

MARLBORO TOWNSHIP COUNCIL MEETING

March 10, 2022

The Marlboro Township Council held its regularly scheduled meeting on March 10, 2022 at 7:00 P.M. at the Marlboro Municipal Complex located at 1979 Township Drive, Marlboro, New Jersey.

Council President Qazi 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 published in the Asbury Park Press on December 21, 2021; was sent to the Asbury Park Press, the Star Ledger, News Transcript and the Board of Education Office on March 7, 2022; 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: Council Vice President DiNuzzo, Councilwoman Marder, Councilman Milman, Councilman Scalea and Council President Qazi.

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.

Citizen's Voice: Frank Festa of 1727 Ramapo Way, Scotch Plains, New Jersey requested a review of his proposed building at his Marlboro property. Mr. Rainone clarified to both the council and Mr. Festa that the Township has already explained in great detail the process for building at said property and suggested Mr. Festa submit a building application for review.

Alan Ginsburg of 71 Murray Hill Terrace discussed his concerns over council's proposal to possibly move the Marlboro 911 emergency call center to Monmouth County. He would like the Marlboro dispatchers to continue to handle all Marlboro 911 emergency calls.

Walter Solomon of 43 Samantha Drive expressed his ongoing concerns with the construction at 606 Roberts Court. He does not want the property owner to receive a certificate of occupancy until all outstanding issues have been mitigated.

Jeffery Krenkle of 41 Samantha Drive commented about the ongoing construction at 606 Robert Court. He asked that the pool construction be abated until all concerns and issues have been resolved.

William Waple of 16 Calder Court brought his Township sidewalk concerns to the attention of the council. He said there are three locations on Route 520 where the sidewalks are cracked, crumbling or uneven causing major tripping hazards. He would like the council to consider having these sidewalks repaired.

John Gibardi of 1 Hudson Bay Terrace discussed his concerns over a pending Zoning Board application where there is a proposed application for a assisted living development next to St. Gabriel's Church. He asked the council to review the plans and reconsider the construction of the development.

Council Speaks Out: Councilwoman Marder congratulated the Marlboro Township boys' basketball team for making it to the NJSIAA Group 4 State championship for the first time in Marlboro history. She also listed the upcoming recreation events planned for the spring season. The community garden plots have all been sold and they are gearing up for a new season. Councilman Milman thanked everyone who spoke during citizen's voice. He also sent his thoughts and prayers to the citizens of Ukraine. There was a charity drive for Ukraine last week and he applauded the volunteers that came out to help and encouraged more people to volunteer.

Administrative Report: Mayor Hornik reminded everyone that the Optimum/Altice virtual Town Hall meeting is next week. He stated that it is a great opportunity for residents to speak with Optimum's senior staff to answer general questions as well as troubleshoot specific issues. Regarding the increase in car thefts within the Township, Patrolman Charles Wilson was recently conducting a motor vehicle stop in a residential area. Upon investigation he arrested five young males from North Jersey and impounded their vehicle. The Mayor thanked Officer Wilson for his quick action. He encouraged residents to lock their vehicles, keep valuables out of sight, remove the key fobs and lock car doors. Road construction will begin this spring starting with Ryan Road, Union Hill Road and Wyncrest Road funded in part, by NJDOT grants. Recreation improvements are also underway including the curbing of the recreation center parking lot with concrete and drainage improvements to follow. A new walkway and stairs between the two fields will be installed later this spring at the H&L fields behind the middle school; electrical work is currently underway. The Municipal Complex will see new exercise equipment along the walking path and the basketball court will be color coated and lined. Nolan Road Park improvements continue with infield grading and a new playground with a Rubbercycle safety surface. Daylight Savings Time begins Sunday, March 13 at 2am. Our

Fire Officials remind residents to change your clocks and check your smoke alarm batteries. Lastly, the Mayor congratulated the Marlboro high school boys basketball team on their Shore Conference win and wished them the best of luck as they head to their first ever appearance in the state finals this Sunday.

Councilman Scalea moved that the Council meeting minutes of February 24, 2022 be approved. This was seconded by Council Vice President DiNuzzo, and passed on a roll call vote of 5 - 0 in favor.

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

RESOLUTION #2022-078

AUTHORIZING THE COUNTY OF MONMOUTH MOSQUITO CONTROL DIVISION  
TO CONDUCT AERIAL MOSQUITO CONTROL OPERATIONS WITHIN THE  
TOWNSHIP OF MARLBORO

WHEREAS, the Monmouth County Board of County Commissioners, pursuant to N.J.S.A. 26:9-27 et seq. has elected through its Mosquito Control Division to perform all acts necessary for the elimination of mosquito breeding areas and/or to exterminate mosquitoes within the county; and

WHEREAS, the County has instituted an Integrated Pest Management Program consisting of surveillance, water management, biological control, and chemical control to exterminate the mosquito population within the County of Monmouth; and

WHEREAS, prior to conducting aerial dispensing operations over a designated "congested area," the County is required, pursuant to Federal Aviation Administration Regulation (FAR Part 137.51), to secure prior written approval from the governing body of the political subdivision over which the aircraft is to be operated; and

WHEREAS, the Township of Marlboro is designated as a "congested area" by the Federal Aviation Administration and the County has requested that this governing body consent to its proposed aerial dispensing operations.

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. The Governing Body hereby authorizes the County of Monmouth Mosquito Control Division or its agent to apply pesticides by aircraft for mosquito control in certain areas of the municipality designated by the County as being either larval mosquito habitat or areas harboring high populations of

mosquitoes constituting either a nuisance, a health hazard, or both with the understanding that:

- a. the County shall utilize pesticides, application equipment and aircraft that are approved for aerial applications by the applicable Federal (USEPA) and State (NJDEP) agencies; and
- b. such operations will be performed in compliance with applicable Federal and State regulations, and
- c. the County will notify the police department of each municipality over which aerial pesticide operations are planned prior to commencement of such operations.

RESOLUTION #2022-079

RESOLUTION AUTHORIZING AWARD OF ESCNJ COOPERATIVE CONTRACT #20/21-09 FOR PURCHASE OF A REPLACEMENT VEHICLE AND RELATED EQUIPMENT FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, Vehicle ID #1659, a 2016 Ford 250 4x4 was declared a "total loss" by the Township's insurance claims administrator resulting from an accident on January 31, 2022; and

WHEREAS, Vehicle ID #1659 is fully equipped for snow removal and is utilized in the daily operation of the Department of Public Works; and

WHEREAS, the insurance proceeds obtained from the responsible party by the Township will be applied to the cost of replacing the vehicle; and

WHEREAS, due to the pandemic and overall economic conditions, the Township has experienced significant delays in securing new vehicles and equipment resulting in greater wear and tear on the existing fleet; and

WHEREAS, the Township is authorized to purchase a replacement vehicle 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, Mall Chevrolet was awarded the ESCNJ Cooperative Contract #20/21-09 for the base 2022 2500 Chevrolet Silverado 4x4 Pick Up Truck and the additional manufacture equipment in an amount not to exceed \$34,129.07; and

WHEREAS, the Township has been advised of an opportunity to secure this vehicle from Mall Chevrolet utilizing this Cooperative Contract; and

WHEREAS, a number of the additional items of equipment required to outfit Township vehicle including the snow plow assembly are not available on State Contracts or approved Cooperatives, for which the Township has solicited a low quote from Mall Chevrolet in the amount of \$8,042.00; and

WHEREAS, the Director of Public Works has recommended that the Township purchase the above referenced vehicle and equipment utilizing the ESCNJ Cooperative contract #20/21-09, and low price quotation where State contract and Cooperative 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 vehicle 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 \$42,171.07 from Reserve For Insurance Account #01-286-55-004; and

WHEREAS, the Township Council desires to approve the purchase of the replacement vehicle 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 \$42,171.07.

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 #2022-080

A RESOLUTION AUTHORIZING THE REJECTION OF THE WESTERN  
MONMOUTH PURCHASING GROUP BID FOR THE PROVISION OF  
VARIOUS STREET AND ROAD MATERIALS

WHEREAS, the Marlboro Department of Public Works requires various road materials in order to maintain Township infrastructure and keep roadways safe for travel during the winter; and

WHEREAS, the Western Monmouth Purchasing Group (WMPG) is a registered Cooperative Pricing System within the State of New Jersey (10-WMCP), of which the Township of Marlboro is a member, established for the purposes of jointly soliciting bids and securing uniform prices for the purchase of road materials; and

WHEREAS, due to staffing issues being experienced by the Lead Agency for the WMPG, the Township of Marlboro agreed to advertise for the receipt of bids on the behalf of the WMPG for the provision of various street and road materials (2022-WMPG); and

WHEREAS, several of the provisions of N.J.A.C. 5:34-7 et al ("Local Public and Public School Contracts Laws - Cooperative Purchasing") were not met by the solicitation process; and

WHEREAS, the bid specifications require changes in order to conform to the requirements of a Cooperative Pricing System, and additionally, to clarify certain bid items, and solicit individual delivery prices for each member for each and every bid item, separate and apart from the material unit prices; and

WHEREAS, pursuant to N.J.S.A. 40A:11-13.2(d), a contracting unit may reject all bids to substantially revise the specifications for the goods or services.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that the bids received for the project titled SUPPLY OF VARIOUS STREET AND ROAD MATERIALS FOR THE WESTERN MONMOUTH PURCHASING GROUP (2022-WMPG) is hereby rejected pursuant to N.J.S.A. 40A:11-13.2(d).

BE IT FURTHER RESOLVED, that once the administrative requirements for a Cooperative Pricing System have been met, the Township is hereby authorized to rebid the contract for the REJECTION OF BIDS FOR VARIOUS STREET AND ROAD MATERIALS (2022-WMPG) on behalf of the Western Monmouth Purchasing Group.

BE IT FURTHER RESOLVED, that the Business Administrator is hereby authorized and directed to return the bid bond(s) or other security (ies) to the appropriate bidder(s).

RESOLUTION #2022-081

AUTHORIZING APPROVAL TO SUBMIT AN GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION (NJDEP) Division of Watershed Protection and Restoration for FY 2022 Water Quality Restoration Grant to Mitigate Nonpoint Source Pollution

WHEREAS, the Township's multi-year capital plan includes various drainage improvement and stream cleaning projects; and

WHEREAS, the Township regularly seeks out alternate funding opportunities for capital projects; and

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) has made available \$9.4 million dollars in grant funds available to support water quality, support watershed planning, and implement water improvement measures; and

WHEREAS, only streams that are contributory to "Duhernal Lake" including Barclay Brook are eligible under this program; and

WHEREAS, the Township of Marlboro wishes to apply for funding in the estimated amount of \$50,000.00 through this program, representing 50% of the project cost of \$100,000.00, in order to perform stream cleaning activities at Barclay Brook as identified in its multi-year capital plan.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro formally approves of the submission of a grant application for the FY 2022 Water Quality Restoration Grants to Mitigate Nonpoint Source Pollution program for stream cleaning activities at Barclay Brook.

BE IT FURTHER RESOLVED, that Mayor Jonathan Hornik and Susan A. Branagan, Municipal Clerk are hereby authorized to submit a grant application to the New Jersey Department of Environmental Protection on behalf of the Township of Marlboro.

BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk are hereby authorized to sign the application, and that if the grant is awarded, they or their successors in said titles are authorized to execute a grant agreement, and any other documents necessary in connection therewith.

RESOLUTION #2022-082

AMENDING R.2021-342 APPROVING AGREEMENT BETWEEN THE TOWNSHIP  
OF MARLBORO AND THE NEW JERSEY DEPARTMENT OF TRANSPORTATION  
(NJDOT) FOR THE DESIGN AND CONSTRUCTION OF  
STATE HIGHWAY ROUTE 79

WHEREAS, the New Jersey Department of Transportation (NJDOT) will be updating the traffic intersections and repaving State Highway Route 79 through the Township of Marlboro (the "Project"); and

WHEREAS, the Project may require the construction of new, and/or the protection, relocation, and/or adjustment of facilities of the existing water distribution system which is owned and operated by the Marlboro Township Water Utility Division; and

WHEREAS, the Marlboro Township Water Utility Division (MTWUD) is not obligated by State law or the Agreement to relocate its own facilities at its own expense for this type of Project; and

WHEREAS, the New Jersey Department of Transportation has proposed a Project Agreement by which it takes full responsibility for the costs of the project in exchange for the MTWUD's cooperation, including reimbursement to the MTWUD for up to \$3,000.00 of engineering costs incurred related to the Project; and

WHEREAS, the Township adopted Resolution #2021-342 authorizing the execution of an agreement between the Township of Marlboro and the New Jersey Department of Transportation for the design and construction of State Highway Route 79; and

WHEREAS, the Mayor and Municipal Clerk executed the agreement and returned it to the State; and

WHEREAS, the State subsequently informed the Township that an incorrect form of agreement had been provided to the Township, and a revised agreement needed to be executed; and

WHEREAS, the Township fully supports the NJDOT Route 79 Project and the reimbursement to the MTWUD for its engineering costs.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, that the Township Council of the Township of Marlboro formally approves a revised agreement between the Township of Marlboro and the New Jersey Department of Transportation for the design and construction of State Highway Route 79.

BE IT FURTHER RESOLVED, by the Township Council of the Township of Marlboro, that the Mayor is hereby authorized to execute and the



Municipal Clerk witness the Project Agreement, subject to the review by the Township of Attorney, on behalf of the Township of Marlboro and that the Mayor's signature constitutes acceptance of the terms and conditions of the Project Agreement and approves the execution of the Project Agreement.

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

- a. Township Business Administrator
- b. Township Engineer
- c. Township Chief Financial Officer
- d. Township Attorney

RESOLUTION #2022-083

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES FOR THE SITE IMPROVEMENTS, AT THE SITE KNOWN AS OAK HILL AT MARLBORO, LLC, BLOCK 143, LOTS 11.01, LOCATED AT THE INTERSECTION OF NOLAN ROAD AND CAPTIVA LANE, TOWNSHIP OF MARLBORO, NEW JERSEY 07746

WHEREAS, in accordance with *N.J.S.A. 40:55D-53*, the Township of Marlboro has received a request from Mr. Don Gwinell, for the release of the Township held Performance Guarantees in the form of a Performance Bond and Cash Deposit for the site improvements ("Public Improvements") on the Site known as "Oak Hill at Marlboro, LLC" (the "Site"), property known as Block 143, Lot 11.01, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by Oak Hill at Marlboro, 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 February 24, 2022, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the aforesaid report recommends that the current Performance 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 Bond and Cash Deposit amounts in accordance with the recommendation of the Township Engineer's report dated February 24, 2022.

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 Bond and Cash Deposit posted by the Developer, Oak Hill

at Marlboro, LLC, for the site known as Oak Hill at Marlboro, LLC, located on property known as Block 143, Lot 11.01, Township of Marlboro, New Jersey, shall be released as follows:

1. Performance Bond (The Service Insurance Company, Inc., Bond No. 39304) in the original amount of \$1,164,263.76 and present amount of \$438,594.85, shall be released in its entirety; and
2. The Cash Deposit (Sun National Bank, Check No. 1067), in the original amount of \$129,362.64 (excludes accrued interest) and the present amount of \$48,732.76, 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 the posting of a two (2) year fifteen percent (15%) maintenance bond in the amount of \$175,761.49; and

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

- a. Captiva Holdings, LLC
- b. The Service Insurance Company, Inc.
- c. Sun National Bank
- d. Township Business Administrator
- e. Township Chief Financial Officer
- f. Township Engineer
- g. Township Attorney

RESOLUTION #2022-084

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES FOR THE WATER UTILITY IMPROVEMENTS AT THE SITE KNOWN AS OAK HILL AT MARLBORO, LLC, BLOCK 143, LOTS 11.03 - 11.20, LOCATED AT THE INTERSECTION OF NOLAN ROAD AND CAPTIVA LANE, TOWNSHIP OF MARLBORO, NEW JERSEY 07746

WHEREAS, in accordance with *N.J.S.A. 40:55D-53*, the Township of Marlboro has received a request from Mr. Don Gwinnell, for the release of the Township held Performance Guarantees in the form of a Performance Bond for the water utility improvements ("Water System Improvements") on the Site known as "Oak Hill at Marlboro, LLC" (the "Site"), property known as Block 143, Lots 11.03 - 11.20, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State

of New Jersey, posted by Oak Hill at Marlboro, 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 February 24, 2022, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the aforesaid report recommends that the current Performance Bond and Cash Deposit amounts being held by the Township; and

WHEREAS, the Township Council desires to release the Performance Bond and Cash Deposit amounts in accordance with the recommendation of the Township Engineer's report dated February 24, 2022.

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 Bond and Cash Deposit posted by the Developer, Oak Hill at Marlboro, LLC, for the site known as Oak Hill at Marlboro, LLC, located on property known as Block 143, Lots 11.03 - 11.20, Township of Marlboro, New Jersey, shall be released as follows:

1. The Performance Bond (The Service Insurance Company Inc., Bond No. 39303), in the original amount of \$193,371.36 and present amount of \$58,011.41, shall be released in its entirety; and
2. The Cash Deposit (Sun National Bank, Check No. 1066), in the original and present amount of \$19,083.36, shall be released in its entirety; and

BE IT FURTHER RESOLVED, that the above reductions shall be subject to the posting of any and all outstanding review and/or inspections fees to the time of the performance guarantee release, and the posting of a two (2) year fifteen percent (15%) maintenance bond in the amount of \$24,214.20; and

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

- a. Captiva Holdings, LLC
- b. The Service Insurance Company, Inc.
- c. Sun National Bank
- d. Township Business Administrator
- e. Township Chief Financial Officer
- f. Township Engineer

g. Township Attorney

RESOLUTION #2022-085

RESOLUTION AUTHORIZING THE EXECUTION OF A DEVELOPER'S  
AGREEMENT BY AND BETWEEN JKCH OF NEW JERSEY, LLC AND THE  
TOWNSHIP OF MARLBORO

WHEREAS, JKCH of New Jersey, LLC (the "Developer") is the contract purchaser and developer of certain real property located at the southern portion of Yellow Brook Road known as Block 364, Lots 60, 63.01, 63.02, 63.03, 63.04, 63.05, 63.06, 63.07, 63.08, and 63.09 in the Township of Marlboro, County of Monmouth, State of New Jersey (hereinafter referred to as the "Property"); and

WHEREAS, an application was originally made by Morello Properties, LLC to the Marlboro Township Planning Board ("Planning Board") for Preliminary and Final Major Subdivision and Site Plan Approval through Application No. PB-977-06 to construct eight (8) single-family homes as outlined in Resolution No. PB-977-06 granting Preliminary and Final Major Subdivision Approval, which was adopted on December 03, 2014 (hereinafter the "Project"); and

WHEREAS, the approved Subdivision and Site Plan call for certain improvements, and, though the Developer is not the original applicant to the Planning Board, the Developer has agreed to be bound by all responsibilities and obligations as the original applicant, and 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 agreement; 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 Municipal Clerk be and are hereby authorized to execute the Developer's Agreement with JKCH of New Jersey, LLC, for the purpose of memorializing the obligations and commitments of JKCH of New Jersey, 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.

RESOLUTION #2021-086

A RESOLUTION AUTHORIZING THE EXTENSION OF A SINGLE SITE LICENSE AGREEMENT BETWEEN THE TOWNSHIP OF MARLBORO AND DIAMOND TOWERS II LLC TO OPERATE A WIRELESS COMMUNICATION FACILITY AND ANTENNAE FOR THE MARLBORO TOWNSHIP POLICE DEPARTMENT

WHEREAS, the Township of Marlboro ("Township") entered into a Single Site License Agreement with Diamond Towers II LLC ("Diamond Towers") in order to install, operate and maintain a wireless communications facility and antennae ("Communications Facility") located at Wilson Avenue, Matawan, New Jersey (the "Premises") for use by the Marlboro Township Police Department and other Township emergency services in order to preserve the health, safety and welfare of the citizens of the Township of Marlboro, Monmouth County, New Jersey; and

WHEREAS, on April 16, 2015 (Ordinance #2015-5) the Township Council of the Township of Marlboro authorized the extension of the Single Site License Agreement with Diamond Towers; and

WHEREAS, on March 2, 2017 (Resolution #2017-110) the Township Council of the Township of Marlboro authorized another the extension of the Single Site License Agreement with Diamond Towers; and

WHEREAS, on May 2, 2019 (Resolution #2019-165) the Township Council of the Township of Marlboro authorized another extension of the Single Site License Agreement with Diamond Towers; and

WHEREAS, on February 18, 2021 (Resolution #2021-106) the Township Council of the Township of Marlboro authorized another extension of the Single Site License Agreement with Diamond Towers; and

WHEREAS, the Township Police Department wishes to extend the Single Site License Agreement with Diamond Towers for an additional one (1) year renewal term for compensation in the amount of five thousand three hundred twenty-eight and eighty-four cents (\$5,328.84); and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract be renewed with

Diamond Towers for a period of one year through December 31, 2022;  
and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Municipal Clerk to witness, contracts with Diamond Towers in accordance with the Ordinance, this resolution, and in a form to be approved by the Township Attorney; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer has certified that sufficient funds are available in Current Account #01-201-25-212-216212 in an amount not to exceed \$5,328.84; and

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

- a. Diamond Towers II LLC
- b. Township Business Administrator
- c. Chief of Police
- d. Chief Financial Officer

RESOLUTION #2022-087

RESOLUTION AUTHORIZING APPLICATION TO 2022 DISTRACTED DRIVING  
GRANT PROGRAM THROUGH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION  
DIVISION OF HIGHWAY TRAFFIC SAFETY

WHEREAS, distracted driving is a dangerous epidemic on America's roadways. In 2018 alone, 2,841 people were killed in distracted driving crashes. An estimated 400,000 people were injured in motor vehicle crashes involving a distracted driver; and

WHEREAS, in New Jersey, driver inattention remains the most significant cause of fatal and incapacitating crashes; and

WHEREAS, driver inattention was listed as a contributing circumstance in over 50% of the state's crashes in 2018 and was a contributing factor in crashes at a rate nine times higher than speeding; and

WHEREAS, distracted driving is any activity that diverts a person's attention away from the primary task of driving. All distractions endanger driver, passenger, and bystander safety. These distractions include:

- Texting
- Using a cell phone or smartphone
- Eating and drinking
- Talking to passengers
- Grooming

Reading  
Using a navigation system  
Watching a video  
Adjusting a radio, CD player, or MP3 player

; and

WHEREAS, because using a hand held cell phone to make calls or send text messages requires visual, manual, and cognitive attention from the driver, they are by far the most alarming distractions; and

WHEREAS, April is National Distracted Driver Month, which is a time to remind New Jersey motorists of the state's distracted driving laws, which include a ban on hand-held cell phone use and text messaging by all drivers and a ban on all cell phone use (hand held or hands free) by novice drivers; and

WHEREAS, from April 1-30th, 2022, police officers, on an overtime basis, will conduct special enforcement patrols targeting distracted drivers. The patrols will consist of roving patrols and fixed checkpoints.

NOW, THEREFORE, BE IT RESOLVED, THAT the Township Council of the Township of Marlboro hereby authorizes that an application be made to the 2022 Distracted Driving Grant Program through the New Jersey Department of Transportation, Division of Highway Traffic Safety.

BE IT FURTHER RESOLVED, that if awarded, the Mayor and Township Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Marlboro and that their signatures constitutes acceptance of the terms and conditions of the grant agreement.

RESOLUTION #2022-088

A RESOLUTION AUTHORIZING ACCEPTANCE  
OF DONATION OF BICYCLES TO THE  
MARLBORO TOWNSHIP DIVISION OF POLICE

WHEREAS, Adam and Mara Kraushaar have donated three Trek bicycles with light bontragers for use by the Marlboro Township Division of Police Department as reported in a communication on March 1, 2022 (attached); and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the donations as described herein are hereby accepted.

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

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

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

RESOLUTION #2022-089

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

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et seq., (the "Act") permits units of local government to share services for particular purposes and to effectuate agreements for any service or circumstance that will aid and encourage a reduction of local expenses; and

WHEREAS, the Township of Marlboro ("Marlboro") and Township of Monroe ("Monroe") are public bodies corporate and politic of the State of New Jersey and are authorized under New Jersey Law to enter into a Shared Services Agreement pursuant to the Act; and

WHEREAS, Marlboro desires to enter into an agreement with Monroe which will permit Monroe residents to join the Marlboro Swim Club; and

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

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

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



1. The above recitals are hereby incorporated into the body of this Resolution as if set forth at length herein.
2. The Shared Services Agreement shall be open to public inspection in the Municipal Clerk's office and shall take effect upon the adoption of a resolution and execution of the agreement by both parties.
3. The Mayor and Municipal Clerk are hereby authorized to execute the Shared Services Agreement annexed hereto as EXHIBIT A.

EXHIBIT A

Shared Services Agreement between  
Township of Marlboro and Township of Monroe for  
Use of Marlboro Swim Club

2022 FEE SCHEDULE FOR MONROE NON-RESIDENT MEMBERS

<u>Type of Membership</u>	<u>Rate</u>
Family	\$640
Individual	\$336
Senior	\$184

RESOLUTION #2022-090

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT FOR THE  
PROVISION OF YOUTH SPORTS PROGRAM SERVICES FOR THE  
MARLBORO TOWNSHIP RECREATION DEPARTMENT

WHEREAS, on February 11, 2022 the Township of Marlboro advertised and solicited proposals pursuant to N.J.S.A. 40A:11-4.1(b(2)) ("Competitive contracting proposal solicitation") for the PROVISION OF VARIOUS RECREATIONAL YOUTH SPORTS PROGRAM SERVICES FOR THE MARLBORO TOWNSHIP RECREATION DEPARTMENT; and

WHEREAS, the solicitation was issued to attract proposals to provide full-service Youth Tennis, Lacrosse, Soccer, Hockey, Multi-Sport and Fitness programming, inclusive of all equipment and necessary materials and supplies, uniforms and awards/trophies, scheduling and hiring of referees, scorekeepers and facility supervisors, background checks for all staff and insurance; and

WHEREAS, the cost of full-service youth programming is fully offset by participant registration fees; and

WHEREAS, on March 3, 2022 the Township received one (1) proposal for the PROVISION OF VARIOUS RECREATIONAL YOUTH SPORTS PROGRAM SERVICES FOR THE MARLBORO TOWNSHIP RECREATION DEPARTMENT from Centercourt Club and Sports of Marlboro, 185 Amboy Road, Morganville, NJ 07751; and

WHEREAS, the Township Evaluation Committee, consisting of representatives from the Departments of Administration and Recreation reviewed the proposal; and

WHEREAS, the sole respondent offered proposals for the Youth Lacrosse and Tennis programs only; and

WHEREAS, in a memo dated March 4, 2022, the Evaluation Committee recommended the award of contract to Centercourt Club and Sports of Marlboro to provide Youth Lacrosse and Youth Tennis programs for the 2022 spring season only; and

WHEREAS, to ensure that the remaining spring recreation programs for which proposals were not received begin on the scheduled April 1 start date, the Department of Recreation will solicit quotes for the said programs, and an award will be made on this basis for the Spring 2022 programs only; and

WHEREAS, the Township will re-issue a solicitation for the PROVISION OF VARIOUS RECREATIONAL YOUTH SPORTS PROGRAM SERVICES FOR THE MARLBORO TOWNSHIP RECREATION DEPARTMENT in order to offer full-service Youth Tennis, Lacrosse, Soccer, Hockey, Multi-Sport and Fitness programming for the remainder of 2022 with options to extend through 2024; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract be awarded for the provision of Youth Lacrosse and Youth Tennis programs for the 2022 spring season in an amount based upon prior year registration counts, in accordance with the solicitation and the proposal dated February 23, 2022, not to exceed \$28,800.00.

BE IT FURTHER RESOLVED, that funds for the required services will be certified by the Chief Financial Officer in Recreation Utility Accounts #09-201-55-400-288401 and #09-201-55-400-288456 at the time the 2022 municipal budget is adopted.

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

Centercourt Club and Sports of Marlboro, whose address is 185 Amboy Road, Morganville, NJ 07751, in accordance with this resolution and in a form to be approved by the Township Attorney.

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

- a. Centercourt Club and Sports of Marlboro
- b. Business Administrator
- c. Chief Financial Officer
- d. Director of Recreation

RESOLUTION #2022-091

AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE MARLBORO TOWNSHIP BOARD OF EDUCATION FOR BUS TRANSPORTATION SERVICES FOR THE SUMMER CAMP AND YOUTH ACADEMY PROGRAMS

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

WHEREAS, the Township and the Board desire to enter into a Shared Services Agreement to provide Transportation Services for the Summer Camp for the period commencing on or about June 27, 2022 and terminating on August 5, 2022; and

WHEREAS, the Township and the Board desire to enter into a Shared Service Agreement to provide Transportation Services for Youth Police Academy programs for the period commencing on January 1, 2022 and terminating on December 31, 2022; and

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

WHEREAS, the costs of the Transportation Services for Summer Camp shall be paid by the Township to the Board as follows:

Transportation to and from trip destinations as determined by the Township Recreation Department, \$425.00 per day, per bus plus the cost of tolls and parking fees: for an amount not to exceed \$25,200.00.

WHEREAS, the costs of the Transportation Services for the Youth Police Academy programs shall be paid by the Township to the Board for an amount not to exceed \$900.00; and

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

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

WHEREAS, funds in the amount of \$25,200.00 for the transportation services have been certified by the Chief Financial Officer from the Recreation and Swim Utility Account 09-201-55-400-288-480; and

WHEREAS, funds in the amount of \$900.00 for the transportation services have been certified by the Chief Financial Officer from the Current Account 01-201-25-106-288619; and

WHEREAS, the Mayor and Marlboro Township Council desire to enter into the proposed Shared Services Agreement with the Board pursuant to the above-described terms and conditions for a total contract amount not to exceed \$26,100.00.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Mayor and Municipal Clerk are hereby authorized and directed to execute and witness, respectively, the proposed Shared Services Agreement in a form substantially similar as that attached hereto for the provision of transportation services for the Marlboro Township Summer Camp Program and the Township Youth Police Academy program for the term and conditions described hereinabove.

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

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

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

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

RESOLUTION #2022-092

TAX LIEN REDEMPTIONS

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$8,009.21 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 \$8,009.21 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>
2020-008	119/32.08	Bernie K. Brevdeh 881 Circle Avenue Franklin Lakes, NJ 07417 Assessed Owner: Samuels, Adelina	2,477.08
2021-046	421.02/14	US Bank Cust for ProCap8 50 South 16 <sup>th</sup> Street, Suite 2050 Philadelphia, PA 19102 Assessed Owner: Shukla, Sandhya & Ashish	2,674.31
2021-040	371/40	Fig Cust FIGNJ19 LLC PO Box 54226 New Orleans, LA 70154 Assessed Owner: Shvartsman, Olga & Spivak, Grigoriy	2,857.82

RESOLUTION #2022-093

REFUND OF TAX OVERPAYMENT

WHEREAS, the attached list in the amount of \$1,675.34 known as Schedule "A", is comprised of amounts representing overpayments for taxes,

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

SCHEDULE "A"

<u>BLOCK/LOT</u>	<u>ASSESSED OWNER</u>	<u>REFUND</u>
322/5	Cantor, Jeffrey A & Ava M 65 School Road West Marlboro, NJ 07746	\$1,675.34

RESOLUTION #2022-094

PAYMENT OF DELINQUENT SEWER CHARGE RECEIPTS TO WESTERN MONMOUTH UTILITIES AUTHORITY (WMUA)

WHEREAS, delinquent sewer charges totaling \$120.84 were paid to the Township on behalf of Western Monmouth Utilities Authority 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 \$120.84 be refunded to Western Monmouth Utilities Authority.

Schedule A

<b>PROPERTY LOCATION</b>	<b>AMOUNT</b>
1091 Roseberry Court	\$ 120.84
<b>Total Refunded to WMUA</b>	<b>\$ 120.84</b>

RESOLUTION #2022-095

DISABLED VETERAN STATUS TAX EXEMPTION

WHEREAS, the Tax Assessor has granted disabled veteran exemptions for the owners of the properties as per Schedule "A", pursuant to the requirements of N.J.S.A. 54:45.30.

WHEREAS, pro-rated 2021 property taxes totaling \$8,141.13 need to be cancelled,

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro to direct the Tax Collector to cancel \$8,141.13 for 2021 taxes.

SCHEDULE "A"

<b>BLOCK/LOT</b>	<b>EFFECTIVE DATE</b>	<b>PROPERTY INFORMATION</b>	<b>AMOUNT</b>
421.02/1	9/1/2021	Rodriguez, Jose A Jr & Kellee N 2 Blake Drive	\$8,141.13

RESOLUTION #2022-096

RESOLUTION AUTHORIZING THE EXECUTION OF A DEVELOPER'S AGREEMENT BY AND BETWEEN THE PLACE AT MARLBORO, LLC AND THE TOWNSHIP OF MARLBORO FOR WATER SERVICE FROM THE MARLBORO TOWNSHIP WATER UTILITY DIVISION

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 on May 24, 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 located on Harnley Road (the "Existing Municipal Owned Tract") was approved for Preliminary and Final Major Subdivision and Site Plan Approval Phase 1 and Preliminary Major Site Plan Approval Phase II by the Planning Board of the Township of Marlboro 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, with approximately 154 units constructed in Phase 1 and 104 units in Phase 2 for a total of 258 units (the "Project"); and

WHEREAS, pursuant to Ordinance No. 2021-021 enacted on December 29, 2021, the Township authorized the conveyance of Block 149, Lot 16.01 for the development of Phase I of the Project; and

WHEREAS, the Developer has requested water service for the Project from the Marlboro Township Water Utility Division; and

WHEREAS, the Township Attorney has reviewed the attached agreement; 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.

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

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

SO RESOLVED, as aforesaid.

At 7:48 p.m., Councilwoman Marder moved that the meeting be adjourned. This was seconded by Councilman Scalea, and as there was no objection, the Municipal Clerk was asked to cast one ballot.

MINUTES APPROVED: MARCH 24, 2022

OFFERED BY: SCALEA

AYES: 5

SECONDED BY: MILMAN

NAYS: 0

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SUSAN A. BRANAGAN,  
MUNICIPAL CLERK  
032422

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JUNED QAZI,  
COUNCIL PRESIDENT