jonathan L. Hornik declared a local emergency concerning the outbreak of COVID-19; and

WHEREAS, in response to the outbreak the Township incurred and continues to incur various costs to ensure the safety of staff and public and the continuity of operations; 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 condition 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, the Township Council previously confirmed payments approved pursuant to N.J.S.A. 40A:11-6 for the provision of various goods and services related to the COVID-19 pandemic response in the amount of \$41,718.12 per the attached SCHEDULE A; and

WHEREAS, additional payments approved pursuant to N.J.S.A. 40A:11-6 for the provision of various goods and services related to the COVID-19 pandemic response will be made between now and the end of the calendar year, the final amounts of which cannot be determined at this time; and

WHEREAS, the Chief Financial Officer is authorized to make such additional payments approved pursuant to N.J.S.A. 40A:11-6 for the provision of various goods and services related to the COVID-19 pandemic response; and

WHEREAS, such additional payments will be submitted to the

Township Council for confirmation after the close of the fiscal year.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that the Chief Financial Officer is authorized to make such additional payments approved pursuant to N.J.S.A. 40A:11-6 for the provision of various goods and services related to the COVID-19 pandemic response.

BE IT FURTHER RESOLVED, that such additional payments will be submitted to the Township Council for confirmation after the close of the 2021 fiscal year.

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

- a. Business Administrator
- b. Chief Financial Officer

SCHEDULE A

PO #	Vendor	Description	Amount
57437	AQUATIC SERVICE INC.	Winterize Aquatic Center 2020	6,204.40
56375	ASBURY PARK PRESS	2021 Legal notices- Advertisement of 2021 mee	284.30
58082	Brisco Apparel Co Inc	Face Mask MARLBORO TWP POLICE COMMUNITY FIRS"	670.00
	Business Technology Resale		
56413	LLC	ITEM 12: HANDHELD FOGGER PD	258.00
59796	CLAYTON BLOCK CO., INC.	1/2 x4" x10' fiber expansion"	127.67
59871	CLAYTON BLOCK CO., INC.	SAKRETE CONCRETE MIX	219.50
60202	CMRS-FP	Postage for REPRINTS dated 08-11-2021 for Ope	93.84
55015	DELL MARKETING L.P.	WINDOWS 7 ESU 2021 M365	2,496.50
58527	DOT DESIGNING LLC	Full color digital vinyl outdoor concrete soc	360.00
57587	FOLEY INC.	ID NO: Cable5 Serial# Cable5	1,436.00
58022	FOLEY INC.	Environment charge	1,436.00
58574	FOLEY INC.	Environment charge	1,436.00
60024	JOSEPH FAZZIO - WALL, LLC	4 x 60" BLUE BOLLARD COVER 5" INNER DIAMET"	79.90
	LOWE'S HOME CENTER,		
57015	INC.	1-in sch40 CAP 447010	109.77
	MARLBORO TOWNSHIP		
56118	BOARD OF ED	Labor to clean & disinfect the police departm	960.00

57152	MARLBORO TOWNSHIP BOARD OF ED	Nov 30, 2020 Cleaning for Courtrooms and PD	960.00
57193	MARLBORO TOWNSHIP BOARD OF ED	January 15, 2021 Cleaning for Courtrooms and	1,280.00
58050	MARLBORO TOWNSHIP BOARD OF ED	Covid-19 Disinfecting Services- Clean and dis	1,280.00
58258	MARLBORO TOWNSHIP BOARD OF ED	Covid-19 Disinfecting Services Clean & disinf	2,560.00
59663	MARLBORO TOWNSHIP BOARD OF ED	Covid-19 Disinfecting Services Clean & disinf	3,200.00
60310	MARLBORO TOWNSHIP BOARD OF ED	Reimbursement for cleaning supplies during 20	337.00
61092	MARLBORO TOWNSHIP BOARD OF ED	Clean and disinfect Marlboro Twp Police Depar	160.00
53619	McKesson Medical-Surgical Gov. Sol.	PURELL HAND SANATIZER CANISTER (CASE)-TISCHLE	76.95
58143	OCEAN COMPUTER GROUP, INC	RAM Mounts No-Drill Vehicle Mount for Noteboo	1,058.27
57062	OCEAN COMPUTER GROUP, INC.	LOGITECH C310 WEBCAMS	534.77
56257	OPTIMUM / CABLEVISION	Acct 07864-156452-01-7 Cablevision Admin remo	95.52
56258	OPTIMUM / CABLEVISION	Acct 07864-157040-01-9 Cablevision Library re	95.49
56259	OPTIMUM / CABLEVISION	Acct 07864-156189-2 Cablevision Admin remote	130.60
56704	OPTIMUM / CABLEVISION	Acct 07864-157040-01-9 Cablevision Library re	100.44
56741	OPTIMUM / CABLEVISION	Acct 07864-156452-01-7 Cablevision Admin remo	100.44
57363	OPTIMUM / CABLEVISION	Acct 07864-156189-2 Cablevision Admin remote	99.45
57369	OPTIMUM / CABLEVISION	Acct 07864-156452-01-7 Cablevision Admin remo	110.44
57370	OPTIMUM / CABLEVISION	Acct 07864-157040-01-9 Cablevision Library re	110.44
57577	OPTIMUM / CABLEVISION	Acct 07864-156189-2 Cablevision Admin remote	100.44

57908	OPTIMUM / CABLEVISION	Acct 07864-156452-01-7 Cablevision Admin remo	115.44
58038	OPTIMUM / CABLEVISION	Acct 07864-156189-2 Cablevision Admin remote	100.44
57904	OPTIMUM / CABLEVISION	No late fee & no restore fee	105.44
58347	OPTIMUM / CABLEVISION	Acct 07864-156452-01-7 Cablevision Admin remo	105.44
58348	OPTIMUM / CABLEVISION	Acct 07864-157040-01-9 Cablevision Library re	105.44
58651	OPTIMUM / CABLEVISION	Acct 07864-156189-2 Cablevision Admin remote	100.44
59073	OPTIMUM / CABLEVISION	Acct 07864-156452-01-7 Cablevision Admin remo	105.44
59074	OPTIMUM / CABLEVISION	Acct 07864-157040-01-9 Cablevision Library re	105.44
59085	OPTIMUM / CABLEVISION	Acct 07864-156189-2 Cablevision Admin remote	100.44
59479	OPTIMUM / CABLEVISION	Acct 07864-157040-01-9 Cablevision Library re	105.44
59482	OPTIMUM / CABLEVISION	Acct 07864-156452-01-7 Cablevision Admin remo	105.44
59724	OPTIMUM / CABLEVISION	Acct 07864-156189-2 Cablevision Admin remote	100.44
60186	OPTIMUM / CABLEVISION	Acct 07864-156452-01-7 Cablevision Admin remo	105.44
60187	OPTIMUM / CABLEVISION	Acct 07864-157040-01-9 Cablevision Library re	105.44
60313	OPTIMUM / CABLEVISION	Acct 07864-156189-2 Cablevision Admin remote	100.44
60794	OPTIMUM / CABLEVISION	Acct 07864-156452-01-7 Cablevision Admin remo	105.44
60795	OPTIMUM / CABLEVISION	Acct 07864-157040-01-9 Cablevision Library re	105.44
60817	OPTIMUM / CABLEVISION	Acct 07864-156189-2 Cablevision Admin remote	100.44
61210	OPTIMUM / CABLEVISION	Acct 07864-157040-01-9 Cablevision Library re	105.44
61211	OPTIMUM / CABLEVISION	Acct 07864-156452-01-7 Cablevision Admin remo	105.44
61501	OPTIMUM / CABLEVISION	Acct 07864-156189-2 Cablevision Admin remote	100.44
55006	PELV-ICE	Item 3: Goggles (200)	256.00
	REIMBURSEMENT /		
56853	CHARLES BRADY	WULOO INTERCOM DOORBELL SYSTEM	89.97

59150	SHI INTERNATIONAL CORP.	NU CLOUD MEETINGS SUITE CISCO PART A-FLEX-NUC	7,892.00
	TeleSearch Staffing		
60330	Solutions	Michael Douglas Week worked 7/25/21	789.56
	TeleSearch Staffing		
60618	Solutions	Week worked 9/5/21 Kevin Davis REC-	231.00
	TeleSearch Staffing		
60882	Solutions	Kevin Davis- week worked 8/15/21	231.00
	TeleSearch Staffing		
61302	Solutions	Kevin Davis- week worked 8/29/21	115.50
56729	United Site Services	2/16/21 - 3/15/21 Covid Testing Site - Standa	268.50
61123	United Site Services	ADA Restroom - 33 days (Standard month is cal	158.22
58257	Y-Pers, Inc	SGD6016BXL 6MIL BLACK XL NITRILE GLOVES WITH	935.00
Totals			41,718.12

RESOLUTION #2021-369

A RESOLUTION AUTHORIZING A MEMORANDUM OF AGREEMENT BETWEEN THE TOWNSHIP OF MARLBORO AND CWA LOCAL 1075 (BLUE COLLAR UNIT)

WHEREAS, the Township and CWA Local 1075 Blue Collar Unit ("CWA") are parties to a collective bargaining agreement that expired on December 31, 2019; and

WHEREAS, the Township and CWA engaged in negotiations for a successor collective bargaining agreement to cover employees in the CWA; and

WHEREAS, the terms of the settlement are set forth in a Memorandum of Agreement ("MOA"), attached hereto and made a part hereof; and

WHEREAS, such MOA will be incorporated in the successor collective bargaining agreement to the previous collective bargaining agreement that expired on December 31, 2019, for an extended term of January 1, 2020 through December 31, 2023.

NOW, THEREFORE, BE IT RESOLVED, by Township Council of the Township of Marlboro that it hereby approves the terms and conditions contained in the Memorandum of Agreement between the Township of Marlboro and CWA, attached hereto and made a part hereof and that such Memorandum shall be deemed the successor collective bargaining agreement to the collective bargaining agreement that expired on December 31, 2019; and

BE IT FURTHER RESOLVED, the Township Council of the Township of Marlboro that it hereby approves and ratifies the execution of the attached Memorandum of Agreement; and

BE IT FURTHER RESOLVED, that the Township Council of the Township of Marlboro authorizes the execution of any documents necessary to implement the successor collective bargaining agreement; and

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

- a. CWA (Blue Collar Unit) LOCAL 1075
- b. Business Administrator
- c. Chief Financial Officer

RESOLUTION #2021-370

A RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES CONTRACT BETWEEN CME ASSOCIATES AND THE TOWNSHIP OF MARLBORO FOR PROFESSIONAL SURVEYING SERVICES IN CONNECTION WITH THE ACQUISITION OF BLOCK 132, LOT 27 (199 BEACON HILL ROAD) AND BLOCK 132, LOT 20.08 (HAVEN WAY) LOCATED IN THE TOWNSHIP OF MARLBORO

WHEREAS, the Township of Marlboro is in the process of pursuing the acquisition of Block 132, Lots 27 and 20.08 for purposes of open space preservation ("Project"); and

WHEREAS, the Township participates in the New Jersey Green Acres Planning Incentive Grant program which enables the Township to receive 50% reimbursement on the acquisition and related eligible soft costs associated with open space preservation initiatives; and

WHEREAS, the Township requires a property survey conducted in accordance with New Jersey Green Acres requirements in order to be eligible for Green Acres reimbursement; and

WHEREAS, CME Associates has provided a proposal dated December 8, 2021 (the "Proposal") for the professional surveying services required in connection with the Project; and

WHEREAS, the Township of Marlboro and CME Associates have entered into a Professional Services Contract, awarded under a fair and open process, and seek to amend such Contract to expand the scope of services to include the Professional Services (as defined hereinabove) for the Project at a fee not to exceed \$36,500.00 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 \$36,500.00 are available for this purpose from Account # 04-215-11-04A-140291; 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 in accordance with the Proposal; 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; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a Professional Services Contract between CME Associates and the Township of Marlboro, to expand the scope of services to include PROFESSIONAL SURVEYING SERVICES IN CONNECTION WITH THE ACQUISITION OF BLOCK 132, LOT 27 (199 BEACON HILL ROAD) AND BLOCK 132, LOT 20.08 (HAVEN WAY) by way of its Township Engineers, at a fee not to exceed \$39,500.00 for such Professional Services, as further described and set forth in CME's Proposal dated December 8, 2021, be and is hereby authorized; and

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; and

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 \$36,500.00 for such additional Professional Services for the Project as described in the Proposal; and

BE IT FURTHER RESOLVED, that the Business Entity Disclosure Certification shall be placed on file with this Resolution; and

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; and

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. Township Chief Financial Officer

RESOLUTION #2021-371

AMENDING RESOLUTION #2021-253 CONFIRMING EMERGENCY CONTRACTS
AND PAYMENTS FOR GOODS AND SERVICES REQUIRED IN RESPONSE TO
ELECTRICAL OUTAGE IN MUNICIPAL COMPLEX PURSUANT TO N.J.S.A.
40A:11-6 FOR THE TOWNSHIP OF MARLBORO

WHEREAS, on August 19, 2021, the Township Council of the Township of Marlboro approved Resolution #2021-253 CONFIRMING EMERGENCY CONTRACTS AND PAYMENTS FOR GOODS AND SERVICES REQUIRED IN RESPONSE TO ELECTRICAL OUTAGE IN MUNICIPAL COMPLEX PURSUANT TO N.J.S.A. 40A:11-6 FOR THE TOWNSHIP OF MARLBORO ("Project"); and

WHEREAS, pursuant to N.J.S.A. 40A:11-6, the Township employed the services of existing contract vendors or those holding state or cooperative contracts to provide the necessary goods and services wherever possible; and

WHEREAS, final Project costs have been confirmed resulting in the revised schedule of emergency contracts authorized and associated payments (SCHEDULE A); and

WHEREAS, the Chief Financial Officer has certified the availability of funds for the revised and final amount not to exceed \$154,292.85 in accordance with SCHEDULE A.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that various emergency contracts as depicted in SCHEDULE A be confirmed and payments approved pursuant to N.J.S.A. 40A:11-6 for the provision of various goods and services related to the electrical failure of April 6, 2021.

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

- a. Business Administrator
- b. Chief Financial Officer

RESOLUTION #2021-372

TOWNSHIP OF MARLBORO RESOLUTION APPROVING AMENDMENT NO. 8 TO THE SERVICE CONTRACT WITH THE WESTERN MONMOUTH UTILITIES AUTHORITY AND CONSENTING TO THE UNDERTAKING OF THE TENTH PROJECT BY THE AUTHORITY

WHEREAS, the Western Monmouth Utilities Authority ("Authority") has determined to undertake the following improvements to the Authority's sanitary sewer system, including all work, materials, equipment and appurtenances necessary and suitable therefor: (A) replacement of the Hawkins Road and Mill Ponds force mains and (B) undertaking of the Digester Facility Complex Upgrade Project at the Pine Brook Sewage Treatment Plant (collectively, the "Tenth Project"); and

WHEREAS, the Authority has requested the Townships of Manalapan ("Manalapan") and Marlboro ("Marlboro") (collectively referred to as the "Participants") to consent to the Tenth Project and to extend the coverage of the Service Contract (as defined below) to the undertaking of the Tenth Project and the financing thereof through the issuance of bonds, notes or other evidence of indebtedness of the Authority in an amount not to exceed \$32,500,000; and

WHEREAS, in connection therewith it is necessary to amend the Service Contract between said parties dated as of January 16, 1978, as amended (the "Service Contract"), in order to: (1) add a definition of the Tenth Project, and (2) amend the definition of "Bond"; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro, in the County of Monmouth, New Jersey, as follows:

SECTION 1. The form of Amendment No. 8 to the Service Contract is hereby approved in substantially the form submitted to this meeting and attached hereto as Appendix A. The Mayor and the Municipal Clerk of Marlboro are hereby authorized to execute and attest, respectively, said Amendment No. 8 and to deliver the same.

SECTION 2. The undertaking of the Tenth Project is hereby consented to by Marlboro.

SECTION 3. This Resolution shall take effect upon the approval of the Authority's financing of the Tenth Project by the Director of the Division of Local Government Services of the New Jersey Department of Community Affairs.

RESOLUTION #2021-373

BE IT RESOLVED, by the Township Council of the Township of Marlboro that it hereby adopts the following dates for its regularly scheduled meetings in 2022 and the reorganization meeting of 2023. Notice of these dates shall be emailed to the Asbury Park Press, the Star Ledger and the News Transcript in accordance with the requirements of the Open Public Meetings Act, N.J.S.A. 10:4-18. Notice of any other meetings of the Township Council shall be provided in accordance with the Open Public Meetings Act. All meetings shall be held at 7:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

January 6, 2022 - Reorganization Meeting

January 26, 2022

February 10, 2022

February 24, 2022 (Council Meeting 6 p.m.)

February 24, 2022 (Budget Workshop following Council Meeting)

March 10, 2022

March 24, 2022

April 14, 2022

May 19, 2022

June 16, 2022

July 21, 2022

August 18, 2022

September 15, 2022

October 20, 2022

November 10, 2022

December 15, 2022

January 5, 2023 Reorganization Meeting

RESOLUTION #2021-374

AMENDING 2021 COUNCIL MEETING SCHEDULE

BE IT RESOLVED, by the Township Council of the Township of Marlboro is desirous to amend the 2021 council meeting schedule to include December 29, 2021. All meetings shall be held at 7:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

NOW, THEREFORE, BE AND IT IS FURTHER RESOLVED, that notice of this meeting date, shall be emailed to the Asbury Park Press, the Star Ledger, and the News Transcript and published in accordance with the requirements of the Open Public Meetings Act and N.J.S.A. 10:4-18 and posted on the Township's website at <https://www.marlboro-nj.gov/township-council-agendas-and-minutes> .

RESOLUTION #2021-375

RESOLUTION DENOUNCING UNILEVER'S SUBSIDIARY BEN & JERRY'S DECISION TO CEASE SALES OF PRODUCTS IN THE STATE OF ISRAEL

WHEREAS, Ben & Jerry's is a subsidiary of the multi-national Unilever Corporation, a company with a substantial presence in Englewood Cliffs, New Jersey; and

WHEREAS, Ben & Jerry's has made public its decision to cease sales of its products in what it has referred to as "Occupied Palestinian Territory", located in the State of Israel; and

WHEREAS, this decision to cease sales of Ben & Jerry's products in is in direct violation of New Jersey's Anti-Boycott, Divestment, Sanctions (BDS) laws; and

WHEREAS, the BDS movement is not motivated to aid nor is it constructively engaged in the effort to bring peace to the Middle East; and

WHEREAS, Israel is a democratic and free country, offering a beacon of freedom to others in the Middle East; and

WHEREAS, the United States of America has no greater ally in the Middle East than Israel; and

WHEREAS, it is in America's economic and security interest to support Israel, providing for its strength and stability; and

WHEREAS, the Township Council of the Township of Marlboro categorically rejects racism, antisemitism and all forms of hate; and

WHEREAS, the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey stand with Israel and its people and condemns this decision; and

WHEREAS, the Township Council strongly encourages Unilever to reconsider its stance on this issue, and the decision of its subsidiary, Ben & Jerry's, to cease sales of their products "Occupied Palestinian Territory".

NOW, THEREFORE, BE IT RESOLVED, that Mayor Jonathan L. Hornik and the Township Council of the Township of Marlboro express strong support of the State of Israel and its people and denounce Unilever's decision supporting Ben & Jerry's cease of sales of products in the "Occupied Palestinian Territory".

BE IT FURTHER RESOLVED, that a copy of this resolution shall be transmitted by the Municipal Clerk to Governor Phil Murphy, and the Township's representatives in the State Legislature.

RESOLUTION #2021-376 WAS REMOVED FROM THE AGENDA

RESOLUTION #2021-377

A RESOLUTION AUTHORIZING A CHANGE ORDER TO THE CONTRACT WITH ELECTRO MAINTENANCE, INC. FOR THE PROVISION OF ELECTRICAL REPAIR WORK FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, on August 19, 2021 (Resolution #2021-259) the Township Council of the Township of Marlboro awarded a contract to ELECTRO MAINTENANCE, INC. for the PROVISION OF ELECTRICAL REPAIR WORK FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS for a period of one year from September 1, 2021 through August 31, 2022; and

WHEREAS, in October, 2021, the Township filed multiple claims with its insurance carrier for damage to the field lights at the municipal complex; and

WHEREAS, the Township required the services of its contract electrician in order to make the necessary repairs, and, as such requests a change order in an amount not to exceed \$6,700.00 for labor, with parts billed at the rate of ten percent (10%) above contractor's cost in accordance with the contract.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a change order to the contract for labor with ELECTRO MAINTENANCE, INC. whose address is 5133 W. Hurley Pond Road, Building #3 Farmingdale, NJ 07727, be authorized in a total amount not to exceed \$6,700.00; and

BE IT FURTHER RESOLVED, that the Township Council has deemed it necessary and in the best interest of the Township of Marlboro to amend its contract with ELECTRO MAINTENANCE, INC. to provide the necessary licensed electrical repair services.

BE IT FURTHER RESOLVED, that funds in the amount of \$6,700.00 have been certified by the Chief Financial Officer from Current Account #01-286-55-004.

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

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

RESOLUTION #2021-378

RESOLUTION AUTHORIZING AWARD OF VARIOUS STATE CONTRACTS
AND ESCNJ COOPERATIVE CONTRACT #18/19-25 FOR PURCHASE OF
REPLACEMENT VEHICLES AND RELATED EQUIPMENT FOR THE
TOWNSHIP OF MARLBORO

WHEREAS, the Township of Marlboro as part of its 2021 capital program approved the purchase of replacement vehicles and equipment for the Department of Public Works (123-4) and (120-14); and

WHEREAS, the Township's multi-year capital program anticipates replacement vehicles and equipment required for the Department of Public Works projected out over six years; and

WHEREAS, vendors have expressed that availability of vehicles and equipment is limited due to the ongoing computer chip shortage and supply chain issues; and

WHEREAS, in order to maintain the vehicle replacement schedule set forth in its multi-year capital program, and in light of the ongoing computer chip shortage and supply chain issues affecting the availability of said vehicles, in a memo dated December 3, 2021 the Director of Public Works has recommended the purchase of vehicles and equipment utilizing existing funding as described herein; 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, Beyer Ford was awarded State Contract #88214 for the 2022 Ford F450 4x4 Mason Dump Truck and related equipment in an amount not to exceed \$35,035.50; and

WHEREAS, Beyer Ford was awarded State Contract #88727 for the 2022 Ford F250 4x4 Pick-up Truck and related equipment in an amount not to exceed \$27,865.50; and

WHEREAS, the Township is authorized to purchase the replacement vehicles and related equipment from bids obtained from a cooperative pricing system such as the Educational Services Commission of New Jersey (ESCNJ) Cooperative Pricing System pursuant to the authority provided by N.J.S.A. 40A:11-11(6); and

WHEREAS, Foley Inc. was awarded the ESCNJ Cooperative Contract #18/19-25 for the 10' snow plow with IT coupler in an amount not to exceed \$7,366.95 per unit; and

WHEREAS, a number of the additional items of equipment to outfit the replacement vehicles are not available on State Contracts or approved Cooperatives, as explained in a memo from the Director of Public Works dated December 10, 2021, for which the Township has solicited the following low quotations in the total amount of \$37,445.00, as follows:

Project Year	Project ID	Amount	Vendor	Description
2021	123-4	\$26,125.00	Beyer Fleet Sales	Stainless Steel Mason Dump Body, Plow, Accessories
2021	120-14	\$11,320.00	Beyer Fleet Sales	Snow Plow, Undercoating, Lighting

WHEREAS, the Director of Public Works has recommended that the Township purchase the above referenced vehicles and equipment utilizing State and Cooperative contracts where available, and low price quotations where State and Cooperative contract pricing is not available; 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 replacement vehicles and required equipment for the Department of Public Works; and

WHEREAS, funds are available and have been certified by the Chief Financial Officer in an amount not to exceed \$107,712.95 from Capital Accounts #04-215-21-04K-123297, #04-215-21-04G-120297 and #04-215-21-04H-120297; and

WHEREAS, the Township Council desires to approve the purchase of the replacement vehicles and related equipment for the Department of Public Works as described above.

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 vehicles and equipment from the vendors as identified above in an amount not to exceed \$107,712.95.

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

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

RESOLUTION #2021-379

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES FOR THE
WATER SYSTEM IMPROVEMENTS AT TDA Capital, LLC
BLOCK 147, LOT 28.02
LOCATED AT 114 TENNENT ROAD, MARLBORO TOWNSHIP, NJ 07751

WHEREAS, in accordance with *N.J.S.A. 40:55D-53*, the Township of Marlboro has received a request from Bill Trochiano, TDA Capital, LLC, for the release of the Township held Performance Guarantees in the form of a cash deposit for the water system improvements ("Water System Improvements") on the Site known as "114 Tennent Road" (the "Site"), property known as Block 147, Lots 28.02, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by TDA Capital, 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 September 16, 2021, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the aforesaid report recommends that the current performance surety bond and cash deposit amounts being held by the Township be released in their entirety; and

WHEREAS, the Township Council desires to release the performance surety bond and cash deposit amounts in their entirety in accordance with the recommendation of the Township Engineer's report dated September 16, 2021.

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 guarantee in the form of a performance surety bond and cash deposit posted by the Developer, TDA Capital, LLC, for the site known as 114 Tennent Road located on property known as Block 147, Lot 28.02, Township of Marlboro, New Jersey, shall be released as follows:

1. The Cash Deposit, Amboy National Bank check no. 1442, dated October 21, 2016, in the original and present amount of \$25,332.60 (excludes accrued interest), shall be released in its entirety.

BE IT FURTHER RESOLVED, that the above releases shall be subject to the posting of any and all outstanding review and/or inspections fee charges to the time of the performance guarantee release, and that the posting of a two (2) year fifteen percent (15%) maintenance bond in the amount of 3,750.00.

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

- a. Amboy National Bank, Old Bridge NJ
- b. Township Business Administrator
- c. Township Chief Financial Officer
- d. Township Engineer
- e. Township Attorney
- f. Township Water Division

RESOLUTION #2021-380

RESOLUTION AUTHORIZING THE EXECUTION OF A DEVELOPER'S AGREEMENT
BY AND BETWEEN EL AT MARLBORO 79, LLC AND THE TOWNSHIP OF
MARLBORO FOR THE DEVELOPMENT OF 224 TOWNHOMES, 56 AFFORDABLE
HOUSING UNITS, AND COMMON AREAS

WHEREAS, El at Marlboro 79, LLC (the "Developer") is the developer of certain real property known as Block 415, Lots 22 in the Township of Marlboro, County of Monmouth, State of New Jersey (hereinafter referred to as the "Property"); and

WHEREAS, the Developer made an application to the Marlboro Township Planning Board ("Planning Board") for Preliminary and Final Major Subdivision and Site Plan Approval Application No. PB-1201-20 to develop 226 lots consisting of 224 townhomes, an approximately 2.7 acre lot containing 56 affordable housing units, and a lot containing roadways, clubhouse, recreational amenities, stormwater management basin, and other common areas, as outlined in Resolution No. PB-1201-20 granting Preliminary and Final Major Subdivision Approval adopted

on July 1, 2020 and memorialized on September 16, 2020 (hereinafter the "Project"); and

WHEREAS, the approved Subdivision and Site Plan calls for certain improvements, and the Developer has agreed to construct those improvements, as shown on the Approved Plan and records before the Planning Board, all of which were made part of a Developer's Agreement, attached hereto as Attachment A; and

WHEREAS, the Township Attorney has reviewed the attached agreements; and

WHEREAS, after analysis and review, the Township has determined it is in its best interest to enter into the Developer's Agreement in a form substantially similar to the attached agreement, subject to the review and approval of the Township Attorney; and

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

1. The foregoing recitals are hereby incorporated by reference as if fully set forth herein.
2. The Mayor and the Municipal Clerk be and are hereby authorized to execute the Developer's Agreement with El at Marlboro 79, LLC, for the purpose of memorializing the obligations and commitments of El at Marlboro 79, LLC, in a form substantially similar to the attached agreement, subject to the review and approval of the Township Attorney.
3. This Resolution shall take effect immediately.

SO RESOLVED, as aforesaid.

ATTACHMENT A

Developer's Agreement between the Township of Marlboro and El at Marlboro 79, LLC

RESOLUTION #2021-381

A RESOLUTION APPROVING CLOSE OUT CHANGE ORDER TO THE EXISTING CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO AND CCM CONTRACTING, INC. AND AUTHORIZING FINAL PAYMENT AND ACCEPTANCE OF THE 2019 ROAD IMPROVEMENT PROGRAM, CONTRACT II

WHEREAS, by Resolution #2020-153 the Township of Marlboro authorized the award of a contract to CCM Contracting, Inc. for the 2019 Road Improvement Program, Contract II (the "Project"); and

WHEREAS, a Closeout Change Order has been requested, resulting in a decrease in the original contract amount of \$1,306,365.50 to \$1,102,035.98, a net decrease of \$204,329.52; and

WHEREAS, in a letter dated December 8, 2021, the Township Engineer has represented that the project was completed in accordance with the design plans and specifications, and has recommended approval of the Closeout Change Order, acceptance of the Project improvements, and issuance of final payment in the amount of \$22,040.72; and

WHEREAS, pursuant to the terms of the contract, CCM Contracting, Inc. will provide a two-year maintenance bond in an amount equal to 15% of the final contract amount, or \$165,305.40 prior to final payment; and

WHEREAS, the Township Council of the Township of Marlboro is amenable to approving the Closeout Change Order, accepting the Project improvements, and issuing a final payment to CCM Contracting, Inc. in the amount of \$22,040.72, conditioned upon the approval of the maintenance bond, in order that the Project be completed, such Project being in the interests of the public health, safety, and welfare.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that the Closeout Change Order to the existing contract with CCM Contracting, Inc., be and is hereby approved, decreasing the original contract total of \$1,306,365.50 to \$1,102,035.98, a net decrease of \$204,329.52.

BE IT FURTHER RESOLVED, by the Township Council of the Township of Marlboro, that the Project improvements be and are hereby accepted, and that final payment in the amount of \$22,040.72 for work completed by CCM Contracting, Inc. is hereby approved.

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

- a. CCM Contracting, Inc.
- b. Township Administrator
- c. Township Engineer
- d. Township Chief Financial Officer

RESOLUTION #2021-382

A RESOLUTION APPROVING CHANGE ORDER NO. 1 FOR THE EXISTING
CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO AND MECO, INC.

WHEREAS, by Resolution #2021-167 the Township of Marlboro authorized the award of a contract to Meco, Inc. for the 2020 Roadway and Drainage Improvement Program (the "Project"); and

WHEREAS, as detailed in a letter from the Township Engineer dated December 8, 2021, a Change Order of \$200,037.70 has been requested, resulting in an increase in the original contract amount of \$2,027,353.50 to \$2,227,391.20; and

WHEREAS, the Township Engineer has recommended approval of Change Order No. 1.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that Change Order No. 1 as detailed in a letter from the Township Engineer dated December 8, 2021 be and is hereby approved, increasing the original contract total of \$2,027,353.50 to \$2,227,391.20.

BE IT FURTHER RESOLVED, that the Chief Financial Officer has certified funds in the amount of \$200,037.70 for the aforesaid change order in Capital Account #04-215-20-05C-060288.

BE IT FURTHER RESOLVED, by the Township Council of the Township of Marlboro, that Change Order No. 1 is hereby approved.

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

- a. Meco, Inc.
- b. Township Administrator
- c. Township Engineer
- d. Township Chief Financial Officer

RESOLUTION #2021-383

A RESOLUTION APPROVING CHANGE ORDER NO. 1 FOR THE EXISTING
CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO AND
PRECISE CONSTRUCTION, INC.

WHEREAS, by Resolution #2021-271 the Township of Marlboro authorized the award of a contract to Precise Construction, Inc. for the Miscellaneous Recreation Improvements (the "Project"); and

WHEREAS, as detailed in a letter from the Township Engineer

dated December 3, 2021, a Change Order has been requested resulting in a zero net increase in the original contract amount of \$337,580.00; and

WHEREAS, the Township Engineer has recommended approval of Change Order No. 1.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that Change Order No. 1 as detailed in a letter from the Township Engineer dated December 3, 2021 be and is hereby approved, having no effect on the original contract total of \$337,580.00.

BE IT FURTHER RESOLVED, by the Township Council of the Township of Marlboro, that Change Order No. 1 is hereby approved.

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

- a. Precise Construction, Inc.
- b. Township Administrator
- c. Township Engineer
- d. Township Chief Financial Officer
- e. Rainone Coughlin Minchello, LLC

RESOLUTION #2021-384

RESOLUTION AUTHORIZING REDUCTION OF PERFORMANCE GUARANTEES
FOR THE SITE IMPROVEMENTS AT THE SITE KNOWN AS VANDERBURG
DEVELOPMENT, LLC, BLOCK 359.01, LOT 26, LOCATED AT 42
VANDERBURG ROAD, TOWNSHIP OF MARLBORO,
MONMOUTH COUNTY, NEW JERSEY 07746

WHEREAS, in accordance with *N.J.S.A. 40:55D-53*, the Township of Marlboro has received a request from Mr. Joe Malafronte, Vanderburg Development, LLC, for a reduction in the Township held Performance Guarantees in the form of a Bond and Cash Deposit for the site improvements ("Public Improvements") on the Site known as "Vanderburg Development, LLC" (the "Site"), property known as Block 359.01, Lot 26, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by Vanderburg Developers, 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 December 3, 2021, a copy of which is attached hereto and made a part hereof; and

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

WHEREAS, the Township Council desires to reduce the performance guarantee Bond and Cash Deposit amounts in accordance with the recommendation of the Township Engineer's report dated December 1, 2021.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the performance guarantees in the form of a Bond and Cash Deposit posted by the Developer, Vanderburg Development, LLC for the site known as Vanderburg Development, LLC, located on property known as Block 359.01, Lot 26, Township of Marlboro, New Jersey, shall be reduced as follows:

1. The Bond (Great Midwest Insurance Company, Bond No. GM204926), in the original and present amount of \$290,230.67, shall be reduced by \$100,683.22, so that the remaining amount shall be \$189,547.45.
2. The Cash Deposit, in the original and present amount of \$32,247.85 (excludes accrued interest), shall be reduced by \$11,187.02 so that the remaining amount shall be \$21,060.83.

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 Zoning 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. Vanderburg Developers, LLC
- b. Great Midwest Insurance Company
- c. Sal Alfieri, Esq.
- d. Township Business Administrator
- e. Township Chief Financial Officer
- f. Township Engineer
- g. Louis Rainone, Esq., Township Attorney

RESOLUTION #2021-385

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. Alex Fleyshmaker 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 December 8, 2021, 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 December 8, 2021.

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 \$72,427.50, shall be reduced by \$9,385.20, so that the remaining amount shall be \$63,042.30.
2. The Cash Deposit, in the present amount of \$8,047.50 (excludes accrued interest) shall be reduced by \$1,042.80, so that the amount to remain shall be \$7,004.70;

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 #2021-386

RESOLUTION AUTHORIZING 2021 BUDGET TRANSFERS

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

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Marlboro does hereby authorize the transfers among the Calendar Year 2021 Municipal Budget as follows:

CURRENT:		
Account	From	To
Tax Assessor Salaries & Wages	9,000.00	
Employee Insurance Other Expenses	35,000.00	
Central Computer Office Salaries & Wages		4,000.00
Affordable Housing Salaries & Wages		1,000.00
Recycling Salaries & Wages		4,000.00
Vehicle Maintenance Other Expenses		35,000.00
	<u>\$ 44,000.00</u>	<u>\$ 44,000.00</u>

RESOLUTION #2021-387

RESOLUTION ESTABLISHING A NEW PETTY CASH FUND

WHEREAS, N.J.S.A. 40A:5-21 authorizes the establishment of a Petty Cash Fund in any county or municipality by application and resolution, and

WHEREAS, it is the desire of the Township of Marlboro, County of Monmouth to establish such a fund for the Division of Police Cadets Program, in the amount of \$500.00, and

WHEREAS, the custodian for this fund is Captain Stephen Levy, who is bonded for the amount of \$50,000.00 by virtue of the Township's Public Employee Dishonesty blanket crime policy; such custodian shall maintain records for this fund in a manner conducive to proper accounting and auditing procedures.

NOW, THEREFORE, BE IT RESOLVED, that the Township of Marlboro, County of Monmouth hereby authorizes such action and two copies of the resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

RESOLUTION #2021-388

RESOLUTION AUTHORIZING UNEXPENDED 2020 BALANCES BUDGETED FOR
SNOW REMOVAL TO BE LAPSED INTO THE SNOW REMOVAL RESERVE
PURSUANT TO NJSA 40A:4-62.1

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

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

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

WHEREAS, due to the severity of the past several winter seasons, during which the Township utilized an extraordinary amount of de-icing agent to maintain the safety of the roadways, it is recommended that the Township transfer \$184,000.00 to the snow removal reserve.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro that \$184,000.00 of unexpended 2020 budget appropriations for snow removal be transferred to the snow removal reserve.

RESOLUTION #2021-389

RESOLUTION AUTHORIZING THE TOWNSHIP OF MARLBORO THROUGH THE
MARLBORO DIVISION OF POLICE TO PARTICIPATE IN THE DEFENSE
LOGISTICS AGENCY, LAW ENFORCEMENT SUPPORT OFFICE, 1033
PROGRAM TO ENABLE THE MARLBORO DIVISION OF POLICE TO REQUEST
AND ACQUIRE EXCESS DEPARTMENT OF DEFENSE EQUIPMENT

WHEREAS, the United States Congress authorized the Defense Logistics Agency (DLA) Law Enforcement Support Office (LESO) 1033 Program to make use of excess Department of Defense personal property by making that personal property available to municipal, county and State law enforcement agencies (LEAs); and

WHEREAS, DLA rules mandate that all equipment acquired through the 1033 Program remain under the control of the requesting LEA; and

WHEREAS, participation in the 1033 Program allows municipal and county LEAs to obtain property they might not otherwise be able to afford in order to enhance community preparedness, response, and resiliency; and

WHEREAS, although property is provided through the 1033 Program at no cost to municipal and county LEAs, these entities are responsible for the costs associated with delivery, maintenance, fueling, and upkeep of the property, and for specialized training on the operation of any acquired property; and

WHEREAS, N.J.S.A. 40A:5-30.2 requires that the governing body of the municipality or county approve, by a majority of the full membership, both enrollment in, and the acquisition of any property through, the 1033 Program; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro that the Marlboro Division of Police is hereby authorized to enroll in the 1033 Program for no more than a one-year period, with authorization to participate terminating on December 31 of the current calendar year from January 1, 2022 to December 31, 2022; and

BE IT FURTHER RESOLVED, that the Marlboro Division of Police is hereby authorized to acquire items of non-controlled property designated "DEMIL A," which may include office supplies, office furniture, computers, electronic equipment, generators, field packs, non-military vehicles, clothing, traffic and transit signal systems, exercise equipment, farming and moving equipment, storage devices and containers, tools, medical and first aid equipment and supplies, personal protection equipment and supplies, construction materials, lighting supplies, beds and sleeping mats, wet and cold weather equipment and supplies, respirators, binoculars, and any other supplies or equipment of a non-military nature identified by the LEA, if it shall become available in the period of time for which this resolution authorizes, based on the needs of the Marlboro Division of Police, without restriction; and

BE IT FURTHER RESOLVED, that Marlboro Division of Police is hereby authorized to acquire any of the controlled property designated "DEMIL B through Q" in the attached schedule if it shall become available in the period of time for which this resolution authorizes; and

BE IT FURTHER RESOLVED, that Chief Peter J. Pezzullo of the Marlboro Division of Police shall develop and implement a full training plan and policy for the maintenance and use of the acquired property; and

BE IT FURTHER RESOLVED, that the Marlboro Division of Police shall provide a quarterly accounting of all property obtained through the 1033 Program which shall be available to the public upon request; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately and shall be valid to authorize requests to acquire "DEMIL A" property and "DEMIL B through Q" property that may be made available through the 1033 Program during the period of time for which this resolution authorizes; with Program participation and all property request authorization terminating on December 31st of the current calendar year from January 1, 2022 to December 31, 2022.

RESOLUTION #2021-390

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF MARLBORO AND THE TOWNSHIP OF HOWELL FOR THE 2022 USE OF THE HOWELL FIREARMS RANGE

WHEREAS, on September 9, 2021 (Resolution #2021-295) the Township Council of the Township of Marlboro reauthorized a shared services agreement with the Township of Howell for the utilization of the Howell Township's Firearms Range ("Services"); and

WHEREAS, the Township of Howell has revised its rate schedule and form of agreement for the upcoming 2022 year, requiring an amendment; and

WHEREAS, the Services are necessary in order to maintain the proper practice and training for the Marlboro Township Law Enforcement Officers, being in the interest of the public health, safety and welfare.

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that an amendment to the shared services agreement approved on September 9, 2021 (Resolution #2021-

295) with the Township of Howell whose address is 300 Old Tavern Road, Howell, NJ 07731, be authorized in a total amount not to exceed \$3,000.00.

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

BE IT FURTHER RESOLVED, that the Chief Financial Officer has certified funds in the amount of \$3,000.00 for the aforesaid contract in Current Account #01-201-25-106-288644.

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

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

RESOLUTION #2021-391

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 to the Marlboro Township Department of Recreation on behalf of the residents who register for the basketball program; and

WHEREAS, the Township of Marlboro Department of Recreation is in need of refereeing and scorekeeper services for the 2022/2023 Fall/Winter basketball seasons; and

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

WHEREAS, the BOOSTER CLUB has proposed continuing to provide refereeing and scorekeeper services for the 2022/2023 Fall/Winter basketball seasons and registration of program participants with various regional leagues; and

WHEREAS, the total value of the services to be provided for 2022/2023 are estimated based upon 2021/2022 registration figures

and activity, and shall not exceed \$25,540.00 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 Chief Financial Officer will certify funds for the services described above from Accounts # 09-201-55-400-285427 and # 09-201-55-400-288427 upon adoption of the 2022 Recreation Utility budget.

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 the Municipal Clerk to enter into an agreement, in a form acceptable to the Township Attorney with the MARLBORO BASKETBALL BOOSTER CLUB, INC. for the services described above.

RESOLUTION #2021-392

LIEN REDEMPTIONS

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$208,205.00 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 208,205.00 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>
2020-037	257/9	Eone Group LLC 150 Airport Road, Suite 1200 Lakewood, NJ 08701 Assessed Owner: Massato, Corey & Anthony	2,967.25
2019-031	301/2	Fig Cust FIGNJ19 LLC PO Box 54226 New Orleans, LA 70154	96,520.49

Assessed Owner:
Christopher Chonghwa & Boo Sun

2020-034 228/17 Fig Cust FIGNJ19 LLC 108,717.26
PO Box 54226
New Orleans, LA 70154
Assessed Owner:
Hwang, Norah & Soo K

RESOLUTION #2021-393

WATER UTILITY OVERPAYMENT REFUND

WHEREAS, the attached list in the amount of \$ 452.99 known as Schedule "A", is comprised of amounts representing overpayments for 2021 water charges,

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

SCHEDULE "A"

<u>Account #</u>	<u>REFUND DUE TO:</u>	<u>2021 REFUND</u>
65382	Premier Title & Settlement 190 Main St., Suite 305 Hackensack, NJ 07601	\$452.99

RESOLUTION #2021-394

RESOLUTION AUTHORIZING REFUND TO WESTERN MONMOUTH UTILITIES
AUTHORITY (WMUA)

WHEREAS, delinquent sewer charges totaling \$22,268.47 were paid to the Township on behalf of Western Monmouth Utilities Authority to avoid tax sale as per Schedule "A",

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro that the above-mentioned sewer charges in the amount of \$22,268.47 be refunded to Western Monmouth Utilities Authority.

Schedule A				
BLOCK	LOT	QUALIFIER	PROPERTY LOCATION	AMOUNT
121	2.01		32 TENNENT ROAD	\$443.51
133	9		43 WILSON AVENUE	\$137.82
141	8		37 KNOB HILL ROAD	\$264.79
148	10.05		46 CRESCENT COURT	\$498.89

171	36.02		57 STATION ROAD	\$696.29
171.02	14		27 GOSHAWK COURT	\$545.95
173	7	C0234	234 TEASDALE PLACE	\$437.90
176.02	76		11 ENCLOSURE DRIVE	\$149.08
193.02	17		126 ROLLING HILL DRIVE	\$137.82
216	3		10 HERBERT STREET	\$498.24
225	55		55 RIVER DRIVE	\$535.49
225	68		9 FAIRVIEW ROAD	\$235.25
270	105		33 MILLAY ROAD	\$275.16
288	8		443 UNION HILL ROAD	\$535.35
288	29	C0017	17 ASPEN AVENUE	\$264.79
305	124		11 LAKE ONTARIO LANE	\$154.83
331	37		54 ROBERTSVILLE ROAD	\$271.12
415.01	1		7 PECAN VALLEY DRIVE	\$524.54
163	2		20 HIGH STREET	\$185.80
180	83.24		305 DEERFIELD ROAD	\$534.99
206.06	4		52 ROCKWELL CIRCLE	\$199.35
270	24		12 SANDBURG DRIVE	\$264.79
270	98		21 MILLAY ROAD	\$307.61
277	12		13 BENET DRIVE	\$143.10
285	8		3 POE COURT	\$405.23
371	34		6 HOMESTEAD CIRCLE	\$551.01
421	9.01		2 LECARRE DRIVE	\$682.87
178	290	C0023	23 CAMELOT COURT	\$170.39
193.13	55		305 HIGHGATE COURT	\$375.04
264	35		43 HALIFAX DRIVE	\$498.40
288	29	C0464	464 BAYBERRY COURT	\$264.79
305	151		3 WINNIPEG COURT	\$264.79
360.02	18.01		1 HOPKINSON COURT	\$285.40
392	38.01		2 LANDMARK LANE	\$551.01
398	10		20 CEDAR COURT	\$99.41
299	80		9 RYEGATE LANE	\$522.84
403	9		15 CANNONADE DRIVE	\$264.79
148	10.40		9 REGAL DRIVE	\$264.79
178	2	C0109	109 BEDFORD PLACE	\$535.79
178	2	C0357	357 YORKSHIRE PLACE	\$266.90
184	34		127 VALESI DRIVE	\$687.41
193.02	54.35		1 PUEBLO COURT	\$264.79
264	3		5 FLOYD WYCOFF DRIVE	\$683.19
337	1		39 CANADIAN WOODS ROAD	\$268.76
407	8		52 HERON DRIVE	\$535.79
410	14		30 STEEPLECHASE DRIVE	\$688.20
222	13		17 HUDSON STREET	\$535.54
123	4.02		11 TENNENT ROAD	\$412.07
268	68		51 ROUTE 520	\$141.68

151	5		411 ROUTE 79	\$263.40
192	21		70 STONY HILL DRIVE	\$545.81
126	37		35 MARLBORO STREET	\$696.29
176	7	C0823	823 MARIPOSA COURT	\$188.67
180	83.29		235 DEERFIELD ROAD	\$524.02
344	7		13 INGERSOLL ROAD	\$272.31
380	1		107 CLUBHOUSE LANE	\$551.01
396	1	C0045	45 ORANGE DRIVE	\$551.01
235	12		4 HASTINGS ROAD	\$212.61
TOTAL				\$22,268.47

RESOLUTION #2021-395

TAX SALE REFUND TO WESTERN MONMOUTH UTILITIES AUTHORITY

WHEREAS, tax sale certificates sold at the 2021 Tax Lien Sale included delinquent sewer charges in the amount of \$18,371.95 as per Schedule "A",

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

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro that the above-mentioned sewer charges in the amount of \$18,371.95 be refunded to the W.M.U.A.

Schedule A				
BLOCK	LOT	QUALIFIER	PROPERTY LOCATION	AMOUNT
101.01	6		322 PROVINCIAL DRIVE	\$696.29
107	1.02		29 WICKER PLACE	\$228.35
107	17		10 THOMAS LANE	\$541.76
111	1		356 TEXAS ROAD	\$698.60
120.02	4		307 SUNDEW DRIVE	\$133.71
120.02	38		14 WOOLEYTOWN ROAD	\$131.52
126	12		23 BALDWIN AVENUE	\$523.83
126	34		29 MARLBORO STREET	\$405.23
132.03	2	C0102	102 MAGNA CARTA DRIVE	\$551.01
176	7	C0496	496 TIVOLI COURT	\$551.01
176	7	C0629	629 WINDFLOWER COURT	\$535.78
176	7	C0869	869 MARIPOSA COURT	\$248.71
176	83		27 HAMILTON AVENUE	\$535.79
176	90		26 EAST FRANCES AVENUE	\$2,092.98
178	2	C0181	181 NANTUCKET PLACE	\$529.45
198	9		20 BUTTONWOOD DRIVE	\$553.27
201	1		1 SILLS DRIVE	\$264.79
214.03	4		2 LOWERY LANE	\$692.18

214.03	19	5 LOWERY LANE	\$292.96
214.05	11	22 GRAVERSHAM DRIVE	\$407.60
265	17	8 PRINCE WILLIAM ROAD	\$545.76
268	28	11 LAUREL LANE	\$535.79
270.01	20	102 JANWICH DRIVE	\$264.79
277	1	14 WHITMAN ROAD	\$1,173.41
300.01	1	204 YELLOWKNIFE ROAD	\$683.19
301	31	3 HELENA COURT	\$498.75
324	2	8 REDWOOD DRIVE	\$697.91
349	3	30 AMHERST ROAD	\$135.09
360.03	4	19 RUTLEDGE ROAD	\$264.79
371	32	20 STONE LANE	\$551.01
371	40	4 SWEET COURT	\$680.14
380	32	29 PEASLEY DRIVE	\$269.03
412	268	26 SKYLARK COURT	\$137.78
412	292	31 KINGLET AVENUE	\$264.79
412.06	7	5 SKYLARK COURT	\$405.24
412.08	13	27 BARN SWALLOW BOULEVARD	\$131.68
421.02	14	3 COLERIDGE DRIVE	\$517.98
TOTAL			\$18,371.95

RESOLUTION #2021-396

RESOLUTION AUTHORIZING THE IMMEDIATE EFFECTIVENESS
OF ORDINANCE #2021-025 PURSUANT TO N.J.S.A. 40:69A-181

WHEREAS, Ordinance #2021-025 has been introduced and is currently pending second reading and adoption at the Dec. 16, 2021 meeting of the Township Council; and

WHEREAS, pursuant to N.J.S.A. 40:69A-181 the Township Council has the power to provide for the immediate effectiveness of any ordinance by adopting a resolution declaring an emergency and at least two-thirds of all the members of the Council vote in favor of such resolution.

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

1. The foregoing recitals are hereby incorporated by reference as if fully set forth herein.
2. Ordinance #2021-025 is hereby declared to be effective immediately pursuant to N.J.S.A. 40:69A-181 with two-thirds of all of the members of the Council declaring an emergency and voting in favor of this Resolution.

