

MARLBORO TOWNSHIP COUNCIL MEETING

February 9, 2023

The Marlboro Township Council held its regularly scheduled meeting on February 9, 2023 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 sent to the Asbury Park Press, the Star Ledger, News Transcript and the Board of Education Office on February 7, 2023; published in the Asbury Park Press on November 10, 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.

Council President Qazi requested a moment of silence for Councilwoman Eunice K. Dwumfour of Sayerville, New Jersey and Councilman Russell D. Heller of Milford, New Jersey.

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

Mayor Hornik provided a Mayoral Proclamation - 175th (Demisemiseptcentennial) Anniversary of Marlboro Township.

Council Speaks Out: Councilwoman Marder provided information about the upcoming spring and early summer recreation events. Councilman Milman wished Marlboro Township a happy 175th birthday. Council Vice President DiNuzzo also wished Marlboro Township a happy birthday as well as wishing everyone a happy Valentine's Day. Council President Qazi offered his condolences to the people of Turkey and Syria following the aftermath of the Kahramanmaras earthquake. The Council President then provided updates about the Public Works and Police Departments.

Administration Report: Mayor Hornik stated that he attended the Chinese New Year celebrations at both the Marlboro Fidelity and Huxia Chinese schools and he wished everyone a Gung Hey Fat Choy to all that celebrate. The Mayor requested the support of council for meeting agenda items such as the electricity resolution with the Marlboro Township Board of Education, which would achieve significant economies and secure fixed pricing for years. Under the 36-month agreement authorized in 2020, the Township and BOE together have saved more than \$520,000 in energy costs. The Mayor also requested support from the council for the nationwide settlement agreements with certain pharmacy chains and drug makers to resolve claims in the country's opioid crisis. Mayor Hornik wished Marlboro's Assistant Court Administrator, Susan Thomas, all the best in her retirement. Along with Chief Pezzullo, the Mayor asks residents to enjoy the Super Bowl responsibly. In closing, Mayor Hornik wished everyone a happy Valentine's Day.

Council Vice President DiNuzzo moved that the Council meeting minutes of January 19, 2023 be approved. This was seconded by Councilwoman Marder, and passed on a roll call vote of 4 - 0 in favor (Councilman Scalea abstained).

Councilman Scalea introduced a motion to open the public hearing for Ordinance #2023-001 (Ordinance Fixing the Salaries of Various Officers and Employees of the Township of Marlboro for 2023) this was seconded by Councilwoman Marder and approved by unanimous voice vote. The Council President asked if anyone from the public wished to speak.

With no one from the public wishing to speak, Councilman Scalea offered a motion to close the public hearing, seconded by Councilwoman Marder and approved by unanimous voice vote.

The following Ordinance #2023-001 (Ordinance Fixing the Salaries of Various Officers and Employees of the Township of Marlboro for 2023) 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.

ORDINANCE #2023-001

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 2023

The following Ordinance #2023-002 (Ordinance Authorizing The Acquisition of an Easement Consisting of 0.024 Acres of the Property

Known and Designated as Block 116, Lot 17, also Known as 5 Lloyd Road, for the Purposes of Constructing and Maintaining Public Water Infrastructure) was introduced by reference, offered by Council Vice President DiNuzzo, seconded by Councilwoman Marder and passed on a roll call vote of 5 - 0 in favor.

ORDINANCE #2023-002

AN ORDINANCE AUTHORIZING THE ACQUISITION OF AN EASEMENT AND RIGHT-OF-WAY CONSISTING OF .024 ACRES OF THE PROPERTY KNOWN AND DESIGNATED AS BLOCK 116, LOT 17 ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF MARLBORO, MONMOUTH COUNTY, NEW JERSEY, ALSO KNOWN AS 5 LLOYD ROAD, MORGANVILLE, NJ 07751 FOR THE PURPOSES OF CONSTRUCTING AND MAINTAINING PUBLIC WATER INFRASTRUCTURE IN THE TOWNSHIP OF MARLBORO

WHEREAS, the Township of Marlboro previously authorized the Lloyd Road Water Main Replacement Project (the "Project"), which generally consists of the replacement and improvement of a water main under Lloyd Road and N.J.S.H. Route 79 in the Township, and other water facilities; and

WHEREAS, in order to undertake the Project, the Township requires a certain permanent property easement; and

WHEREAS, the Township desires to acquire a .024 acre easement on BLOCK 116, LOT 17 as described in the legal description dated April 11, 2022 attached hereto as Attachment A and as further illustrated in the engineering sketch prepared by CME Associates and dated April 11, 2022, which is attached hereto as Attachment B; and

WHEREAS, the Township requires the permanent easement described in the legal description dated April 11, 2022 ("Property") for the public purposes of constructing and maintaining water utility infrastructure, and has entered into negotiations with the owner to acquire the easement; 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 for the Township to acquire the Property in order to use the same for constructing and maintaining water utility infrastructure.

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 Township is hereby authorized to acquire an easement consisting of .024 acres located on the parcel of real Property known and designated as Block 116, Lot 17 on the Official Tax Map of the Township of Marlboro, Monmouth County, New Jersey, also known as 5 Lloyd Road, Morganville, New Jersey, for the public purposes of constructing and maintaining water utility infrastructure for a purchase price of Five Thousand Dollars and 00/100 (\$5,000.00); and

2. The Mayor and 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, subject to the review of the Township Attorney; 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.

The following Ordinance #2023-003 (Ordinance Amending Chapter 4, Article XIV, § 4-98, of the Code of the Township of Marlboro Entitled "Division Of Police" Amending Table of Organization) was introduced by reference, offered by Council Vice President DiNuzzo, seconded by Councilwoman Marder and passed on a roll call vote of 5 - 0 in favor.

ORDINANCE #2023-003

AN ORDINANCE AMENDING CHAPTER 4, ARTICLE XIV, § 4-98, OF
THE CODE OF THE TOWNSHIP OF MARLBORO ENTITLED "DIVISION
OF POLICE" AMENDING TABLE OF ORGANIZATION

WHEREAS, Chapter 4 of the Code of the Township of Marlboro entitled "Division of Police" provides a Table of Organization for positions within the Division of Police; and

WHEREAS, the Police Chief has recommended that the Township Council amend the Code of the Township of Marlboro to add one additional Sergeant to a maximum of 13.

BE IT ORDAINED, by the Township Council of the Township of Marlboro, in the County of Monmouth and State of New Jersey, that Chapter 4, Article XIV, § 4-98, Section C(2) of the Code of the Township of Marlboro be amended as follows:

C(2) The Table of Organization of the Police Division may be staffed up to the maximum number of persons specified herein:

<u>Maximum #</u>	<u>Position established</u>
13	Sergeants; 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 provisions 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 on upon passage and publication in accordance with applicable law.

Resolution #2023-063 (Adjusting the Annual LOSAP Contribution and Certifying List of Qualified Volunteer Members - Morganville First Aid Squad) was removed from the Consent Agenda and voted on separately.

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

RESOLUTION #2023-055

A RESOLUTION AUTHORIZING PARTICIPATION IN THE NEW JERSEY E-PROCUREMENT PILOT PROGRAM, AUTHORIZING THE HIRING AND ENGAGEMENT OF AN ON-LINE PURCHASING AGENT TO CONDUCT INTERNET-BASED REVERSE AUCTIONS, AND THE EXECUTION OF AGREEMENTS FOR THE PURCHASE OF ELECTRIC POWER SUPPLIES

WHEREAS, the Mayor and Township Council of the Township of Marlboro are committed to the pursuit of initiatives that will stabilize and even reduce the costs of local government operations; and

WHEREAS, over the past twelve (12) years in cooperation with the Marlboro Township Board of Education, the Township of Marlboro has achieved meaningful cost reductions through the competitive procurement of electric generation service from third party suppliers utilizing an internet-based reverse auction platform; and

WHEREAS, the Marlboro Township Board of Education and the Township of Marlboro are engaged in a registered cooperative pricing system with the State of New Jersey for the joint purchase of electrical generation supplies, with the Township of Marlboro being designated as the Lead Agency to act on its own behalf, as well as on behalf of the Board of Education; and

WHEREAS, the State of New Jersey allows local government units, through participation in an *E-Procurement Pilot Program* in accordance with the provisions of the *Local Unit Electronic Technology Pilot Program and Study Act* (P. L. 2001, c. 30), to utilize on-line bidding services to purchase electric power supplies and to do so either alone, on a single agency basis, or in concert with other government contracting units through a cooperative purchasing arrangement; and

WHEREAS, pursuant to provisions of the *Local Unit Electronic Technology Pilot Program and Study Act* (P. L. 2001, c. 30), local contracting units are specifically authorized to engage, without competitive bidding, on-line purchasing agents for the purpose of conducting internet-based auctions to procure certain bulk commodities, including electric energy supplies; and

WHEREAS, EnerConnex, LLC (formerly EnerNOC, Inc., World Energy Solutions, Inc.) conducted auctions for electric energy supplies on behalf of the Township of Marlboro and Marlboro Board of Education in each of 2011, 2013, 2015, 2017 and 2020, through which rates for electricity supplies were secured which have resulted in substantial savings for taxpayers.

WHEREAS, the Township's entered into an agreement with EnerConnex, LLC (Resolution #2020-120) dated April 27, 2020 for online reverse auction services; and

WHEREAS, following an auction conducted in 2020, the Township entered into a 36 month contract with Constellation Energy, Inc. (Resolution #2020-157) expiring on May 14, 2023 for the purchase of electric generation service; and

WHEREAS, the agreement with EnerConnex, LLC expires on April 26, 2023; and

WHEREAS, EnerConnex, LLC is approved by the New Jersey Department of Community Affairs (NJDCA) to provide online reverse auctions for the purchase of energy generation services; and

WHEREAS, with the expiration of its electric generation service contract with Constellation Energy, Inc., the Township will need to conduct a competitive process to solicit bids, and wishes to continue to utilize EnerConnex, LLC for online reverse auction services under the same terms including the reasonable sum of \$0.001 per kilowatt-hour of procured electric generation service, payable by the successful vendor; and

WHEREAS, the Township wishes to continue to utilize EnerConnex, LLC at no cost after the award of the electricity contract beginning July 1, 2023 in order to monitor market conditions, resolve contract issues and make recommendations concerning a successor electric generation service contract, as well as serve as the online purchasing agent for the next auction on the same terms and conditions.

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

Section 1. Subject to the provisions of Section 2, below, the participation of Marlboro Township in the New Jersey *E-Procurement Pilot Program* pursuant to the provisions of the *Local Unit Electronic Technology Pilot Program and Study Act* (P. L. 2001, c. 30) is hereby authorized and approved for the purpose of purchasing electric generation service from third party suppliers utilizing on-line competitive bidding services and, in particular, an internet-based reverse auction platform.

Section 2. It is the intention of the Mayor and Township Council that the Township's procurement of electric power supplies be effected as part of a cooperative purchasing arrangement with the Marlboro Township Board of Education and with the Township serving as the Lead Agency in connection therewith under an approved Cooperative Pricing System by the State of New Jersey (190MTCPS) which expires on March 4, 2026.

Section 3. Subject to the provisions of Section 2, above, the Township is hereby authorized to hire EnerConnex, LLC, 1 South Jersey Plaza, Folsom, NJ 08037, as an on-line purchasing agent, to conduct competitive reverse auctions utilizing an internet-based platform, as well as to perform related procurement services, in conjunction with the Township's planned purchase of electric energy supplies, to be effected through the execution of an agreement substantially in the form attached hereto and made a part hereof as

Exhibit A, which said contract is hereby awarded, without competitive bidding, pursuant to the provisions of Section 7 of the *Local Unit Electronic Technology Pilot Program and Study Act* (P. L. 2001, c. 30), for a term beginning May 1, 2023 for a period of 24 months, with an additional one-year extension on the same terms and conditions, at the exclusive option of the Township.

Section 4. With the understanding that following the acceptance of any such bid, the Township of Marlboro and the Marlboro Township Board of Education shall enter into separate contracts with the successful vendor so that each part shall have sole and singular responsibility for the payment of their respective electric generation service, the Mayor, or his designee is authorized to award a contract to and execute an agreement, in a form approved by the Township Attorney, with the lowest responsible bidder resulting from the aforementioned internet-based, reverse auctions for the purchase of electric power supplies, provided the bid accepted is less than the rate then being paid by the Township to JCP&L for the same electric generation service and also less than the "Price To Compare" amount established, in advance of the reverse auctions, by the Township's on-line purchasing agent.

Section 5. The Mayor, or his designee, shall report on the bid results at the first meeting of the Township Council following the conclusion of the auctions to enable the Township Council to ratify and confirm the contract award.

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

- a. Marlboro Township Business Administrator
- b. Marlboro Township Chief Financial Officer
- c. Marlboro Township Board of Education
- d. EnerConnex, LLC

RESOLUTION #2023-056

A RESOLUTION AUTHORIZING PARTICIPATION IN THE NATIONWIDE SETTLEMENT AGREEMENTS WITH PHARMACY CHAINS CVS, WALGREENS, AND WALMART, AND DRUG MAKERS TEVA PHARMACEUTICALS AND ALLERGAN TO RESOLVE CLAIMS INVOLVING THEIR ROLES IN THE COUNTRY'S OPIOID CRISIS

WHEREAS, on January 11, 2023, Attorney General Matthew J. Platkin announced that New Jersey has joined nationwide settlement agreements with pharmacy chains CVS, Walgreens, and Walmart, and drug makers Teva Pharmaceuticals and Allergan to resolve claims involving their roles in fomenting the country's opioid crisis; and

WHEREAS, participation in the nationwide settlements will not only hold the companies financially accountable by requiring payments of as much as \$20.1 billion, but will also provide funding to support programs that address the opioid epidemic in New Jersey and across the country, and will require significant changes in industry business practices aimed at preventing similar crises in the future; and

WHEREAS, participation by a significant number of states, counties, and municipal governments nationwide in the settlements and agreements to the proposed terms is necessary in order for the settlements to take effect; and

WHEREAS, provided enough states opt to participate in the settlements, their subdivisions (i.e. county and municipal governments) will have through April 18, 2023 to join; and

WHEREAS, it is in the best interests of the Township and its residents to participate and join in the settlement agreements in order to hold these companies financially accountable for the ongoing opioid crisis and to implement the necessary changes to prevent such a crisis from happening again in the future.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro that the Mayor, Municipal Clerk, and Business Administrator are hereby authorized to sign any documents necessary in order to join the settlement agreements with pharmacy chains CVS, Walgreens, and Walmart, and drug makers Teva Pharmaceuticals and Allergan to resolve claims involving their participation in the opioid crisis without further authorization by the governing body; and

BE IT FURTHER RESOLVED, that the Municipal Clerk shall forward a copy of this resolution to the Office of The Attorney General and the New Jersey League of Municipalities.

RESOLUTION #2023-057

A RESOLUTION AUTHORIZING YEAR 3 OF CONTRACT TO ON SITE
LANDSCAPE MANAGEMENT FOR THE PROVISION OF TOWNSHIP PROPERTY
MAINTENANCE FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF
PUBLIC WORKS

WHEREAS, on February 2, 2021 (Resolution #2021-097) the Township Council of the Township of Marlboro awarded a contract to ON SITE LANDSCAPE MANAGEMENT FOR THE PROVISION OF TOWNSHIP PROPERTY MAINTENANCE FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (DPW) (Bid #2021-01); and

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

WHEREAS, on February 10, 2022 (Resolution #2022-060), the Township Council of the Township of Marlboro approved the first one (1) year extension of the contract with ON SITE LANDSCAPE MANAGEMENT FOR THE PROVISION OF TOWNSHIP PROPERTY MAINTENANCE FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS; and

WHEREAS, in a memo dated January 9, 2023, the Director of Public Works has recommended that the Township approve the second and final one (1) year extension of the contract; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a renewal contract be awarded to ON SITE LANDSCAPE MANAGEMENT, whose address is P.O. Box 294, Millstone, NJ 08535 for a one-year period beginning on March 1, 2023 and terminating on February 28, 2024, for an amount not to exceed \$249,987.00.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Municipal Clerk to witness, contracts with ON SITE LANDSCAPE MANAGEMENT, in accordance with this resolution, the bid specifications, and in a form to be approved by the Township Attorney.

BE IT FURTHER RESOLVED, funds in the amount of \$224,989.20 representing the 2023 portion of the contract have been certified by the Chief Financial Officer in Current Accounts 01-201-26-122-288310, 01-201-28-123-288101 and 01-201-28-123-292120, Open Space Trust Fund account 21-228-55-059 and Recreation Utility Operating Account 09-201-55-400-288452.

BE IT FURTHER RESOLVED, that funds in the amount of \$24,997.80, for the 2024 portion of the contract will be certified by the Chief Financial Officer upon adoption of the 2024 Municipal Budget.

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

- a. ON SITE LANDSCAPE MANAGEMENT
- b. Township Business Administrator
- c. Director of Public Works
- d. Chief Financial Officer

RESOLUTION #2023-058

A RESOLUTION AUTHORIZING YEAR 2 OF CONTRACT TO FERGUSON ENTERPRISES, LLC FOR THE SUPPLY OF WATER DISTRIBUTION PRODUCTS FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS WATER UTILITY DIVISION

WHEREAS, on February 24, 2022 (Resolution #2022-077) the Township Council of the Township of Marlboro awarded a contract to FERGUSON ENT. LLC FOR THE SUPPLY OF WATER DISTRIBUTION PRODUCTS FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (DPW) (Bid #2022-01); and

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

WHEREAS, in a memo dated January 9, 2023, the Director of Public Works has recommended that the Township approve the first one (1) year extension of the contract; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a renewal contract based upon the same terms and conditions as specified in the bid proposal is hereby approved to purchase WATER DISTRIBUTION PRODUCTS as needed from FERGUSON ENT. LLC, whose address is 190 Oberlin Ave, Lakewood, NJ 08701, for a term of one year beginning on March 1, 2023 and terminating February 28, 2024.

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

BE IT FURTHER RESOLVED, that funds in the amount of \$50,000.00 have been certified by the Chief Financial Officer in Water Utility Operating Account 05-201-55-500-251020, with additional amounts to be certified by the Chief Financial Officer in Water Utility Operating and Water Utility Capital accounts at the time of order as needed.

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

- a. FERGUSON ENTERPRISES, LLC
- b. Township Business Administrator
- c. Director of Public Works
- d. Chief Financial Officer

RESOLUTION #2023-059

A RESOLUTION AUTHORIZING YEAR 3 OF CONTRACT TO McCLOSKEY
MECHANICAL CONTRACTORS, INC. FOR HVAC MAINTENANCE FOR THE
TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, on February 18, 2021 (Resolution #2021-098) the Township Council of the Township of Marlboro awarded a contract to McCLOSKEY MECHANICAL CONTRACTORS, INC. for HVAC MAINTENANCE FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (Bid #2021-02); and

WHEREAS, the bid specifications included the option to renew said contract for an additional one (1) two-year period or two (2) one-year periods based on the same terms and conditions as specified in the bid proposal; and

WHEREAS, on February 10, 2022 (Resolution #2022-061), the Township Council of the Township of Marlboro approved the first one (1) year extension of the contract with McCLOSKEY MECHANICAL CONTRACTORS, INC. FOR HVAC MAINTENANCE FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS; and

WHEREAS, in a memo dated January 9, 2023, the Director of Public Works has recommended that the Township approve the second and final one (1) year extension of the contract; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a renewal contract be awarded McCLOSKEY MECHANICAL CONTRACTORS, INC. whose address is 445 Lower Landing Road, Blackwood, NJ 08012 for a period of one year beginning March 1, 2023 and terminating February 28, 2024, in an amount not to exceed \$37,267.00.

BE IT FURTHER RESOLVED, that pursuant to the bid specifications, any parts needed by the contractor for repair shall be ordered separately, with the Township reserving the right to purchase from a different source if deemed in the Township's best interest.

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

BE IT FURTHER RESOLVED, funds in the amount of \$31,043.40 representing the 2023 portion of the contract have been certified by the Chief Financial Officer in various operating accounts.

BE IT FURTHER RESOLVED, that funds in the amount of \$6,223.60, for the 2023 portion of the contract will be certified by the Chief Financial Officer upon adoption of the 2024 Municipal Budget.

BE IT FURTHER RESOLVED, that funds for parts if required will be certified by the Chief Financial Officer at the time of order.

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

- a. McCLOSKEY MECHANICAL CONTRACTORS, INC.
- b. Business Administrator
- c. Director of Public Works
- d. Chief Financial Officer

RESOLUTION #2023-060

RESOLUTION AUTHORIZING RELEASE OF TEMPORARY CERTIFICATE OF OCCUPANCY GUARANTEE FOR THE SITE AND WATER IMPROVEMENTS AT THE SITE KNOWN AS MCDONALD'S, BLOCK 268, LOTS 62 & 80, LOCATED AT 79 U.S. ROUTE 9, TOWNSHIP OF MARLBORO, NEW JERSEY 07726

WHEREAS, Bohler Engineering NJ, LLC (the "Developer") has completed the outstanding improvements and the Township of Marlboro has received a request from Mr. Brian Welch for the release of the Township held Temporary Certificate of Occupancy Guarantee in the form of a Cash Deposit for the site improvements ("Site Improvements") and water improvements ("Water Improvements") on the Site known as "McDonald's" (the "Site"), property known as Block 268, Lots 62 & 80, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by the Developer, Bohler Engineering NJ, LLC; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed the Township Engineer's report dated January 25, 2023, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the aforesaid report recommends that the current Cash Deposit amounts being held by the Township be released in their entirety; and

WHEREAS, the Township Council desires to release the Cash Deposit amount in accordance with the recommendation of the Township Engineer's report dated January 25, 2023.

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 Temporary Certificate of Occupancy Guarantee in the form of a Cash Deposit posted by the Developer, Bohler Engineering NJ, LCC for the site known as McDonald's, located on property known as Block 268, Lots 62 & 80, Township of Marlboro, New Jersey, shall be released as follows:

1. The Cash Deposit in the original and present amount of \$2,326.56 (excludes accrued interest), shall be released in its entirety.

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

- a. Bohler Engineering NJ, LCC
- b. Township Business Administrator
- c. Township Chief Financial Officer
- d. Township Engineer

RESOLUTION #2023-061

RESOLUTION AUTHORIZING TRANSFER OF APPROPRIATION RESERVES
DURING FIRST THREE MONTHS OF THE FISCAL YEAR

WHEREAS, N.J.S.A. 40A: 4-59 provides for appropriation reserve transfers during the first three (3) months of the following fiscal year, when it has been determined that additional funds may be necessary to pay for services or goods that had been received in the operations of the preceding year.

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Marlboro does hereby authorize the transfers among the Appropriation Reserves (Calendar Year 2022 Municipal Budget) as follows:

CURRENT :			
Account No.	Account	From	To
01-203-21-071-226	(2022) Planning Board Contractual Other Expenses	\$ 3,000.00	
01-203-21-075-101	(2022) Zoning Board Salaries & Wages	6,000.00	
01-203-21-075-226	(2022) Zoning Board Other Expenses	7,000.00	
01-203-31-162-232	(2022) Telephone Other Expenses	6,500.00	
01-203-21-070-226	(2022) Planning Board Other Expenses		\$ 16,000.00
01-203-31-167-237	(2022) Natural Gas Other Expenses		6,500.00
		<u>\$ 22,500.00</u>	<u>\$ 22,500.00</u>

RESOLUTION #2023-062

EMERGENCY TEMPORARY APPROPRIATION
PRIOR TO ADOPTION OF THE BUDGET

WHEREAS, N.J.S.A. 40A:4-20 provides authorization for an emergency temporary appropriation for the period between the beginning of the current fiscal year and before the adoption of the 2023 Municipal budget; and

WHEREAS, this resolution authorizes appropriations representing 50% of the full 2022 appropriations with the exception of debt service and obligations associated with seasonal considerations; and

WHEREAS, the total emergency temporary resolutions adopted in the year, CY 2023 pursuant to the provisions of N.J.C.A. 40A 4-20 (Chapter 96, P.L.1951 as amended) including this resolution total: \$30,111,063.04 for the municipal budget, \$8,736,377.32 for the operations of the water utility, and \$1,625,942.69 for the operations of the recreation and swim utility; and

NOW THEREFORE, BE IT RESOLVED, that in accordance with the provisions of N.J.S.A. 40A:4-20:

1. An emergency temporary appropriation be and the same is hereby made for each of the accounts listed on the attached.
2. That each said emergency temporary appropriation will be provided for in the CY 2023 budget under the same title as appropriated above.
3. That one certified copy of this resolution be filed with the Director of Local Government Services.

RESOLUTION #2023-064

A RESOLUTION AUTHORIZING YEAR 2 OF CONTRACT TO SUBURBAN
TRAILS, INC. FOR COACH BUS TRANSPORTATION FOR THE TOWNSHIP
OF MARLBORO RECREATION DEPARTMENT

WHEREAS, on April 28, 2022 (Resolution #2022-113) the Township Council of the Township of Marlboro awarded a contract to SUBURBAN TRAILS, INC. FOR COACH BUS TRANSPORTATION FOR THE TOWNSHIP OF MARLBORO RECREATION DEPARTMENT (Bid #2022-02); and

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

WHEREAS, in a memo dated January 18, 2023, the Director of Recreation has recommended that the Township approve the first one (1) year extension of the contract; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a renewal contract based upon the same terms and conditions as specified in the bid proposal be awarded to Suburban Trails, Inc. whose address is 750 Somerset Street, New Brunswick, NJ 08901 for COACH BUS TRANSPORTATION FOR THE TOWNSHIP OF MARLBORO RECREATION DEPARTMENT, for a term of one year beginning on March 1, 2023 and terminating February 28, 2024, for an amount not to exceed \$132,200.00.

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

BE IT FURTHER RESOLVED, that funds in the amount of \$132,200.00 will be certified by the Chief Financial Officer in Recreation and Swim Utility account #09-201-55-400-288485 and Current account #01-201-28-145-288471 as trips and participation levels are finalized and upon adoption of the 2023 Current Fund and Recreation and Swim Utility Budgets.

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

- a. Suburban Trails, Inc.
- b. Township Business Administrator
- c. Chief Financial Officer
- d. Recreation Director

RESOLUTION #2023-065

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

WHEREAS, on March 10, 2022 (Resolution #2022-091), the Township authorized a Shared Service Agreement with the Marlboro Township Board of Education (the "Board") for bus transportation services for the Summer Camp, Marlboro Alliance and Youth Police Academy programs; and

WHEREAS, the Township and the Board desire to renew the Shared Services Agreement to provide Transportation Services for the Summer Camp for the period commencing on or about June 26, 2023 and terminating on or about August 4, 2023; and

WHEREAS, the Township and the Board desire to renew the Shared Service Agreement to provide Transportation Services for Youth Police Academy programs for the period commencing on July 31, 2023 and terminating on or about August 11, 2023; and

WHEREAS, the Township and the Board desire to renew the Shared Service Agreement to provide Transportation Services for Marlboro Alliance youth programs for the period commencing on January 1, 2023 and terminating on December 31, 2023; 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 \$52,800.00.

WHEREAS, the costs of the Transportation Services for the Marlboro Alliance youth programs shall be paid by the Township to the Board as follows:

Transportation to and from trip destinations as determined by the Township Recreation Department, \$105.50 per trip, for an amount not to exceed \$1,266.00.

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 \$644.00; 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 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 \$52,800.00 for the transportation services have been certified by the Chief Financial Officer from the Recreation and Swim Utility Account 09-201-55-400-288480; and

WHEREAS, funds in the amount of \$1,266.00 for the transportation services have been certified by the Chief Financial Officer from the Current Account 01-201-27-134-288286; and

WHEREAS, funds in the amount of \$644.00 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 renew the Shared Services Agreement with the Board pursuant to the above-described terms and conditions for a total contract amount not to exceed \$54,710.00.

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 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, Alliance 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 Municipal 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 #2023-066

RESOLUTION AUTHORIZING THE PURCHASE OF TICKETS FOR MARLBORO
DEPARTMENT OF RECREATION FEE-BASED PROGRAMS

WHEREAS, the Department of Recreation organizes numerous trips to a variety of destinations for program participants; and

WHEREAS, the trip destinations include theaters, indoor and outdoor amusement and leisure facilities, restaurants and parks; and

WHEREAS, program participants register for the trip and the Department of Recreation purchases tickets based upon the demand for a particular trip; and

WHEREAS, participants pay a fee to register for these programs; and

WHEREAS, the Department of Recreation estimates various trips and associated fees for the 2023 program year in an amount not to exceed \$187,760.00; and

WHEREAS, the funding for these trips is generated from user fees and will be available from Recreation and Swim Utility Accounts 09-201-55-400-212471 (SENIOR TRIPS), 09-201-55-400-212480 (SUMMER DAY CAMP TRIPS), and 09-201-55-400-212485 (TEEN TRAVEL CAMP), and will be certified by the Chief Financial Officer at the time of obligation and after the adoption of the 2023 Recreation and Swim 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 Department of Recreation to purchase tickets/admission for various fee-based programs as described above in an amount not to exceed \$187,760.00.

BE IT FURTHER RESOLVED, should schedule changes occur which do not result in an increased expenditure, the schedule changes may be adopted administratively.

RESOLUTION #2023-067

RESOLUTION APPROVING CLOSE OUT AND AUTHORIZING PAYMENT
AND ACCEPTANCE FOR THE PURCHASE AND INSTALLATION OF
REPLACEMENT PLAYGROUND EQUIPMENT AND SURFACING FOR THE
TOWNSHIP OF MARLBORO RECREATION DEPARTMENT

WHEREAS, on August 18, 2022 (Resolution #2022-188), the Township of Marlboro as part of its 2022 capital program authorized the replacement of playground equipment and surface material at Recreation Way Park ("Project") as follows:

MARTURANO RECREATION CO., P.O. Box 106, Spring Lake, NJ 07762 under #ESCNJ 20/21-06 in an amount not to exceed \$61,171.46 (Replacement playground equipment)

RUBBERECYCLE, LLC, 1985 Rutgers University Boulevard, Lakewood, NJ 08701 under #ESCNJ 20/21-02 in an amount not to exceed \$13,352.03 (Safety surfacing)

WHEREAS, the Township was awarded a State of New Jersey Department of Community Affairs (DCA) FY21 Local Recreation Improvement Grant in the amount of \$75,000.00 to fund the Project; and

WHEREAS, funds for the Project were previously certified as available by the Chief Financial Officer in the amount not to exceed \$74,523.49, in Capital Account 04-215-22-020-145298; and

WHEREAS, the Project has been completed, and the Township has received a Certification of Compliance from GameTime, the equipment manufacturer, covering the playground components, certifying that the products identified comply with all rules, bans, standards of regulations applicable to the product under the "Consumer Product Safety Improvement Act of 2008", Sections 101, 102, 103 and 108; and

WHEREAS, in a communication dated January 12, 2023, GameTime has further confirmed that the installation of the playground equipment at Recreation Way Park was performed by certified installers per the manufacturer's specifications, which meet or exceed Consumer Product Safety Commission (CPSC) and ASTM International (formerly known as American Society for Testing and Materials) guidelines, certified by the International Play Equipment Manufacturers Association (IPEMA); and

WHEREAS, in a communication dated January 18, 2023, Rubberecycle, LLC has further confirmed that the installation of the safety surfacing product installed at Recreation Way Park meets Consumer Product Safety Commission (CPSC) and ASTM International (formerly known as American Society for Testing and Materials) guidelines, certified by the International Play Equipment Manufacturers Association (IPEMA); and

WHEREAS, the Township has received a copy of the applicable playground equipment and safety surfacing warranty, and certificates of insurance; and

WHEREAS, based upon the certification of the manufacturer, the Director of Recreation has recommended acceptance of the project improvements and the issuance of final payments to Marturano Recreation Co. in the amount of \$61,171.46 and to Rubberecycle, LLC in the amount of \$13,352.03; and

WHEREAS, the Mayor and Township Council is in agreement with the recommendation as presented.

NOW, THEREFORE, BE IT IS FURTHER RESOLVED, that the improvements be and are hereby accepted for the Project, and that final payment in the amount of \$61,171.46 be made to Marturano Recreation Co., PO Box 106, Spring Lake, New Jersey 07762.

BE IT FURTHER RESOLVED, that the improvements be and are hereby accepted for the Project, and that final payment in the amount of \$13,352.03 be made to Rubberecycle, LLC, 1985 Rutgers University Boulevard, Lakewood, New Jersey 08701.

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

- a. Marturano Recreation Co.
- b. Rubberecycle, LLC
- c. Business Administrator
- d. Chief Financial Officer
- e. Director of Recreation

RESOLUTION #2023-068

TAX LIEN REDEMPTIONS

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$12,086.02 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 \$12,086.02 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>
2021-032	277/1	WSFS AS CUST LVTLOPS/ FIRSTRUST PO Box 815 Fort Washington, PA 19034 Assessed Owner: Hannah, Arthur & Ann Hannah	8,580.78
2022-039	412/62	WSFS AS CUST LVTLOPS/ FIRSTRUST PO Box 815 Fort Washington, PA 19034 Assessed Owner: Escobar, Gilma C.	3,505.24

RESOLUTION #2023-069

DISABLED VETERAN STATUS TAX EXEMPTION

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 \$628.00 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 \$628.00 for 2022 taxes.

SCHEDULE "A"

BLOCK/LOT	EFFECTIVE DATE	PROPERTY INFORMATION	AMOUNT
132.14/1/C0201	11/22/2022	Luca, Elvio 201 Potts Road	\$628.00

\$628.00

The following Resolution #2023-063 (Adjusting the Annual LOSAP Contribution and Certifying List of Qualified Volunteer Members - Morganville First Aid Squad) was introduced by reference, offered by Council Vice President DiNuzzo, seconded by Councilwoman Marder and was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION #2023-063

RESOLUTION ADJUSTING THE ANNUAL LOSAP CONTRIBUTION
AND CERTIFYING LIST OF QUALIFIED VOLUNTEER MEMBERS

WHEREAS, a Length of Service Award Program (LOSAP) was approved by referendum in 2001 to reward members of the Marlboro First Aid Squad and the Morganville First Aid Squad for their services to the residents of Marlboro Township, in accordance with Chapter 399 of the Laws of 1997; and

WHEREAS, the Township of Marlboro makes annual LOSAP contributions for the volunteers who meet the annual qualifications as certified by the LOSAP Chairman of both the Marlboro and Morganville First Aid Squads, and

WHEREAS, the Township of Marlboro passed Ordinance #2008-2 in 2008 which prospectively increased the annual LOSAP contribution by the amount of the regional Consumer Price Index, and

WHEREAS, the regional CPI (Consumer Price Index) for the purpose of adjusting the annual LOSAP contribution made on behalf of every qualifying volunteer was 7.8%, making the annual contribution \$1,540.54 per qualifying participant, and

WHEREAS, pursuant to N.J.S.A. 40A:14-191, emergency service organizations participating in a LOSAP shall annually certify to the sponsoring agency a list of all volunteer members who have qualified for credit under the LOSAP program for the previous year; and

WHEREAS, upon receipt of the certified list from the emergency service organizations, the sponsoring agency shall review the list and upon finding that the list is accurate, approval shall be made by resolution of the governing body; and

WHEREAS, the Plan Administrator has reviewed the attached certified list of qualified volunteer members submitted by the Morganville First Aid Squad and recommends approval by the Township Council.

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

1. The Township Council hereby approves the certified list of volunteer members who have qualified for credit under the LOSAP program for 2022, a copy of which is attached hereto and made part of this resolution.

2. The Municipal Clerk and the Morganville First Aid Squad are hereby directed to post said certified list for a period of 30 days as required by the governing State statutes.

Citizen's Voice:

Frank Festa of 1727 Ramapo Way, Scotch Plains, New Jersey said that he has not received engineering approval to proceed with building on his commercial property.

Walter Solomon of 43 Samantha Drive mentioned his ongoing concerns with the construction at 606 Robert Court.

At 7:39 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: FEBRUARY 23, 2023

OFFERED BY: SCALEA

AYES: 5

SECONDED BY: DINUZZO

NAYS: 0

SUSAN A. BRANAGAN,
MUNICIPAL CLERK
022323

JUNED QAZI,
COUNCIL PRESIDENT