

MARLBORO TOWNSHIP COUNCIL MEETING

September 15, 2022

The Marlboro Township Council held a Council Meeting on September 15, 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 September 13, 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: Township Attorney Louis N. Rainone, Esq., Business Administrator Jonathan Capp, and Municipal Clerk Susan A. Branagan.

Council Speaks Out:

Councilwoman Marder said that the 9/11 memorial was touching and she appreciated the fine performance by the high school band. Councilman Milman agreed with Councilwoman Marder regarding the 9/11 ceremony. He was looking forward to attending Marlboro Day for the first time. He commented about the need for a study as it relates to 911 communications. Council Vice President DiNuzzo spoke about the 9/11 memorial. She agreed with Councilman Milman regarding the 911 communications study. Council President Qazi offered updates about the police and public work departments and ongoing road repairs.

Councilwoman Marder moved that the regular Council meeting minutes of August 18, 2022 be approved. This was seconded by Council Vice President DiNuzzo, and passed on a roll call vote of 4 - 0 in favor. Councilman Scalea abstained.

The following Ordinance #2022-011 (Amending Part II General Legislation, Chapter 94 "Animals", Article V "Wildlife Feeding", of the Code of the Township of Marlboro, County of Monmouth, New Jersey) was introduced by reference, offered by Councilman Milman, seconded by Councilman Scalea and passed on a roll call vote of 5 - 0 in favor.

ORDINANCE #2022-011

AN ORDINANCE AMENDING ARTICLE V, SECTION 94 ("WILDLIFE FEEDING"), OF THE CODE OF THE TOWNSHIP OF MARLBORO, COUNTY OF MONMOUTH, NEW JERSEY

WHEREAS, Article V, Section 94 of the Code of the Township of Marlboro prohibits the feeding of unconfined wildlife in any public park or on any other property owned or operated by the Township of Marlboro; and

WHEREAS, the New Jersey Division of Fish & Wildlife has published guidance concerning the many negative consequences of feeding of wild deer, including:

- Feeding increases reproductive potential.
- Deer lose their fear of humans.
- Feeding enhances the spread of disease and parasites, and may compromise the health of non-target species.
- Concentrating deer in unnaturally high numbers around food piles increases nose-to-nose contact and may heighten the transmission of pathogens and parasites.
- Feeding concentrates deer in unnaturally high numbers and the resulting environmental damage is often severe.
- Feeding can change behavioral patterns, and may cause deer to cross roadways they normally would not, increasing the potential for deer-vehicle collisions.
- Feeding can sicken and kill deer.

WHEREAS, the New Jersey Division of Fish & Wildlife guidance concludes that "feeding of wild deer is undesirable"; and

WHEREAS, the Township of Marlboro desires to protect the public health, safety and welfare of the residents by prohibiting the feeding of wild deer on public and private property in the Township of Marlboro, subject to the provisions of New Jersey P.L. 1999 Chapter 231.

BE IT ORDAINED, that Article V, Section 94 shall be amended as follows:

§ 94-28 Purpose.

The purpose of this article is to prohibit the feeding of unconfined wildlife in any public park or on any other property owned or operated by the Township of Marlboro, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply. Additionally, to prohibit the feeding of wild deer anywhere in the Township of Marlboro, including, without limitation, upon private property so, as

to protect the public health, safety and welfare and to prescribe penalties for failure to comply, subject to the provisions of New Jersey P.L. 1999 Chapter 231.

§ 94-30 Prohibited conduct.

A. No person shall feed, in any public park or on any other property owned or operated by the Township, any wildlife, excluding confined wildlife (for example, wildlife confined in zoos, parks or rehabilitation centers) and unconfined wildlife at environmental education centers, subject to the provisions of New Jersey P.L. 1999 Chapter 231. Notwithstanding the above, the feeding of feral cats as part of an approved neuter, track and release (TNR) program is allowed.

B. No person shall feed wild deer on any property within Township of Marlboro, including publicly or privately owned property, without limitation, except as provided for under the provisions of New Jersey P.L. 1999 Chapter 231.

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 resolution #2022-207 (Amending Professional Services Contract for Engineering Services - Township Engineer) was introduced by reference, offered by Councilwoman Marder, seconded by Councilman Milman and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION #2022-207

A RESOLUTION AUTHORIZING AN AMENDMENT TO A PROFESSIONAL SERVICES CONTRACT BETWEEN CME ASSOCIATES AND THE TOWNSHIP OF MARLBORO FOR PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH ROAD, DRAINAGE, PARK, FACILITY AND WATER SYSTEM IMPROVEMENTS

WHEREAS, the Township of Marlboro authorized various road, drainage, park, facility and water system improvements under its 2020 and 2022 capital programs ("Project"), as follows:

2020

145-3C H&L Fields Pathway and Lighting

2022

060-01 Road Improvement Program

20-500-01 Water Main Replacement Road Resurfacing

060-04 Greenbriar Paving Program

060-25 Stormwater Basin Project

060-26 Stream/Drainage Project

122-101 Building HVAC Automation System

122-101.1 Chiller Pipe Replacement

500-01 Lloyd Road Water Main Repl Ph II (Nolan Rd to Rt 79)

20-060-05 Improvements to Harbor Road

060-01, 26 Improvements to School Road East

; and

WHEREAS, pursuant to Resolution #2022-126 adopted on May 19, 2022, the Township Council authorized the execution of a settlement agreement with LEXON INSURANCE COMPANY in the matter of KARA HOMES, INC. AT BUCKLEY ESTATES outlining the conditions under which the performance bonds held by the Township would be released; and

WHEREAS, under the terms of the agreement, the Township has received "Settlement Funds" sufficient funds to resolve the outstanding punch list items that KARA HOMES, INC. AT BUCKLEY ESTATES failed to complete; and

WHEREAS, the Township is in need of professional engineering services, consisting of design, permitting, bid and construction phase services in connection with the Project and the matter of KARA HOMES, INC. AT BUCKLEY ESTATES described herein ("Professional Services"); and

WHEREAS, CME Associates has provided proposals dated August 8 and September 1, 2022 (the "Proposals") for the required professional services; and

WHEREAS, the Township of Marlboro and CME Associates have entered into a Professional Services Contract, awarded under a fair and open process, and seeks to amend such Contract to expand the scope of services to include the Professional Services for the Projects by way of its Township Engineers at a fee not to exceed \$518,730.00 for such Professional Services, as further described and set forth in CME's Proposals, 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 \$518,730.00 are available in Capital Accounts, 04-215-18-01C-060288, 04-215-19-01D-060288, 04-215-13-08E-120288, 04-215-15-02H-060288, 04-215-22-07H-122288, 06-215-22-08A-500288, 04-215-20-05C-060288, 04-215-22-07A-060288 and 22-228-55-060-183000 for this purpose; 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 in accordance with the Proposals; and

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

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a Professional Services Contract between CME Associates, whose address is 1460 Route 9 South, Howell, NJ 07731 and the Township of Marlboro, to expand the scope of services to include professional engineering services in connection with various capital improvements by way of its Township Engineers, at a fee not to exceed \$518,730.00 for such Professional Services, as further described and set forth in CME's Proposals, be and is hereby authorized.

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

BE IT FURTHER RESOLVED, that this Professional Services Contract is awarded without competitive bidding pursuant to N.J.S.A. 40A:11-5(1)(a)(i) and shall provide for compensation in an amount not to exceed \$518,730.00 for such additional Professional Services for the Project as described in the Proposal.

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

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

- a. CME Associates
- b. Township Business Administrator
- c. Township Chief Financial Officer
- d. Superintendent of Public Works
- e. Community Development

The following resolution #2022-208 (Amending Professional Services Contract for Engineering Services - Alternate Township Engineer) was introduced by reference, offered by Councilwoman Marder, seconded by Councilman Scalea and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION #2022-208

A RESOLUTION AUTHORIZING AN AMENDMENT TO A PROFESSIONAL SERVICES CONTRACT BETWEEN T&M ASSOCIATES AND THE TOWNSHIP OF MARLBORO FOR PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH ROAD AND RECREATION FACILITY IMPROVEMENTS

WHEREAS, the Township of Marlboro authorized various road and recreation facility improvements under its 2020 and 2022 capital programs ("Project"), as follows:

2020

400-13 Swim Club (Country Park) Tennis Courts

2022

060-06 Improvements to Ryan Road

400-05 Swim Club Pool Deck Repairs

400-29 Aquatic Center (Vanderburg Park) Basketball Court

400-90 Swim Club (Country Park) Basketball Court

400-91 Swim Club Walkway Resurfacing

; and

WHEREAS, the Township is in need of professional engineering services, consisting of design, permitting, bid and construction phase services in connection with the Projects ("Professional Services"); and

WHEREAS, T&M Associates has provided proposals dated August 12 and September 7, 2022 (the "Proposals") for the required professional services; and

WHEREAS, the Township of Marlboro and T&M Associates have entered into a Professional Services Contract, awarded under a fair and open process, and seeks to amend such Contract to expand the scope of services to include the Professional Services for the Project by way of its Alternate Township Engineer at a fee not to exceed \$142,850.00 for such Professional Services, as further described and set forth in T&M'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 \$142,850.00 are available in Capital Accounts 10-215-14-04A-452288, 04-215-21-22A-060288, 10-215-22-09A-400288, 10-215-22-09B-400288 and 10-215-22-09D-400288 for this purpose; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the Township of Marlboro to amend its contract with T&M 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.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a Professional Services Contract between T&M Associates, whose address is 11 Tindall Road, Middletown, NJ 07748 and the Township of Marlboro, to expand the scope of services to include professional engineering services in connection with the Project by way of its Alternate Township Engineer, at a fee not to exceed \$142,850.00 for such Professional Services, as further described and set forth in T&M's Proposals, be and is hereby authorized.

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

BE IT FURTHER RESOLVED, that this Professional Services Contract is awarded without competitive bidding pursuant to N.J.S.A. 40A:11-5(1)(a)(i) and shall provide for compensation in an amount not to exceed \$142,850.00 for such additional Professional Services for the Project as described in the Proposals.

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

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

- a. T & M Associates
- b. Township Business Administrator
- c. Township Chief Financial Officer
- d. Superintendent of Public Works
- e. Community Development

The following resolution #2022-209 (Authorizing Acceptance of 2021 Audit) was introduced by reference, offered by Councilman Scalea, seconded by Councilwoman Marder and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION #2022-209

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

WHEREAS, the annual report of audit for the year 2021 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body, and

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

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of

New Jersey that all members of the governing body have reviewed as a minimum, the sections of the annual audit entitled "Comments and Recommendations", and

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

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

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

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

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

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

The following resolution #2022-210 (Authorizing Award of Bid - Uniforms (2022-11)) was introduced by reference, offered by Councilwoman Marder, seconded by Councilman Scalea and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION #2022-210

A RESOLUTION AWARDING CONTRACT TO ACTION UNIFORM COMPANY, LLC.
FOR THE PROVISION OF UNIFORMS FOR THE TOWNSHIP OF MARLBORO

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the PROVISION OF UNIFORMS FOR THE TOWNSHIP OF MARLBORO, (#2022-11) and on August 17, 2022, received one (1) bid, as follows:

BIDDER

**ACTION UNIFORMS CO.
1500 S. NEW ROAD
PLEASANTVILLE, NJ 08232**

POLICE	\$220,211.00
FIRE PREVENTION BUREAU	\$14,780.00
CONSTRUCTION CODE	\$10,105.00
DEPARTMENT OF PUBLIC WORKS	\$4,215.00

TOTAL FOR ALL DEPARTMENTS \$249,311.00

; and

WHEREAS, following a review of the bid, it has been determined that the submission of the sole bidder on all items included in the bid, ACTION UNIFORM COMPANY, LLC., for the PROVISION OF UNIFORMS FOR THE TOWNSHIP OF MARLBORO is responsive; and

WHEREAS, the Administration Department has recommended the award of contract to ACTION UNIFORM COMPANY, LLC., the apparent lowest bidder; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract be awarded to ACTION UNIFORM COMPANY, LLC., whose address is 1500 S. New Road, Pleasantville, NJ 08232 in an amount not to exceed \$249,311.00 for the PROVISION OF UNIFORMS FOR THE TOWNSHIP OF MARLBORO for the period of January 1, 2023 through December 31, 2023, with an option to renew the contract based upon the same terms and conditions as specified in the bid proposal for an additional one (1) two-year period or two (2) one-year periods at the exclusive option of the Township.

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

BE IT FURTHER RESOLVED, funds in an amount of \$249,311.00 will be certified at the time of adoption of the 2023 municipal budget.

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

- a. ACTION UNIFORM COMPANY, LLC.
- b. Township Business Administrator
- c. Chief of Police
- d. Director of Public Works
- e. Uniform Construction Code Division
- f. Fire Official
- g. Township Chief Financial Officer

The following resolution #2022-211 (Authorizing Award of Bid - Pool Maintenance (2022-12)) was introduced by reference, offered by Council Vice President DiNuzzo, seconded by Councilman Milman and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION #2022-211

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

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for THE PROVISION OF POOL MAINTENANCE SERVICES FOR THE MARLBORO TOWNSHIP SWIM CLUB AND THE MARLBORO TOWNSHIP RECREATION AQUATIC CENTER, (#2022-12) and on August 24, 2022, received one (1) bid, summarized as follows:

					Aquatic Service Inc. 550 Hartle Street, Suite F Sayreville, NJ 08872	
					Unit Price	Ext. Price
	SWIM CLUB - CONTRACT YEAR ONE - 2023					
A1A	Open Facility (Spring, 2023)					47,396.35
A1B	Winterize Facility (Fall, 2023)					14,279.10
	Service Call During Season – 2023					
A1C(1) a	Cost per hour, supervisor (weekdays)	30	Hours		157.45	4,723.50
A1C(1) b	Cost per hour, helper (weekdays)	30	Hours		154.30	4,629.00
A1C(1) a	Cost per hour, supervisor (weekends)	5	Hours		236.18	1,180.90
A1C(1) b	Cost per hour, helper (weekends)	5	Hours		231.45	1,157.25
	Parts (Percent Mark-up From Cost) - 2023					
A1C(2) a	For \$2,000 materials	2,000	Dollars		40.00%	2,800.00
						\$76,166.10

	SWIM CLUB - CONTRACT YEAR TWO - 2024					
A2A	Open Facility (Spring, 2024)					48,818.25
A2B	Winterize Facility (Fall, 2024)					14,778.90
	Service Call During Season – 2024					
A2C(1) a	Cost per hour, supervisor (weekdays)	30	Hours	161.40		4,842.00
A2C(1) b	Cost per hour, helper (weekdays)	30	Hours	158.15		4,744.50
A2C(1) a	Cost per hour, supervisor (weekends)	5	Hours	242.10		1,210.50
A2C(1) b	Cost per hour, helper (weekends)	5	Hours	237.23		1,186.15
	Parts (Percent Mark-up From Cost) - 2024					
A2C(2) a	For \$2,000 materials	2,000	Dollars	40.00%		2,800.00
						\$78,380.30
	AQUATIC CENTER - CONTRACT YEAR ONE - 2023					
B1A	Open Facility (Spring, 2023)					19,051.60
B1B	Winterize Facility (Fall, 2023)					6,636.85
	Service Call During Season - 2023					
B1C(1)a	Cost per hour, supervisor (weekdays)	20	Hours	157.45		3,149.00
B1C(1) b	Cost per hour, helper (weekdays)	20	Hours	154.30		3,086.00
B1C(1)a	Cost per hour, supervisor (weekends)	5	Hours	236.18		1,180.90
B1C(1) b	Cost per hour, helper (weekends)	5	Hours	231.45		1,157.25
	Parts (Percent Mark-up From Cost) - 2023					
B1C(2)a	For \$2,000 materials	2,000	Dollars	40.00%		2,800.00
						\$37,061.60
	AQUATIC CENTER - CONTRACT YEAR TWO - 2024					
B2A	Open Facility (Spring, 2024)					19,623.15
B2B	Winterize Facility (Fall, 2024)					6,869.15
	Service Call During Season - 2024					
B2C(1)a	Cost per hour, supervisor (weekdays)	20	Hours	161.40		3,228.00
B2C(1) b	Cost per hour, helper (weekdays)	20	Hours	158.15		3,163.00
B2C(1)a	Cost per hour, supervisor (weekends)	5	Hours	242.10		1,210.50
B2C(1) b	Cost per hour, helper (weekends)	5	Hours	237.23		1,186.15
	Parts (Percent Mark-up From Cost) - 2024					
B2C(2)a	For \$2,000 materials	2,000	Dollars	40.00%		2,800.00

									\$38,079.95
									\$229,687.95
								TWO YEAR CONTRACT TOTAL	5

; and

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

WHEREAS, in a memo dated September 1, 2022 the Director of Recreation has recommended the award of contract to AQUATIC SERVICE INC.; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract be awarded to AQUATIC SERVICE INC. whose address is 550 Hartle Street, Suite F, Sayreville, NJ 08872 for THE PROVISION OF POOL MAINTENANCE SERVICES FOR THE MARLBORO TOWNSHIP SWIM CLUB AND THE MARLBORO TOWNSHIP RECREATION AQUATIC CENTER, for a contract amount at prices specified in the bid proposal not to exceed \$229,687.95 for a term of two years beginning on January 1, 2023 through December 31, 2024, with an option to renew the contract based upon the same terms and conditions as specified in the bid proposal for an additional one (1) one-year period at the exclusive option of the Township.

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

BE IT FURTHER RESOLVED, funds for the 2023 and 2024 contract amounts will be certified by the Chief Financial Officer subject to approval of the 2023 and 2024 Recreation Utility budgets respectively.

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

- a. AQUATIC SERVICE INC.
- b. Township Business Administrator
- c. Township Director of Recreation
- d. Township Chief Financial Officer

The following resolution #2022-212 (Confirming Interim Agreement for the Purchase of Zinc Orthophosphate) was introduced by reference, offered by Council Vice President DiNuzzo, seconded by Councilman Milman and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION #2022-212

RESOLUTION CONFIRMING INTERIM CONTRACT WITH UNIVAR
SOLUTIONS USA, INC. FOR THE PURCHASE OF ZINC
ORTHOPHOSPHATE

WHEREAS, on March 18, 2021, the Township Council approved Resolution #2021-154 which authorized the award of bid #2021-06 for the provision of chemicals including the purchase of Zinc Orthophosphate for the Marlboro Township Department of Public Works, Water Utility Division; and

WHEREAS, the Township entered into an agreement with George S. Coyne Chemical Co., Inc. at a rate of \$0.7973 per pound for an estimated 90,000 pounds, in an amount not to exceed \$71,757.00, for a term of one year beginning on April 1, 2021 through March 31, 2022; and

WHEREAS, the award resolution, bid specifications and executed contract indicated the Township had the exclusive right to renew on the same terms and conditions for one two-year or two one-year periods; and

WHEREAS, on February 10, 2022 the Township Council approved Resolution #2022-067 to extend the contract with George S. Coyne for an additional one year period beginning on April 1, 2022 through March 31, 2023 on the same terms and conditions; and

WHEREAS, in a communication dated February 17, 2022, George S. Coyne informed the Township that it would not honor the terms of the contract; and

WHEREAS, as a result, the Township declared George S. Coyne in default of its contract; and

WHEREAS, Zinc Orthophosphate is an essential chemical used by the Water Utility Division to provide safe drinking water to the residents of the Township; and

WHEREAS, as per the Local Public Contracts Law, N.J.S.A. 40A:11-3 requires the Township to solicit bids for goods or services that exceed the Township's set bid threshold; and

WHEREAS, to ensure that the required Zinc Orthophosphate was available until the Township could complete a formal re-bid process, the Township solicited competitive quotes for the required chemical

and awarded an interim contract to Univar Solutions USA, Inc. at a rate of \$1.40 per pound; and

WHEREAS, the Township advertised for bids for Zinc Orthophosphate, and on August 18, 2022, the Township Council awarded a one year contract with a term of September 1, 2022 through August 31, 2023 to Shannon Chemical as the lowest qualified bidder, at a rate of \$1.42 per pound for an estimated 90,000 pounds in an amount not to exceed \$127,800.00; and

WHEREAS, during the period between the contract default by Coyne Chemical Co. and award of the replacement contract to Shannon Chemical, the Township ordered a total of 22,990 pounds of Zinc Orthophosphate from Univar Solutions USA, Inc. at a rate of \$1.40 per pound, for a total of \$32,186.00; and

WHEREAS, due to the circumstances of a contract default by Coyne Chemical Co., the legal requirement to complete a public bid process for a replacement contract and need for a critical commodity for the delivery of potable water on an interim basis, the Township recommends and seeks confirmation of the interim contract with and final payment to Univar Solutions USA Inc. for the supply of Zinc Orthophosphate in the amount of \$32,186.00.

NOW, THEREFORE BE IT RESOLVED, that the Township Council accepts the recommendation and hereby confirms the interim contract for the required Zinc Orthophosphate, and approves payments totaling \$32,186.00 to Univar Solutions USA, Inc., 200 Dean Sievers Place, Morrisville, PA 19067 for Zinc Orthophosphate.

BE IT FURTHER RESOLVED, that the Mayor, Business Administrator and Municipal Clerk are hereby authorized to execute any necessary documents in a form 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. Business Administrator
- b. Chief Financial Officer
- c. Director of Public Works
- d. Township Attorney

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

RESOLUTION #2022-213

A RESOLUTION AUTHORIZING MEMBERSHIP PARTICIPATION OF TOWNSHIP
OF THE TOWNSHIP OF MARLBORO IN THE PASSAIC COUNTY COOPERATIVE
PRICING SYSTEM ID# 38PCCP

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into cooperative pricing agreements for its administration; and

WHEREAS, the County of Passaic, hereinafter referred to as the "Lead Agency" has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services; and

WHEREAS, on September 15, 2022 the governing body of the Township of Marlboro, County of Monmouth, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services.

NOW, THEREFORE BE IT RESOLVED, as follows:

1. This resolution shall be known and may be cited as the Cooperative Pricing Resolution of the Township of Marlboro.
2. Pursuant to the provisions of *N.J.S.A. 40A:11-11(5)*, Mayor Jonathan L. Hornik is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.
3. The Lead Agency shall be responsible for complying with the provisions of the *Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.)* and all other provisions of the revised statutes of the State of New Jersey.
4. This resolution shall take effect immediately upon passage.

RESOLUTION #2022-214

AUTHORIZING ACCEPTANCE OF CONDITIONAL LOAN OF MILITARY
EQUIPMENT FROM THE UNITED STATES DEPARTMENT OF THE ARMY FOR A
MEMORIAL AND HISTORICAL DISPLAY

WHEREAS, the Township applied to the United States Department of the Army for a conditional loan of military equipment for a memorial and/or historical display; and

WHEREAS, the Township has been notified in a letter dated August 11, 2022 of an opportunity to obtain an M116 Pac Howitzer bearing Serial Number 6996 ("Equipment"); and

WHEREAS, the letter sets forth the terms under which the Township may receive the Equipment under a conditional loan; and

WHEREAS, the Township wishes to utilize the Equipment for a memorial/historical display at 1979 Township Drive, Marlboro, New Jersey 07746, and is prepared to comply with the terms outlined in the letter of August 11, 2022 from the Department of the Army.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro that the Township is hereby authorized to accept the conditional loan of equipment from the United States Department of the Army.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Municipal Clerk to witness any and all documents to secure the conditional loan of equipment.

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

- a. US ARMY TACOM
- b. Township Business Administrator
- c. Chief of Police
- d. Superintendent of Public Works
- e. Chief Financial Officer
- f. Insurance

RESOLUTION #2022-215

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES FOR THE GRADING AND CLEARING IMPROVEMENTS AT THE SITE KNOWN AS KEA COMMERCIAL, BLOCK 120, LOTS 15 AND 17, LOCATED AT 44-46 TENNENT ROAD, TOWNSHIP OF MARLBORO, NEW JERSEY 07746

WHEREAS, due to the change in ownership of the site, the Township of Marlboro is processing the release of the Township held Performance Guarantees in the form of a performance surety bond and cash deposit for the grading and clearing improvements ("Public Improvements") on the Site known as "KEA Commercial" (the "Site"), property known as Block 120, Lots 15 and 17, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by KEA Designs 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 August 31, 2022, 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 accordance with the recommendation of the Township Engineer's report dated August 31, 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 Guarantee in the form of a performance surety bond and cash deposit posted by the Developer, KEA Designs, LLC, for the site known as KEA Commercial, located on property known as Block 120, Lots 15 and 17, Township of Marlboro, New Jersey, shall be released as follows:

1. The Performance Bond (Western Surety Company Bond No. 70902562), in the original amount and present amount of \$31,946.40 shall be released in its entirety.
2. The Cash Deposit (Fleet Bank, Check No. 2275), in the original amount and present amount of \$3,549.60 (excludes accrued interest), shall be released in its entirety.

BE IT FURTHER RESOLVED, that due to the change in ownership of the site, the Township of Marlboro shall wave the two (2) year fifteen percent (15%) maintenance bond requirement.

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

- a. KEA Designs LLC
- b. Fleet Bank, Freehold NJ (now Bank of America)
- c. Township Business Administrator
- d. Township Chief Financial Officer
- e. Township Engineer
- f. Township Attorney
- g. Township Water Utility Division

RESOLUTION #2022-216

AUTHORIZING AN AGREEMENT WITH REALAUCTION.COM LLC
TO CONDUCT AN ELECTRONIC TAX SALE

WHEREAS, Marlboro Township has participated in the Electronic Municipal Tax Lien Sale Pilot Program, pursuant to N.J.S.A 54:5-19, since 2014; and

WHEREAS, N.J.A.C 5:33-1.1 created a regulatory framework for online tax sales of delinquent property taxes and municipal charges; and

WHEREAS, Tax Collector Colleen Dolan has recommended entering into an agreement with RealAuction.com LLC for an online tax sale of delinquent property taxes and municipal charges; and

WHEREAS, funds in the total amount of \$2,500.00 have been certified by the Chief Financial Officer from Current Account 01-201-20-046-288.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Township of Marlboro that Jonathan Capp, Business Administrator shall and hereby is authorized to execute an agreement with RealAuction.com LLC to conduct an electronic tax sale.

RESOLUTION #2022-217

RESOLUTION AUTHORIZING THE EXECUTION OF A DEVELOPER'S AGREEMENT BY AND BETWEEN MCDONALD'S USA, LLC AND THE TOWNSHIP OF MARLBORO CONCERNING WATER SYSTEM IMPROVEMENTS RELATED TO THE DEVELOPMENT OF A MCDONALD'S RESTAURANT AT BLOCK 268, LOTS 62 & 80

WHEREAS, McDonald's USA, LLC (the "Developer") is the developer of certain real property at or near NJ State Highway U.S. No. Route 9, known as Block 268, Lot 62 & 80 in the Township of Marlboro, County of Monmouth, State of New Jersey (hereinafter referred to as the "Property"); and

WHEREAS, Developer has proposed to construct a new McDonald's restaurant on the Property in place of a now demolished former McDonald's restaurant (the "Project"), and has requested water service for the Project from the Marlboro Township Water Utility Division; and

WHEREAS, the Township of Marlboro (the "Township") has determined that to ensure the availability of water service to the Developer, the Developer should be required to construct and install certain water system improvements; and

WHEREAS, the Township Attorney has reviewed the Developer's Agreement attached hereto as Attachment A; and

WHEREAS, after analysis and review, the Township has determined it is in its best interest to enter into the Developer's Agreement to memorialize the terms and conditions associated therewith 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 McDonald's USA, LLC, for the purpose of providing water service and memorializing the obligations and commitments of McDonald's USA, LLC, in a form substantially similar to the agreement attached as Attachment A, subject to the review and approval of the Township Attorney.
3. This Resolution shall take effect immediately.

SO RESOLVED, as aforesaid.

RESOLUTION #2022-218

AUTHORIZING THE TOWNSHIP OF MARLBORO TO APPLY FOR FUNDING
FROM THE NEW JERSEY DEPARTMENT OF CRIMINAL JUSTICE THROUGH THE
FY2022 BODY ARMOR REPLACEMENT PROGRAM FOR THE
MARLBORO TOWNSHIP POLICE

WHEREAS, the State Body Armor Replacement Fund Program sponsored by the New Jersey Department of Criminal Justice has been established to assist all eligible law enforcement agencies in offsetting costs of purchasing body armor vests for uniformed officers; and

WHEREAS, the funds are dedicated funds and cannot be used for any other purpose; and

WHEREAS, the Township wishes to apply for the maximum amount of funding available to offset the costs for replacement vests; and

WHEREAS, the funding is given on a reimbursement-basis, requested by the grantee after confirmation of receipt of the ballistic vest is provided.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Township is hereby authorized to submit an application to the New Jersey Department of Criminal Justice

and execute an agreement for funding from the FY2022 Body Armor Replacement Fund.

RESOLUTION #2022-219

LIEN REDEMPTIONS

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$9,580.96 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 \$9,580.96 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>
2021-009	126/12	US Bank Cust/PC8 Firsttrust Bank 50 South 16 th St, Ste 2050 Philadelphia, PA 19102 Assessed Owner: Jarmolowski, Anna & Stanislaw	2,445.83
2021-041	380/32	Christiana T C/F CE1/Firsttrust PO Box 5021 Philadelphia, PA 19111 Assessed Owner: Roth, Jerry & Jacqueline	7,135.13

RESOLUTION #2022-220

REFUND OF TAX OVERPAYMENTS

WHEREAS, the attached list in the amount of \$3,877.68 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"

BLOCK/LOT	PROPERTY INFORMATION	AMOUNT
412.08/6	Jew, Herman & Monica 11 Barn Swallow Boulevard	\$1,702.73
288/29/C0454	Pugliese, Thomas 454 Bayberry Court	\$740.01
289/9	Cafaro, Vincent & Patricia 429 Union Hill Road	\$1,434.94
	TOTAL	\$3,877.68

RESOLUTION #2022-221

DISABLED VETERAN STATUS TAX EXEMPTIONS

WHEREAS, the Tax Assessor has granted disabled veteran exemptions for the owners of the properties as per Schedule "A".

WHEREAS, pro-rated 2022 property taxes totaling \$17,425.84 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 \$17,425.84 for 2022 taxes.

SCHEDULE "A"

BLOCK/LOT	EFFECTIVE DATE	PROPERTY INFORMATION	AMOUNT
420/24	6/30/2022	Cohen, Lori 40 Moore Road	\$9,983.84
191/1	6/14/2022	Cappuzzo, James N. Jr 10 Amagansett Drive	\$7,442.00
			\$17,425.84

Citizen's Voice: Frank Festa of 1727 Ramapo Way, Scotch Plains said that he has not received engineering approval to proceed with building on his commercial property.

Geoffrey Krenkel of 41 Samantha Drive discussed his ongoing concerns with the construction at 606 Robert Court.

Suzan Makofsky of 4 Regina Road requested that feeding wildlife be prohibited on private properties.

Robert Renna of 48 Samantha Drive agreed with the members of the council as it relates to the 911 communications study.

At 7:35 p.m., Councilman Scalea moved that the meeting be adjourned. This was seconded by Council Vice President DiNuzzo, and as there was no objection; the Municipal Clerk was asked to cast one ballot.

MINUTES APPROVED: OCTOBER 20, 2022

OFFERED BY: SCALEA

AYES: 4

SECONDED BY: MILMAN

NAYS: 0

ABSENT: MARDER

SUSAN A. BRANAGAN,
MUNICIPAL CLERK
102022

JUNED QAZI,
COUNCIL PRESIDENT