

MARLBORO TOWNSHIP COUNCIL MEETING

November 21, 2024

The Marlboro Township Council held its regularly scheduled meeting on November 21, 2024 at 7:00 P.M. at the Marlboro Municipal Complex located at 1979 Township Drive, Marlboro, New Jersey.

Council President DiNuzzo 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 emailed to the Asbury Park Press, the Star Ledger, and the Board of Education Office on November 19, 2024; published in the Asbury Park Press on December 26, 2023; posted on the Bulletin Board of the Municipal Building; filed in the Office of the Municipal Clerk and placed on the township's website and Channel 77.

Municipal Clerk, Susan A. Branagan called the roll.

PRESENT: Council Vice President Milman, Councilman Qazi, Councilman Scalea, and Council President DiNuzzo. Councilwoman Viridi was absent.

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

Presentation: Arthur Goldzweig received an honorary street sign presented by Mayor Jonathan L. Hornik.

Citizen's Voice: Frank Festa of Scotch Plains, New Jersey said that he has not received engineering approval for building on his commercial property. Tejas Sachain of Marlboro said traffic noises emanating from Route 18 was affecting his quality of life. Tajinder Sinah of Marlboro said traffic noises emanating from Route 18 was affecting his quality of life. Sreenj Herugu of Marlboro said a security camera needs to be present at the swim club.

Council Speaks Out: Councilmembers Scalea, Qazi, and Milman praised former mayor Arthur Goldzweig's dedication to Marlboro and wished everyone a Happy Thanksgiving. She read the Western Monmouth Utility Authority's report which included the utility receiving an award and no increase to their budget. She wished everyone a Happy Thanksgiving.

Administrative Report: Mayor Hornik said the Township employees are asking residents to donate pajamas for those less fortunate. The leaf

bag distribution will begin soon. He offered updates regarding township events. He provided support for grants included on the agenda. He wished all a happy and safe Thanksgiving.

Councilman Qazi moved that the council meeting minutes of October 17, 2024 be approved. This was seconded by Council Vice President Milman, and passed on a roll call vote of 3 - 0 in favor. Councilman Scalea abstained, and Councilwoman Viridi was absent.

Councilman Qazi introduced a motion to open the public hearing for Ordinance #2024-024 (An Ordinance Appropriating a \$930,000 Grant to be Received by the Township of Marlboro for Public Safety Communications Improvements) this was seconded by Council Vice President Milman and approved by unanimous voice vote in favor. Council President DiNuzzo asked if anyone from the public wished to speak.

John Gibardi of Marlboro requested an update regarding the 911 communications equipment. Chief Pezzullo provided an update.

With no one else from the public wishing to comment, Council Vice President Milman offered a motion to close the public hearing, seconded by Councilman Qazi and approved by unanimous voice vote in favor. Councilwoman Viridi was absent.

The following Ordinance #2024-024 (An Ordinance Appropriating a \$930,000 Grant to be Received by the Township of Marlboro for Public Safety Communications Improvements) was introduced by reference, offered by Councilman Qazi, seconded by Council Vice President Milman and adopted on a roll call vote of 4 - 0 in favor. Councilwoman Viridi was absent.

ORDINANCE #2024-024

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN
THE COUNTY OF MONMOUTH, NEW JERSEY,
APPROPRIATING A \$930,000 GRANT TO BE RECEIVED
BY THE TOWNSHIP FOR PUBLIC SAFETY
COMMUNICATIONS IMPROVEMENTS IN AND FOR THE
TOWNSHIP OF MARLBORO, IN THE COUNTY OF
MONMOUTH, NEW JERSEY

Council Vice President Milman introduced a motion to open the public hearing for Ordinance #2024-025 (An Ordinance Appropriating a \$215,000 Grant to be Received by the Township of Marlboro for the Tennent Road Walking Trail) this was seconded by Councilman Qazi and approved by unanimous voice vote in favor. Council President DiNuzzo asked if anyone from the public wished to speak.

With no one from the public wishing to comment, Council Vice President Milman offered a motion to close the public hearing, seconded by Councilman Qazi and approved by unanimous voice vote in favor.

The following Ordinance #2024-025 (An Ordinance Appropriating a \$215,000 Grant to be Received by the Township of Marlboro for the Tennent Road Walking Trail) was introduced by reference, offered by Councilman Qazi, seconded by Council Vice President Milman and adopted on a roll call vote of 4 - 0 in favor. Councilwoman Viridi was absent.

ORDINANCE #2024-025

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN
THE COUNTY OF MONMOUTH, NEW JERSEY,
APPROPRIATING A \$215,000 GRANT TO BE RECEIVED
BY THE TOWNSHIP FOR THE TENNENT ROAD WALKING
TRAIL IN AND FOR THE TOWNSHIP OF MARLBORO, IN
THE COUNTY OF MONMOUTH,
NEW JERSEY

The following Ordinance #2024-026 (An Ordinance Amending and Supplementing Licensing and Permitting Fees and Policies of the Code of the Township of Marlboro Pertaining to Uniform Construction Code; Water Utility; Parking at Municipal Facilities and Recreation & Swim Programs) was introduced by reference, offered by Council Vice President Milman, seconded by Councilman Qazi and adopted on a roll call vote of 4 - 0 in favor. Councilwoman Viridi was absent.

ORDINANCE #2024-026

AN ORDINANCE AMENDING AND SUPPLEMENTING LICENSING AND
PERMITTING FEES AND POLICIES OF THE CODE OF THE TOWNSHIP OF
MARLBORO PERTAINING TO UNIFORM CONSTRUCTION CODE; LAND USE
DEVELOPMENT; WATER UTILITY; PARKING AT MUNICIPAL FACILITIES
AND RECREATION & SWIM PROGRAMS

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

§ 125-7 Partial exemptions from fees
Charitable, philanthropic, fraternal, athletic, recreational and religious nonprofit organizations holding a tax-exempt status under the Federal Internal Revenue Code of 1954 [26 U.S.C. 501(c) or (d)] shall be eligible for a refund of 50% of the Uniform Construction Code ("UCC") fees set forth in § 125-3A(1), Alterations, repairs, and remodeling, paid on or after January 1, 2025, excluding the

surcharge fee to the New Jersey Department of Community Affairs provided for in § 125-5 upon receipt of satisfactory proof of qualifications. This section providing for partial exemption from the U.C.C. fees for qualified religious, charitable and nonprofit organizations shall expire on December 31, 2025~~4~~, unless further extended by formal action of the Township Council.

BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that Chapter 220, "Land Use Development", Article I, Section 17 "Exemptions from fees" is hereby amended and supplemented as follows:

§ 220-17 Exemptions from fees.

Charitable, philanthropic, fraternal, athletic, veterans, recreational, volunteer fire and first aid squads, and religious nonprofit organizations holding a tax-exempt status under the Federal Internal Revenue Code of 1954 [26 U.S.C. § 501(c) or (d)] shall be shall be eligible for a refund of the normal application fees required under this chapter. Said exemption shall be granted upon application to the Business Administrator, along with proof of said tax-exempt status.

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

§ 4-88.1 Division of Water Utility

T. Water Customer Charges

(2) Schedule A

Specific Provision	Code Location	Type of Fee, Charge or Rate	Fee
Water service. Schedule A(1). Basic quarterly service charge, per unit	4-88.1 T 2 A 1.1	Division of Water Utility; Customer Charges	\$ 45.00
Water service. Schedule A(1). For the first 30,000 gallons (0 to 30,000) per thousand gallons	4-88.1 T 2 A 1.2	Division of Water Utility; Customer Charges	\$ 4.28
Water service. Schedule A(1). For the next 20,000 gallons (30,001 to 50,000) per thousand gallons	4-88.1 T 2 A 1.3	Division of Water Utility; Customer Charges	\$ 9.20

Water service. Schedule A(1). For all usage in excess of 50,000 gallons (50,001+) per thousand gallons	4-88.1 T 2 A 1.4	Division of Water Utility; Customer Charges	\$ 12.14
Water service. Schedule A(1). Mobile Home Community residential with single meter. Basic quarterly service charge, per unit	4-88.1 T 2 A 1.5	Division of Water Utility; Customer Charges	\$ 39.00
Water service. Schedule C. Basic quarterly service charge, per classroom.	4-88.1 T 2 C 1	Division of Water Utility; Customer Charges	\$ 22.50
Connection Fee. Schedule D.	4-88.1 T 2 D 1	Division of Water Utility; Customer Charges	\$ 6,570.00
Connection Fee for Affordable Units 50%. Schedule D.	4-88.1 T 2 D 3	Division of Water Utility; Customer Charges	\$ 3,285.00
Water service. Schedule D. The cost of a standard residential PIT water meter (1") and associated equipment and labor/installation cost.	4-88.1 T 2 D 4	Division of Water Utility; Customer Charges	\$ 440.00
Water service. Schedule D. Charge for meter installation	4-88.1 T 2 D 5	Division of Water Utility; Customer Charges	\$ 35.00
Water service. Schedule D. Replace MXU Box includes cost of MXU and installation	4-88.1 T 2 D 6	Division of Water Utility; Customer Charges	\$ 200.00
Water service. Schedule D. The cost of a standard residential non-PIT water meter (1") and associated equipment and labor/installation cost.	4-88.1 T 2 D 7	Division of Water Utility; Customer Charges	\$ <u>375.00</u>

Water service. Schedule E. Private Fire Protection Charges are calculated per quarter and determined in part, based upon the following service line and/or meter sizes, plus usage. 4" or less.	4-88.1 T 2 E 2	Division of Water Utility; Customer Charges	\$ 95.20
Water service. Schedule E. Private Fire Protection Charges are calculated per quarter and determined in part, based upon the following service line and/or meter sizes, plus usage. 6".	4-88.1 T 2 E 3	Division of Water Utility; Customer Charges	\$ 126.70
Water service. Schedule E. Private Fire Protection Charges are calculated per quarter and determined in part, based upon the following service line and/or meter sizes, plus usage. 8".	4-88.1 T 2 E 4	Division of Water Utility; Customer Charges	\$ 155.80
Water service. Schedule E. Private Fire Protection Charges are calculated per quarter and determined in part, based upon the following service line and/or meter sizes, plus usage. 10".	4-88.1 T 2 E 5	Division of Water Utility; Customer Charges	\$ 196.10
Water service. Schedule F. Public Fire Protection Charges per fire hydrant per quarter.	4-88.1 T 2 F	Division of Water Utility; Customer Charges	\$ 151.10
Meter testing fee. Schedule H. Cost of removing/installing meter at customer's request and testing for accuracy by an independent agency, in circumstances where meter is found to be accurate by testing agency)	4-88.1 T 2 H	Division of Water Utility; Customer Charges	\$ 80.00

Water service. Schedule I(1). Shutoff fee for nonpayment normal business hours Monday through Saturday, 7:00 am to 3:00 pm (cost of shutting off water service, mailings, door letter and collections administration)	4-88.1 T 2 I 1	Division of Water Utility; Customer Charges	\$ 55.00
Water service. Schedule I(3). Water Service Restoration Fee for nonpayment during normal business hours (Monday through Saturday, 7:00 am to 3:00 pm)	4-88.1 T 2 I 2	Division of Water Utility; Customer Charges	\$ 35.00
Water service. Schedule I(3). Water Service Restoration Fee for nonpayment (after hours)	4-88.1 T 2 I 3	Division of Water Utility; Customer Charges	\$ 127.00
Final reading/transfer of service reading fee. Schedule I(4).	4-88.1 T 2 I 4	Division of Water Utility; Customer Charges	\$ 50.00

BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that Chapter 171 "Fees" of the Marlboro Township Code is hereby amended and supplemented as follows:

§ 171-5.2 Refunds.

A. Requests for a refund of fees paid by an applicant for any program, license or permit must be in writing.

B. In the case of a request for a refund, the Township Chief Financial Officer is hereby authorized and directed to collect a processing fee consisting of a minimum of \$5 or 20% of the amount to be refunded, whichever is greater, to a maximum of \$25 which will be charged on all refunds except for cancellations initiated by the Township. This processing fee shall not be construed to supplant or override any nonrefundable deposit applicable to a particular program, nor apply to any portion of any program, license or permit fee which is payable to a state agency.

C. In cases where a refund request comes after a program has already begun or work has been completed by the Township, the amount to be refunded shall also be prorated based upon the number of days or sessions or reduced by the cost of work already completed.

D. Recreation Programs Only:

(1) Full refunds will only be issued prior to the close of the program's registration.

(2) Registrants who withdraw from the program between the close of registration and the program start date may receive a full credit for future Recreation programs.

(3) There will be no refunds or credits applied for requests to withdraw from programs on or after the start date unless a medical note is provided stating that the participant is unable to continue in a program due to a documented medical condition which arose after the registration deadline, in which case the amount of the refund or credit shall be prorated as prescribed in this section.

(4) The Recreation Direction may authorize that refund processing fees prescribed in this section be applied as credits to future Recreation programs.

BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that Chapter 258, "Parking at Municipal Facilities", Section 258-4 "Permits" is hereby amended as follows:

§ 258-4 Permits.

C. Fees.

- (1) The application for the parking permit shall be charged at the rate of \$244 per permit year for Marlboro and Manalapan residents payable at the time of application. Effective October 1, 2025, the application for the parking permit shall be charged at the rate of \$249 per permit year for Marlboro and Manalapan residents. Manalapan residents may apply for a parking permit at any Township commuter parking facility. Nonresidents of jurisdictions other than Manalapan may apply for a parking permit at the Texas Road parking facility, subject to the provisions of § 254-4D(1) and (2), and shall be charged at the rate of \$283 per permit year, payable at the time of application. Effective October 1, 2025, the application fee for the parking permit shall be charged at the rate of \$289 per permit year for nonresidents of jurisdictions other than Manalapan, except that the fee shall remain at \$275 per permit year for those residing in towns with an approved shared

services agreement in effect for parking with the Township.

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

§ 265-1.7 Authorization to impose fees.

B. The Department of Recreation, at its discretion, may offer up to a discount of 25% from the fees listed for programs contained within Chapter 265 for early program enrollment or special promotions advertised and made available to the general public, as well as for discounts for additional siblings within a family enrolled in a particular program.

§ 265-2 Recreation program fees.

The following fees are hereby established for those programs offered by the Department of Recreation:

B. Youth Soccer Program, all grades (Recreation and Travel): not to exceed \$253 per season.

M. Private contracted programs: not to exceed (for administration, overhead and supplies in addition to cost of contract) 40%.

§ 265-5 Emergency service and volunteer benefits.

Parks and Recreation Facilities emergency service and volunteer benefits—(Note: applies to old "Recreation Commission" programs only):

A. Subject to the definitions and restrictions in § 24-4 of the code of the Township of Marlboro, emergency service volunteers who are members in good standing shall be eligible for the following discounts:

(1) Programs excluding summer and travel camps and private contracted programs: 100% waiver.

(2) Summer and travel camps: 50% waiver.

(3) Private Contracted Programs: waiver of Township administrative charge (which is up to 40% of private contract fee pursuant to Chapter 265 Section 2 (M) of the Township code.

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

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

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law. The following Ordinance #2024-027 (An Ordinance Approving and Adopting Amendments to the Entron Industries Redevelopment Plan in Accordance with N.J.S.A. 40A:12A-7 and Authorizing the Mayor to Execute an Amendment to the Redevelopment Agreement Between the Township of Marlboro and Camelot at Marlboro Urban Renewal, LLC) was introduced by reference, offered by Council Vice President Milman, seconded by Councilman Qazi and adopted on a roll call vote of 4 - 0 in favor. Councilwoman Viridi was absent.

ORDINANCE #2024-027

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, COUNTY OF MONMOUTH, NEW JERSEY, APPROVING AND ADOPTING AMENDMENTS TO THE ENTRON INDUSTRIES REDEVELOPMENT PLAN IN ACCORDANCE WITH N.J.S.A. 40A:12A-7 AND AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE REDEVELOPMENT AGREEMENT BETWEEN THE TOWNSHIP OF MARLBORO AND CAMELOT AT MARLBORO URBAN RENEWAL, LLC.

WHEREAS, the Township of Marlboro (the "Township") previously authorized and directed the Planning Board of the Township of Marlboro (the "Board") to conduct a Preliminary Investigation pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., (hereafter the "Redevelopment Law"), to determine whether certain lands in the Township constituted an area in need of redevelopment (the "Study Area") pursuant to Resolution #2005-365; and

WHEREAS, the Preliminary Investigation, dated August 5, 2009, included Block 132, Lot 18 on the official tax maps of the Township of Marlboro (the "Property") and determined the Property satisfied certain statutory criteria and thus constituted an area in need of redevelopment; and

WHEREAS, the Council adopted Resolution #2009-329 on September 10, 2009, accepting the recommendation of the Planning Board and designating the Property as an area in need of redevelopment (the "Entron Industries Redevelopment Area"); and

WHEREAS, pursuant to the Redevelopment Law authorizing the Council to adopt by ordinance redevelopment plans for areas in need of redevelopment, the Council adopted the Entron Industries Redevelopment Plan (the "Redevelopment Plan") for the Entron Industries Redevelopment Area by Ordinance 2010-9 on May 6, 2010; and

WHEREAS, pursuant to Resolution #2010-309, the Township authorized the execution of a redevelopment agreement with and

designated K-Land Corporation as redeveloper for the Redevelopment Area for the development of an inclusionary project consisting of 250 residential units of which 50 units are affordable family rental housing as well as retail/office development; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-8, the Township is empowered to contract with a redeveloper for the undertaking of a project in furtherance of the Redevelopment Plan; and

WHEREAS, on September 2, 2010, the Township and K-Land Corporation entered into a Redevelopment Agreement; and

WHEREAS, thereafter K-Land Corporation formed an urban renewal entity pursuant to the Long Term Tax Exemption Law, N.J.S.A. 40A:20-1 et seq. to undertake the Project and the Township entered into a Financial Agreement with Camelot at Marlboro Urban Renewal, LLC,

WHEREAS, Camelot at Marlboro Urban Renewal LLC acquired title to the Property on or about September 16, 2011; and

WHEREAS, based upon changed circumstances, the Township has now determined that it has become necessary to amend the Redevelopment Plan by updating the land use standards within the area to permit 50 units of age-restricted rental housing with a 20% set aside for affordable housing (40 market rate and 10 affordable housing) in the former Office-Commercial district of the Redevelopment Plan; and

WHEREAS, the Parties desire to amend certain provisions in the September 2, 2010 Redevelopment Agreement to reflect the change in the amended Redevelopment Plan to include the additional 50 age restricted units with a 20% set aside for affordable housing (40 market rate and 10 affordable housing); 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 Amended Redevelopment Plan for the Redevelopment Area, annexed hereto as Exhibit A is hereby approved and adopted in its entirety.
3. The Mayor and Municipal Clerk are hereby authorized to execute the Second Amendment to Redevelopment Agreement between the Township of Marlboro and Camelot at Marlboro Urban Renewal LLC annexed hereto as Exhibit B.

4. This Ordinance shall take effect in accordance with applicable law.

The following Ordinance #2024-028 (An Ordinance Authorizing the Adoption and Execution of a Financial Agreement Between the Township of Marlboro and Camelot at Marlboro Urban Renewal, LLC. in Connection with Real Property Known and Designated as Block 132, Lot 18) was introduced by reference, offered by Council Vice President Milman, seconded by Councilman Qazi and adopted on a roll call vote of 4 - 0 in favor. Councilwoman Virdi v

ITEM 13

ORDINANCE #2024-028

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, COUNTY OF MONMOUTH, NEW JERSEY, AUTHORIZING THE ADOPTION AND EXECUTION OF A FINANCIAL AGREEMENT BETWEEN THE TOWNSHIP OF MARLBORO AND CAMELOT AT MARLBORO URBAN RENEWAL, LLC. IN CONNECTION WITH REAL PROPERTY KNOWN AND DESIGNATED AS BLOCK 132, LOT 18 ON THE OFFICIAL TAX MAPS OF THE TOWNSHIP OF MARLBORO

WHEREAS, the Township of Marlboro (the "Township") previously authorized and directed the Planning Board of the Township of Marlboro (the "Board") to conduct a Preliminary Investigation pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., (hereafter the "Redevelopment Law"), to determine whether certain lands in the Township constituted an area in need of redevelopment (the "Study Area") pursuant to Resolution 2005-365; and

WHEREAS, the Preliminary Investigation, dated August 5, 2009, included Block 132, Lot 18 on the official tax maps of the Township of Marlboro (the "Property") and determined the Property satisfied certain statutory criteria and thus constituted an area in need of redevelopment; and

WHEREAS, the Council adopted Resolution #2009-329 on September 10, 2009, accepting the recommendation of the Planning Board and designating the Property as an area in need of redevelopment (the "Entron Industries Redevelopment Area"); and

WHEREAS, pursuant to the Redevelopment Law authorizing the Council to adopt by ordinance redevelopment plans for areas in need of redevelopment, the Council adopted the Entron Industries Redevelopment Plan (the "Redevelopment Plan") for the Entron Industries Redevelopment Area by Ordinance #2010-9 on May 6, 2010, which identified a Multifamily District and Office-Commercial District; and

WHEREAS, pursuant to Resolution #2010-309, the Township authorized the execution of a redevelopment agreement with and designated K-Land Corporation as redeveloper for the Redevelopment Area for the development of an inclusionary project consisting of 250 residential units of which 50 units are affordable family rental housing as well as retail/office development; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-8, the Township is empowered to contract with a redeveloper for the undertaking of a project in furtherance of the Redevelopment Plan; and

WHEREAS, on September 2, 2010, the Township and K-Land Corporation entered into a Redevelopment Agreement; and

WHEREAS, thereafter K-Land Corporation formed an urban renewal entity pursuant to the Long Term Tax Exemption Law, N.J.S.A. 40A:20-1 et seq. to undertake the Project and the Township, being authorized to provide for tax abatement within a redevelopment area and for payments in lieu of taxes, on or about January 12, 2012 entered into a Financial Agreement with Camelot at Marlboro Urban Renewal, LLC,

WHEREAS, on July 14, 2011, the Township adopted Ordinance 2011-18 entitled "An Ordinance of the Township of Marlboro Authorizing the Execution and Delivery of a Financial Agreement by and between the Township of Marlboro and Camelot at Marlboro Urban Renewal LLC"; and

WHEREAS, based upon changed circumstances, the Township has now determined that it has become necessary to amend the Redevelopment Plan by updating the land use standards within the area and revising the Office-Commercial District to the Mixed Use District which shall permit 50 units of age-restricted rental housing with a 20% set aside for affordable housing (40 market rate and 10 affordable housing units) in the Mixed Use District; and

WHEREAS, Camelot at Marlboro Urban Renewal LLC has submitted an application for the approval of an urban renewal project, as such term is used in the Long Term Tax Exemption Law, all in accordance with N.J.S.A. 40A:20-8 ("Exemption Application"), a copy of which is attached hereto as Exhibit A.; and

WHEREAS, the Parties have reached agreement with respect to, among other things, the terms and conditions relating to the Annual Service Charges and desire to execute a Financial Agreement pertaining to the development on the Mixed Use District, specifically the 50 age restricted units with a 20% set aside for affordable housing (40 market rate and 10 affordable housing units); and

WHEREAS, the Township now finds that adopting the Agreement will be a critical incentive for the Entity in developing the Project and influencing the locational decisions of its probable occupants.

WHEREAS, the Township has determined that adopting a financial Agreement with Camelot at Marlboro Urban Renewal LLC benefits the health, safety, welfare and financial well-being of the Township and its citizens as well as provides affordable housing in furtherance of the Township's fair share housing obligations; 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 Clerk are hereby authorized to execute a Financial Agreement between the Township of Marlboro and Camelot at Marlboro Urban Renewal LLC annexed hereto as Exhibit A.
3. This Ordinance shall take effect in accordance with applicable law.

As the Consent Agenda, the following resolutions were introduced by reference, offered by Councilman Scalea, seconded by Council Vice President Milman and passed on a roll call vote of 4 - 0 in favor. Councilwoman Virdi was absent.

RESOLUTION #2024-272

AUTHORIZING APPLICATION FY2026 FOR FUNDING FOR FARMLAND PRESERVATION THROUGH THE PLANNING INCENTIVE GRANT (PIG) PROGRAM OFFERED BY THE STATE OF NEW JERSEY AGRICULTURAL DEVELOPMENT COMMITTEE (SADC)

WHEREAS, the Township has utilized the Planning Incentive Grant (PIG) Program offered by the State Agricultural Development Committee (SADC) to preserve and protect qualified farmland in Marlboro that might otherwise be developed, most recently, the Stattel Farm(stand) parcel on Routes 520 and 79 and the VanMater Farm on Route 79 near the Freehold border which was preserved in late 2022; and

WHEREAS, farmland preservation is an important part of keeping Marlboro green and maintaining the quality of life residents enjoy; and

WHEREAS, the Township has an approved Municipal Comprehensive Farmland Preservation Plan on file with SADC which identifies "target farms" for preservation; and

WHEREAS, in order to be eligible for continued funding to pursue the preservation of target farms, the Township must file an annual application which requires a resolution of the municipal governing body; and

WHEREAS, the Township Agricultural Advisory Committee has reviewed the Township's proposed Fiscal Year 2026 submission to SADC; and

WHEREAS, N.J.S.A. 2:76-17.4(c) and N.J.S.A. 2:76-17A.4(b) require comprehensive farmland preservation plans be reviewed and readopted at least every 10 years; and

WHEREAS, the Township has updated its farmland preservation plan which is currently under review by SADC, and has been awarded a grant by SADC to offset the preparation costs; and

WHEREAS, the Township Council of the Township of Marlboro supports the continued preservation of farmland through the use of State grant funding to defray the cost of doing so.

NOW THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro that the Business Administrator is hereby authorized to submit an application to the SADC requesting additional funding in the Fiscal Year 2026 cycle.

BE IT FURTHER RESOLVED, that the Business Administrator is authorized to submit an application to the SADC for grant funding to update the Township's farmland preservation plan as required.

RESOLUTION #2024-273

A RESOLUTION OF THE MARLBORO TOWNSHIP COUNCIL AUTHORIZING A DISCHARGE OF A MORTGAGE DATED MAY 8, 2013, AGAINST A PROPERTY LOCATED AT 6 LAUREL LANE, MARLBORO, NEW JERSEY, AND OWNED BY CAROLE ANN ZAWISTOWSKI

WHEREAS, the Township of Marlboro has implemented a housing rehabilitation program which is administered in accordance with the New Jersey's Fair Housing Act (N.J.S.A. 52:27D-301 et. seq.) and its accompanying administrative rules; and

WHEREAS, as part of the foregoing rehabilitation program Marlboro has in fact provided rehabilitation assistance to various residents of The Township of Marlboro; and

WHEREAS, as a condition of the foregoing rehabilitation program residents who were offered financial assistance must retain ownership of their units for a period of ten (10) years from the date of such assistance and if they do so, the financial assistance (which is in the form of a forgivable loan), shall be discharged and forgiven; and

WHEREAS, Carole Ann Zawistowski took title to a certain mortgaged premises by means of a deed from Stanley Zawistowski, husband of Carole Ann Zawistowski, by deed dated June 28, 1984, and recorded in the Monmouth County Clerk's Office on July 10, 1984, in Deed Book 4491, Page 268; and

WHEREAS, the address of the aforesaid property is commonly known as 6 Laurel Lane, Marlboro, New Jersey; and

WHEREAS, Carol Ann Zawistowski made application for rehabilitation assistance for her home and she was granted such assistance via a mortgage dated May 8, 2013, which was recorded in the Monmouth County Clerk's Office on November 15, 2013, in Deed Book OR-9045 at Page 3814 et seq. (hereinafter "the Mortgage"); and

WHEREAS, Carol Ann Zawistowski properly used the funds derived under the Mortgage for the purposes for which they were intended and she has also maintained ownership of 6 Laurel Lane up and through today and for a period of time which exceeds ten (10) years from the granting and recording of the Mortgage; and

WHEREAS, Carol Ann Zawistowski has indicated her intent to sell her home and as a result thereof she has requested that the Mortgage be discharged; and

WHEREAS, in light of the foregoing circumstances, the Marlboro Township Town Council finds that there is good cause for the release and discharge of the Mortgage;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor Jonathan L. Hornik is hereby authorized to sign the attached Discharge of Mortgage as to the Mortgage;

BE IT FURTHER RESOLVED, that subsequent to signature of the said Discharge of Mortgage that it will be recorded in the Monmouth County Clerk's Office.

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

- a. Township Business Administrator
- b. Municipal Housing Liaison
- c. Affordable Housing Special Counsel

RESOLUTION #2024-274

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT FOR THE PROVISION
PRINTING AND DIRECT MAIL SERVICES FOR THE TOWNSHIP OF MARLBORO

WHEREAS, the Township of Marlboro advertised for the receipt of bids for the PROVISION OF PRINTING AND DIRECT MAIL SERVICES (Bid 2024-22) and on October 16, 2024 received four (4) bids as follows,

	Centurion Printing 352 Market St Kenilworth, NJ	MGL Printing Solutions 154 South Street New Providence, NJ	Minuteman Press 349 US 9 South Manalapan, NJ	Concept Print 40 Lydecker St Wyneck, NY
Description	Extended Price	Extended Price	Extended Price	Extended Price
Total Section A - Advertisements	No Bid	No Bid	\$144,208.75*	\$149,197.66*
Total Section B - Business Cards	\$10,092.50	No Bid	\$10,425.00	\$8,155.00
Total Section C - Copies	No Bid	No Bid	\$1,400.00	\$990.00
Total Section E - Envelopes	\$36,143.50	No Bid	\$28,420.00*	\$66,820.00*
Total Section L - Letterhead	\$375.00	No Bid	\$410.00	\$615.00
Total Section M - Mayor/Admin	No Bid	No Bid	\$50,865.00*	\$10,500.00
Total Section CL - Clerk	No Bid	No Bid	\$6,900.00	\$1,300.00
Total Section BD - Building	\$123,687.00*	No Bid	\$131,220.00*	\$93,258.00
Total Section CT - Court	No Bid	No Bid	\$6,630.00	\$10,313.00*
Total Section DPW - Dept. Public Works	No Bid	\$5,710.00	\$27,896.40*	\$2,205.00
Total Section Z - Zoning	\$8,084.00	No Bid	\$23,620.00*	\$13,590.00
Total Section F - Fire	\$1,330.00	No Bid	\$910.00	\$1,110.00
Total Section PD - Police	\$1,945.00	\$1,782.00	\$6,520.00	No Bid
Total Section TC - Tax Collector	No Bid	\$4,815.00*	\$31,972.00*	No Bid
Total Section R - Recreation	No Bid	No Bid	\$5,487.00*	\$3,405.00
Artwork Set Up Fee	\$0.00	\$0.00	\$900.00	\$500.00

*Adjustment made for mathematical error on bid form

; and

WHEREAS, the bid received from Concept Print, whose address is 40 Lydecker Street, Nyack, New York 10960 failed to include a fully executed list of subcontractor form; and

WHEREAS, pursuant to N.J.S.A. 40A:11-23.2(d), the failure to include the mandatory listing of subcontractors, shall render the bid unresponsive and cannot be cured by the governing body; and

WHEREAS, in a memo dated November 14, 2024, the Purchasing Agent has recommended that the contracts be awarded to the lowest and responsive bidders, for the PROVISION OF PRINTING AND DIRECT MAIL SERVICES as follows,

Minuteman Press
349 US 9 South
Manalapan, NJ 07726

Section	Amount
A - Advertisements A1-A7	\$144,208.75
C - Copies C1-C5	\$1,400.00
M - Mayor/Admin M1-M10	\$50,865.00
E - Envelopes E1-E21	\$28,420.00
CL - Clerk CL1-CL2	\$6,900.00
CT - Court CT1-CT11	\$6,630.00
DPW* - Dept. Public Works DPW1-DPW3 & DPW6-DPW9	\$18,326.40
Z - Zoning Z1-Z5	\$23,620.00
F - Fire F1-F4	\$910.00
PD - Police PD1-PD8 & PD11-PD12	\$6,520.00
TC* - Tax Collector TC6-TC11	\$15,582.00
R - Recreation R1-R8	\$5,487.00
Artwork Fees	\$900.00
Total Award	\$309,769.15

MGL Printing Solutions
154 South Street
New Providence, NJ 07974

Section	Amount
DPW* - Dept. Public Works DPW4-DPW6 (Water Bills)	\$5,710.00
PD* - Police - PD 10-PD11 (Pet Licenses)	\$1,782.00
TC* - Tax Collector TC1-TC5 (Tax Bills)	\$3,525.00
Total Award	\$11,017.00

Centurion Printing
352 Market St
Kenilworth, NJ 07033

Section	Amount
B - Business Cards B1-B5	\$10,092.50
L - Letterhead L1-L2	\$375.00
BD - Building BD1-BD20	\$123,687.00
Total Award	\$134,154.50

; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract be awarded as follows for the PROVISION OF PRINTING AND DIRECT MAIL SERVICES

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

Minuteman Press
349 US 9 South
Manalapan, NJ 07726

Section	Amount
A - Advertisements A1-A7	\$144,208.75
C - Copies C1-C5	\$1,400.00
M - Mayor/Admin M1-M10	\$50,865.00
E - Envelopes E1-E21	\$28,420.00
CL - Clerk CL1-CL2	\$6,900.00
CT - Court CT1-CT11	\$6,630.00
DPW* - Dept. Public Works DPW1-DPW3 & DPW6-DPW9	\$18,326.40
Z - Zoning Z1-Z5	\$23,620.00
F - Fire F1-F4	\$910.00
PD - Police PD1-PD8 & PD11-PD12	\$6,520.00
TC* - Tax Collector TC6-TC11	\$15,582.00
R - Recreation R1-R8	\$5,487.00
Artwork Fees	\$900.00
Total Award	\$309,769.15

MGL Printing Solutions
154 South Street
New Providence, NJ 07974

Section	Amount
DPW* - Dept. Public Works DPW4-DPW6 (Water Bills)	\$5,710.00
PD* - Police - PD 10-PD11 (Pet Licenses)	\$1,782.00
TC* - Tax Collector TC1-TC5 (Tax Bills)	\$3,525.00
Total Award	\$11,017.00

Centurion Printing
352 Market St
Kenilworth, NJ 07033

Section	Amount
B - Business Cards B1-B5	\$10,092.50
L - Letterhead L1-L2	\$375.00
BD - Building BD1-BD20	\$123,687.00
Total Award	\$134,154.50

BE IT FURTHER RESOLVED, that the Chief Financial Officer will certify funds from various Operating Accounts upon adoption of the 2025 Municipal Budget.

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

- a. Minuteman Press
- b. MGL Printing Solutions
- c. Centurion Printing
- d. Township Business Administrator
- e. Chief Financial Officer

RESOLUTION #2024-275

AUTHORIZING APPROVAL TO SUBMIT AN GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS
FY 2025 LOCAL RECREATION IMPROVEMENT GRANT (LRIG)

WHEREAS, the Local Recreation Improvement Grant is a competitive grant that supports improvement and repair of public recreation facilities including local parks, municipal recreation centers, and local stadiums; and

WHEREAS, the Township of Marlboro wishes to apply for funding in the estimated amount of \$250,000.00 through this program to improve and repair recreation facilities in its parks including Hawkins, Marlboro Crossings, Marlin Estates, Union Hill and Vanderburg as identified in its multi-year capital plan.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Township of Marlboro formally approved the grant application for the FY 2025 Local Recreation Improvement Grant (LRIG) program to improve and repair recreation facilities in Township parks.

BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application identified as FY 2025 Local Recreation Improvement Grant (LRIG) to the New Jersey Department of Community Affairs on behalf of the Township of Marlboro.

BE IT FURTHER RESOLVED, that the Township of Marlboro recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Township of Marlboro and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED, that Mayor Jonathan L. Hornik and Susan A. Branagan, Municipal Clerk are hereby authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith.

RESOLUTION #2024-276

RESOLUTION AUTHORIZING THE RENEWAL
OF AN AMUSEMENT GAMES LICENSE TO
PLAY BIG ZONE, INCORPORATED

WHEREAS, Play Big Zone, Incorporated, 74 Ottawa Road South, Marlboro, NJ 07746 has submitted an application to the Office of the Municipal Clerk for the renewal of an Amusement Games License pursuant to the Amusement Games Licensing Law, N.J.S.A. 5:8-100 et seq., and such regulations as promulgated under Chapter 3, Office of Amusement Games Control, N.J.A.C. 13:3-1.1 et seq., to operate at its location at 300 Campus Drive, Unit G/H, Morganville, New Jersey; and

WHEREAS, N.J.A.C. 13:3-1.13(a) provides that no license shall be issued in any municipality unless and until the issuance thereof has been authorized by a resolution duly adopted by the municipal governing body which shall, among other things, specifically recite that the premises to be licensed are located in a recognized amusement park in the municipality; and

WHEREAS, Ordinance #2020-004 designates 300 Campus Drive, Unit G/H, Morganville New Jersey, located in Zone IOR (Industrial Office Research District) as a Recognized Amusement Park in accordance with N.J.A.C. 13:3-1.5; and

WHEREAS, the Municipal Clerk has deemed the application of Play Big Zone, Incorporated complete.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro that Play Big Zone, Incorporated is hereby granted an Amusement Games License to operate at its location at 300 Campus Drive, Unit G/H, Morganville, New Jersey; and

WHEREAS, pursuant to N.J.A.C. 13:3-1.13(b), a certified copy of this resolution, together with a copy of the application endorsed to show the granting of the license, and fees shall be forwarded to the Legalized Games of Chance Control Commission within three business days of the Township license being granted by the Township Council of the Township of Marlboro.

RESOLUTION #2024-277

APPROVING CLOSE OUT CHANGE ORDER TO THE EXISTING CONTRACT BETWEEN
THE TOWNSHIP OF MARLBORO AND MARSHALL LLC
AND AUTHORIZING FINAL PAYMENT AND ACCEPTANCE OF THE
ROOF REPLACEMENT OF THE MARLBORO TOWNSHIP LIBRARY AND WATER
TREATMENT STORAGE BUILDING

WHEREAS, on September 14, 2023 (Resolution #2023-215), the Township of Marlboro authorized the award of a contract to Marshall, LLC for the Roof Replacement for the Marlboro Township Library and the Water Treatment Storage Building (Bid 2023-02B) (the "Project") (P-23-00266); and

WHEREAS, a Closeout Change Order has been requested, resulting in a decrease in the original contract amount of \$559,000.00 to \$538,300.00, a net decrease of \$20,700.00; and

WHEREAS, in a letter dated October 18, 2024, the Contract Architect has indicated that the project was completed in accordance with the approved plans and specifications, including all previously issued punch list items and final inspection, and has recommended approval of the Closeout Change Order, acceptance of the Project improvements, and issuance of final payment in the amount of \$19,880.00; and

WHEREAS, pursuant to the terms of the contract, Marshall, LLC has provided a fourteen month maintenance bond in an amount equal to 100% of the final contract amount, or \$538,300.00; and

WHEREAS, the Township Council of the Township of Marlboro is amenable to approving the Closeout Change Order, accepting the Project improvements, and issuing a final payment to Marshall, LLC in the amount of \$19,880.00 in order that the Project be completed, such Project being in the interests of the public health, safety, and welfare.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that the Closeout Change Order to the existing contract with Marshall, LLC be and is hereby approved, decreasing the original contract total of \$559,000.00 to \$538,300.00, a net decrease of \$20,700.00.

BE IT FURTHER RESOLVED, by the Township Council of the Township of Marlboro, that the Project improvements be and are hereby accepted, and that final payment in the amount of \$19,880.00 for work completed by Shore Top Construction Corp. is hereby approved.

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

- a. Marshall, LLC
- b. Township Administrator
- c. Contract Architect
- d. Chief Financial Officer

RESOLUTION #2024-278

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT FOR THE PROVISION OF LEAK DETECTION SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (DPW) WATER UTILITY DIVISION

WHEREAS, the Township of Marlboro as part of its 2024 capital program (500-9) authorized the restoration and repair of the lagoon at the Harbor Road Water Treatment Plant (P-24-00040); and

WHEREAS, the Township of Marlboro accepted bids for the PROVISION OF LEAK DETECTION SERVICES (Bid 2024-15) and on July 24, 2024 received one (1) bid; and

WHEREAS, on August 15, 2024 (Resolution #2024-211), the Township Council rejected the one bid received from National Water Main Cleaning Co. whose address is 1806 Newark Turnpike, Kearny, New Jersey 07032, for exceeding the contracting unit's appropriations for the services, pursuant to N.J.S.A. 40A:11-13.2(b); and

WHEREAS, the bid specifications were subsequently modified to reduce the scope of work in an effort to award a contract within the contract unit's appropriations for the services; and

WHEREAS, the Township of Marlboro re-advertised for the receipt of bids for the PROVISION OF LEAK DETECTION SERVICES (Bid 2024-15), with the reduced scope of work, and on September 25, 2024 received one (1) bid; and

WHEREAS, on October 17, 2024 (Resolution #2024-211), the Township Council rejected the one bid received from National Water Main Cleaning Co. whose address is 1806 Newark Turnpike, Kearny, New Jersey 07032, for exceeding the contracting unit's appropriations for the services, pursuant to N.J.S.A. 40A:11-13.2(b); and

WHEREAS, the Township of Marlboro re-advertised for the receipt of bids for the PROVISION OF LEAK DETECTION SERVICES (Bid 2024-15C) for a third time and on November 6, 2024 received two (2) bids as follows:

	National Water Main Cleaning Co. 1806 Newark Turnpike Kearny, NJ 07032	M. E. Simpson Co., Inc. 3406 Enterprise Ave, Valparaiso, IN 46383
Item 1 - Leak Detection Survey of Fire District No. 1 Marlboro Township Water Utility Division	\$265,150.00	\$26,000.00

; and

WHEREAS, in a memo dated November 7, 2024, the Director of Public Works has recommended that the contract be awarded to the lowest and responsive bidder, M. E. Simpson Co. Inc., whose address is, 3406 Enterprise Avenue, Valparaiso, Indiana 46383 for the PROVISION OF LEAK DETECTION SERVICES in the amount not to exceed \$26,000.00; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract be awarded to M. E. Simpson Co. Inc., whose address is, 3406 Enterprise Avenue, Valparaiso, Indiana 46383 in an amount not to exceed \$26,000.00 for the PROVISION OF LEAK DETECTION SERVICES.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Municipal Clerk to witness, a contract with M. E. Simpson Co. 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 the Chief Financial Officer has certified funds in the amount of \$26,000.00 for the aforesaid contract in Water Capital Account #06-215-24-09I-500288.

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

- a. M. E. Simpson Co. Inc.
- b. Township Business Administrator
- c. Chief Financial Officer
- d. Director of Public Works

RESOLUTION #2024-279

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES FOR THE SITE IMPROVEMENTS, AT THE SITE KNOWN AS 37 HARBOR ROAD, BLOCK 170, LOTS 23.01 AND 23.02, LOCATED IN THE TOWNSHIP OF MARLBORO, NEW JERSEY 07746

WHEREAS, in accordance with *N.J.S.A. 40:55D-53*, the Township of Marlboro has received a request from Mr. Antonio Lucas for release of the Township held Performance Guarantees in the form of Cash Deposits for site improvements ("Site Improvements") on the Site known as 37 Harbor Road ("The Site"), property known as Block 170, Lots 23.01 and 23.02, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by Antonio Lucas ("The Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed the Township Engineer's report dated October 21, 2024, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the aforesaid report recommends that the current performance guarantee amount being held by the Township be released in its entirety; and

WHEREAS, the Township Council desires to release the performance guarantee amount in accordance with the recommendation of the Township Engineer's report dated October 21, 2024.

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 performance surety bond posted by the Developer, Antonio Lucas for the site known as 37 Harbor Road, on the property known as Block 170, Lot 23.01 and 23.02, Township of Marlboro, New Jersey, shall be released as follows:

1. The Cash Deposit in the original and present amount of \$48,477.66 (excludes accrued interest), shall be released in its entirety.

BE IT FURTHER RESOLVED, that the above releases shall be subject to the posting of any and all outstanding review and/or inspections fees to the time of performance guarantee release.

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

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

RESOLUTION #2024-280

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES FOR
THE WATER IMPROVEMENTS AT THE SITE KNOWN AS TENNENT WASH AND
LUBE LLC, BLOCK 122, LOT 33, LOCATED AT 6 TENNENT ROAD,
MARLBORO, NEW JERSEY 07746

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro has received a request from Mr. Thomas M. Fuller, of Team Car Wash for release of the Township held Performance Guarantees in the form of a Bond and Cash Deposit for the water improvements ("Water Improvements") on the Site known as "Tennent Wash and Lube LLC" (the "Site"), property known as Block 122, Lot 33 on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by Tennent Road Wash and Lube 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 October 30, 2024, a copy of which is attached hereto and made a part hereof; and

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

WHEREAS, the Township Council desires to release the current Bond and Cash Deposit amounts in accordance with the recommendation of the Township Engineer's report dated October 30, 2024.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the performance guarantees in the form of a Bond and Cash Deposit posted by the Developer, Tennent Road Wash and Lube LLC, for the site known as Tennent Road Wash and Lube LLC, located on property known as Block 122, Lot 33, Township of Marlboro, New Jersey, shall be released as follows:

1. The Bond (Western Surety Company, Bond No. 72467607), in the original and present amount of \$20,066.40, shall be released in its entirety.
2. The Cash Deposit, in the original and present amount of \$2,229.60 (excludes accrued interest), shall be released in its entirety.

BE IT FURTHER RESOLVED, that the above releases shall be subject to the posting of any and all outstanding review and/or inspections fees to the time of performance guarantee release, and the post of a two (2) year fifteen percent (15%) maintenance bond in the amount of \$3,027.00; and

- a. Tennent Wash and Lube LLC, Applicant
- b. Western Surety Company
- c. Marc D. Policastro, Esq., Applicant's Attorney
- d. Township Business Administrator
- e. Township Chief Financial Officer
- f. Township Engineer
- g. Louis N. Rainone, Esq., Township Attorney

RESOLUTION #2024-281

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES FOR
THE SITE IMPROVEMENTS AT THE SITE KNOWN AS HIDDEN ESTATES,
BLOCK 364, LOTS 39-41, LOCATED AT SERENITY PLACE, MARLBORO,
NEW JERSEY 07746

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro has received a request from Mr. Andrew Czujko, of Pantheon Homes LLC for release of the Township held Performance Guarantees in the form of a Bond and Cash Deposit for the site improvements ("Site Improvements") on the Site known as "Hidden Estates" (the "Site"), property known as Block 364, Lots 39-41 on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by Pantheon Homes LLC (the "Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed the Township Engineer's report dated October 30, 2024, a copy of which is attached hereto and made a part hereof; and

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

WHEREAS, the Township Council desires to release the current Bond and Cash Deposit amounts in accordance with the recommendation of the Township Engineer's report dated October 30, 2024.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the performance guarantees in the form of a Bond and Cash Deposit posted by the Developer, Patheon Homes LLC, for the site known as Hidden Estates, located on property known as Block 364,

Lots 39-41, Township of Marlboro, New Jersey, shall be released as follows:

1. The Bond (First Indemnity of American Insurance Company, Bond No. FP0016746), in the original and present amount of \$90,540.00, shall be released in its entirety.
2. The Cash Deposit, in the original amount of \$22,000.00 and present amount of \$10,060.00 (excludes accrued interest), shall be released in its entirety.

BE IT FURTHER RESOLVED, that the above releases shall be subject to the posting of any and all outstanding review and/or inspections fees to the time of performance guarantee release, and the post of a two (2) year fifteen percent (15%) maintenance bond in the amount of \$15,090.00; and

- a. Pantheon Homes LLC, Applicant
- b. First Indemnity of American Insurance Company
- c. Township Business Administrator
- d. Township Chief Financial Officer
- e. Township Engineer
- f. Louis N. Rainone, Esq., Township Attorney

RESOLUTION #2024-282

RESOLUTION AUTHORIZING 2024 BUDGET TRANSFERS

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

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Marlboro does hereby authorize the transfers among the Calendar Year 2024 Municipal Budget as follows:

CURRENT:			
	Account	From	To
01-201-20-030-200	Clerk's Office Salaries & Wages	\$ 7,000.00	
01-201-20-030-200	Administration Other Expenses	7,000.00	
01-201-20-040-200	Finance Other Expenses	5,000.00	
01-201-20-043-200	Annual Audit Other Expenses	3,000.00	
01-201-20-046-200	Tax Collector Other Expenses	25,000.00	
01-201-20-060-101	Engineering Salaries & Wages	40,000.00	
01-201-23-100-200	Employee Insurance Other Expenses	55,000.00	
01-201-25-212-200	911 Expenses Other Expenses	75,000.00	
01-201-26-120-101	Roads Maintenance Salaries & Wages	30,000.00	
01-201-27-130-101	Registrar Salaries & Wages	15,000.00	
01-201-20-020-101	Clerk Other Expenses		\$ 3,000.00
01-201-20-030-101	Administration Salaries & Wages		7,000.00
01-201-20-158-200	Postage Other Expenses		9,000.00
01-201-25-104-101	Fire Prevention Bureau Salaries & Wages		35,000.00
01-201-25-178-200	LOSAP Other Expenses		15,000.00
01-201-25-212-139	911 Expenses Salaries & Wages		75,000.00
01-201-26-117-139112	Recycling Salaries & Wages		3,000.00
01-201-26-122-101	Buildings & Grounds Salaries & Wages		15,000.00
01-201-26-122-276126	Buildings & Grounds Other Expenses		10,000.00
01-201-31-160-231	Street Lighting Other Expenses		65,000.00
01-201-31-161-231	Electric Other Expenses		20,000.00
01-201-31-164-234	Water Other Expenses		5,000.00
		\$ 262,000.00	\$ 262,000.00
WATER UTILITY:			
	Account	From	To
05-201-55-536-260040	Note Principal	\$ 65,000.00	
05-201-55-535-290040	Interest on Notes		\$ 65,000.00
		\$ 65,000.00	\$ 65,000.00
RECREATION & SWIM UTILITY:			
	Account	From	To
09-201-55-400-101	Recreation Salaries & Wages	\$ 5,000.00	
09-201-55-481-290	Interest on Notes		\$ 5,000.00
		\$ 5,000.00	\$ 5,000.00

RESOLUTION #2024-283

RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE
AND APPROPRIATION (N.J.S.A. 40A:4-87)

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro, in the County of Monmouth, New Jersey, hereby requests the Director of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2024 in the sum of \$14,847.60, which has been received by the municipality for the "National Opioid Settlements".

BE IT FURTHER RESOLVED, that the amount of \$14,847.60 be hereby appropriated under the caption "National Opioid Settlements

RESOLUTION #2024-284

RESOLUTION AUTHORIZING AWARD OF STATE CONTRACT #17-FLEET-00738 FOR THE PURCHASE OF TASERS AND RELATED EQUIPMENT FOR THE TOWNSHIP OF MARLBORO

WHEREAS, the Township of Marlboro as part of its 2024 capital program authorized the purchase of replacement tasers and related equipment for the Marlboro Township Police Division (24-106-04); and

WHEREAS, pursuant to N.J.S.A. 40A:11-12, a municipality may, without advertising for bids, purchase goods under any contract for such goods entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, Axon Enterprise, Inc. whose address is 17800 North 85th Street, Scottsdale, Arizona 85255 was awarded State Contract #17-FLEET-00738 for the replacement tasers and related equipment as indicated in the supporting documentation and vendor quotation dated September 11, 2024 in an amount not to exceed \$254,928.47; and

WHEREAS, in a memo dated November 1, 2024 the Chief of Police has recommended that the Township purchase the replacement tasers and related equipment to utilized by the Police Division; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to purchase the replacement tasers and related equipment to be utilized by Police Division through the State Contract #17-FLEET-00738; and

WHEREAS, funds are available and have been certified by the Chief Financial Officer in an amount not to exceed \$254,928.47 from capital account #04-215-24-08H-106297; and

WHEREAS, the Township Council desires to approve the purchase of the replacement tasers and related equipment through the State Contract #17-FLEET-00738.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase the replacement tasers and related equipment for the Marlboro Township Police Division from Axon Enterprise, Inc. whose address is 17800 North 85th Street, Scottsdale, Arizona 85255 under the State Contract #17-FLEET-00738 in a total amount not to exceed \$254,928.47.

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

- a. Axon Enterprise, Inc.
- b. Township Business Administrator
- c. Chief of Police
- d. Chief Financial Officer
- e. Insurance

RESOLUTION #2024-285

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

WHEREAS, the Township of Marlboro and the Township of Monroe entered into a Shared Services Agreement dated March 10, 2022; and

WHEREAS, the shared service agreement included a fee schedule, "which shall be updated periodically through the adoption of resolutions" by the Township of Marlboro and the Township of Monroe; and

WHEREAS, a memo dated November 1, 2024 from the Marlboro Township Director of Recreation recommending that the 2025 fee schedule remain the same as 2024; and

WHEREAS, the Township of Monroe wishes to continue to offer its residents membership in the Marlboro Swim Club; and

NOW, THEREFORE, BE IT RESOLVED, that the following amended EXHIBIT A is agreed upon and adopted by the parties; and

BE IT FURTHER RESOLVED, that all other terms of the Shared Services Agreement dated March 10, 2022 shall remain in effect; and

BE IT FURTHER RESOLVED, that in the event the current public health emergency requires that membership fees be increased in order to compensate for the cost of enhanced safety measures or to accommodate membership or attendee restrictions based upon guidance issued by Federal, State or County authorities, in accordance with the terms of the agreement, the updated fee schedule will be presented to the governing bodies in both the Township of Marlboro and the Township of Monroe for consideration

RESOLUTION #2024-286

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

WHEREAS, the Township of Marlboro and the Township of Colts Neck entered into a Shared Services Agreement dated April 12, 2012; and

WHEREAS, the shared service agreement included a fee schedule, "which shall be updated periodically through the adoption of resolutions" by the Township of Marlboro and the Township of Colts Neck; and

WHEREAS, a memo dated November 1, 2024 from the Marlboro Township Director of Recreation recommending that the 2025 fee schedule remain the same as 2024; and

WHEREAS, the Township of Colts Neck wishes to continue to offer its residents membership in the Marlboro Swim Club; and

NOW, THEREFORE, BE IT RESOLVED, that the following EXHIBIT A fee schedule is agreed upon and adopted by the parties; and

BE IT FURTHER RESOLVED, that all other terms of the Shared Services Agreement dated April 12, 2012 shall remain in effect; and

BE IT FURTHER RESOLVED, that in the event the current public health emergency requires that membership fees be increased in order to compensate for the cost of enhanced safety measures or to accommodate membership or attendee restrictions based upon guidance issued by Federal, State or County authorities, in accordance with the terms of the agreement, the updated fee schedule will be presented to the governing bodies in both the Township of Marlboro and the Township of Colts Neck for consideration.

RESOLUTION #2024-287

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

WHEREAS, Marlboro and Manalapan entered into a Shared Services Agreement dated June 5, 2008; and

WHEREAS, the shared service agreement included a fee schedule, "which shall be updated periodically through the adoption of resolutions" by the Township of Marlboro and the Township of Manalapan; and

WHEREAS, a memo dated November 1, 2024 from the Marlboro Township Director of Recreation recommending that the 2025 fee schedule remain the same as 2024; and

WHEREAS, the Township of Manalapan wishes to continue to offer its residents membership in the Marlboro Swim Club; and

NOW, THEREFORE, BE IT RESOLVED, that the following EXHIBIT A fee schedule is agreed upon and adopted by the parties; and

BE IT FURTHER RESOLVED, that all other terms of the Shared Services Agreement dated June 5, 2008 remain in effect; and

BE IT FURTHER RESOLVED, that in the event the current public health emergency requires that membership fees be increased in order to compensate for the cost of enhanced safety measures or to accommodate membership or attendee restrictions based upon guidance issued by Federal, State or County authorities, in accordance with the terms of the agreement, the updated fee schedule will be presented to the governing bodies in both the Township of Marlboro and the Township of Manalapan for consideration.

RESOLUTION #2024-288

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

WHEREAS, the Township of Marlboro and the Township of Old Bridge entered into a Shared Services Agreement dated March 1, 2018; and

WHEREAS, the shared service agreement included a fee schedule, "which shall be updated periodically through the adoption of

resolutions" by the Township of Marlboro and the Township of Old Bridge; and

WHEREAS, a memo dated November 1, 2024 from the Marlboro Township Director of Recreation recommending that the 2025 fee schedule remain the same as 2024; and

WHEREAS, the Township of Old Bridge wishes to continue to offer its residents membership in the Marlboro Swim Club; and

NOW, THEREFORE, BE IT RESOLVED, that the following EXHIBIT A fee schedule is agreed upon and adopted by the parties; and

BE IT FURTHER RESOLVED, that all other terms of the Shared Services Agreement dated March 1, 2018 shall remain in effect; and

BE IT FURTHER RESOLVED, that in the event the current public health emergency requires that membership fees be increased in order to compensate for the cost of enhanced safety measures or to accommodate membership or attendee restrictions based upon guidance issued by Federal, State or County authorities, in accordance with the terms of the agreement, the updated fee schedule will be presented to the governing bodies in both the Township of Marlboro and the Township of Old Bridge for consideration.

RESOLUTION #2024-289

A RESOLUTION OF THE TOWNSHIP OF MARLBORO IN MONMOUTH COUNTY, NEW JERSEY AUTHORIZING THE USE OF MARLBORO TOWNSHIP BOARD OF EDUCATION AND FREEHOLD REGIONAL HIGH SCHOOL DISTRICT RECREATIONAL SPORT FACILITIES BY THE MARLBORO DEPARTMENT OF RECREATION

WHEREAS, the Marlboro Township Board of Education (the "MTBOE") and Freehold Regional High School District ("FRHSD") own various school sporting facilities; and

WHEREAS, the Township of Marlboro (the "Township") operates various fee-based recreational sport leagues for Township residents requiring the use of the MTBOE's and FRHSD's various school sporting facilities; and

WHEREAS, the MTBOE and FRHSD are authorized to permit the use of school sporting facilities it owns for the purpose of various recreational sport leagues for children and adults participating in said recreation or other program operated by the municipality in which the MTBOE or FRHSD is located; and

WHEREAS, pursuant to N.J.S.A. 40A:11-5 (2) ("Exceptions"), any contract the amount of which exceeds the bid threshold, may be negotiated and awarded by the governing body without public advertising for bids and bidding therefor and shall be awarded by resolution of the governing body if it is to be made or entered into with the United States of America, the State of New Jersey, county or municipality or any board, body, officer, agency or authority thereof or any other state or subdivision thereof; and

WHEREAS, the Director of Recreation has recommended that the Township utilize the MTBOE and FRHSD facilities for the Recreation Department's 2025-2026 season; and

WHEREAS, the costs of the facility rental services for the Recreation Department shall be paid by the Township to the MTBOE and FRHSD for the facilities that are utilized as depicted in Attachment A; and

WHEREAS, funds in the amount not to exceed \$68,880.00 for the facility rental services are to be certified by the Chief Financial Officer from the Recreation and Swim Utility Accounts upon the adoption of the 2025 Budget; and

WHEREAS, the Mayor and the Township Council desire to utilize the MTBOE and FRHSD facilities as recommended by the Director of Recreation for programming in accordance with the above-described terms and conditions.

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 Business Administrator are hereby authorized and directed to execute the contracts or agreements necessary to secure the facility rentals from the Marlboro Township Board of Education and Freehold Regional High School District in support the programs of the Marlboro Township Recreation Department.

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

- a. Marlboro Township Board of Education
- b. Freehold Regional High School District
- c. Township Business Administrator
- d. Director of Recreation

RESOLUTION #2024-290

RESOLUTION AUTHORIZING AWARD OF ESCNJ CONTRACT #24/25-06
TO MUSCO SPORTS LIGHTING, LLC FOR THE PURCHASE OF ATHLETIC
FACILITY LIGHTING IN CONNECTION WITH RECREATION FACILITY
IMPROVEMENTS AT MARLBORO HIGH SCHOOL

WHEREAS, the Township of Marlboro authorized outdoor recreation facility improvements at the Marlboro High School under its 2024 capital program ("Project"), as follows:

145-101 MARLBORO HIGH SCHOOL TURF FIELD FACILITY (P-24-00002)

; and

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

WHEREAS, MUSCO SPORTS LIGHTING, LLC was awarded ESCNJ Cooperative Contract #24/25-06 for ATHLETIC FACILITY LIGHTING; and

WHEREAS, MUSCO SPORTS LIGHTING, LLC has agreed to extend ESCNJ Cooperative Contract pricing to the Township of Marlboro, and has provided a proposal for the lighting at the synthetic turf field facility at Marlboro High School for a total cost not to exceed \$372,575.00; and

WHEREAS, in a memo dated November 14, 2024, the Contract Engineer has recommended that the Township utilize MUSCO SPORTS LIGHTING, LLC, 100 1st Avenue West, Oskaloosa, Indiana 52577, for ATHLETIC FACILITY LIGHTING at Marlboro High School under #ESCNJ 24/25-06 in accordance with its proposal dated October 11, 2024; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation of the Contract Engineer to obtain the ATHLETIC FACILITY LIGHTING from MUSCO SPORTS LIGHTING, LLC in an amount not to exceed \$372,575.00, under ESCNJ contract #24/25-06 and in accordance with its proposal dated October 11, 2024; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in Capital Account 04-215-24-10A-145288 for the project.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase ATHLETIC FACILITY LIGHTING from MUSCO SPORTS

LIGHTING, LLC, 100 1st Avenue West, Oskaloosa, Indiana 52577, under ESCNJ contract #24/25-06 and in accordance with its proposal dated October 11, 2024 in an amount not to exceed \$372,575.00.

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

- a. MUSCO SPORTS LIGHTING, LLC
- b. Township Administration
- c. Township Recreation Director
- d. Township Chief Financial Officer
- e. Township Engineer
- f. Contract Engineer

RESOLUTION #2024-291

RESOLUTION AUTHORIZING AWARD OF ESCNJ CONTRACT #22/23-37
TO FIELDTURF USA, INC. FOR THE PURCHASE AND INSTALLATION
OF REPLACEMENT SYNTHETIC TURF IN CONNECTION WITH
RECREATION FACILITY IMPROVEMENTS AT MARLBORO HIGH SCHOOL

WHEREAS, the Township of Marlboro authorized outdoor recreation facility improvements at the Marlboro High School under its 2024 capital program ("Project"), as follows:

145-101 MARLBORO HIGH SCHOOL TURF FIELD FACILITY (P-24-00002)

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

WHEREAS, FIELDTURF USA, INC. was awarded ESCNJ Cooperative Contract #22/23-37 for Synthetic Turf Maintenance, Repair and Replacement; and

WHEREAS, FIELDTURF USA, INC. has agreed to extend ESCNJ Cooperative Contract pricing to the Township of Marlboro, and has provided a proposal for the synthetic turf field at Marlboro High School for a total cost not to exceed \$607,883.50; and

WHEREAS, in a memo dated November 14, 2024, the Contract Engineer has recommended that the Township utilize FIELDTURF USA, INC., 175 N. Industrial Blvd NE, Calhoun, GA 30701 for the synthetic turf field at Marlboro High School under #ESCNJ 22/23-37 in accordance with its proposal dated October 8, 2024; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation of the Contract Engineer to obtain the synthetic turf field from FIELDTURF USA, INC. in an amount

not to exceed \$607,883.50, under ESCNJ contract #22/23-37 and in accordance with its proposal dated October 8, 2024; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in Capital Account 04-215-24-10A-145288 for the project.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase replacement synthetic turf from FIELDTURF USA, INC., 175 N. Industrial Blvd NE, Calhoun, GA 30701, under ESCNJ contract #22/23-37 and in accordance with its proposal dated October 8, 2024 in an amount not to exceed \$607,883.50.

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

- a. FIELDTURF USA, INC.
- b. Township Administration
- c. Recreation Director
- d. Chief Financial Officer
- e. Township Engineer
- f. Contract Engineer

RESOLUTION #2024-292

RESOLUTION AUTHORIZING AWARD OF SOURCEWELL CONTRACT
#081523 TO DANT CLAYTON FOR THE PURCHASE OF EVENT SEATING
IN CONNECTION WITH RECREATION FACILITY IMPROVEMENTS AT
MARLBORO HIGH SCHOOL

WHEREAS, the Township of Marlboro authorized outdoor recreation facility improvements at the Marlboro High School under its 2024 capital program ("Project"), as follows:

145-101 MARLBORO HIGH SCHOOL TURF FIELD FACILITY (P-24-00002)

WHEREAS, pursuant to N.J.S.A. 52:34-6.2(b)(3), the Township is authorized to purchase goods or contract for services through the use of a nationally-recognized and accepted cooperative purchasing agreement that has been developed utilizing a competitive bidding process by another contracting unit within the State of New Jersey, or within any other state, when available; and

WHEREAS, prior to making purchases or contracting for services, the contracting unit shall determine that the use of the cooperative purchasing agreement shall result in cost savings after all factors, including charges for service, material, and delivery, have been considered; and

WHEREAS, Sourcewell is a service cooperative established by Minnesota Statute 123A.21 as a local unit of government pursuant to the Minnesota State Constitution Article XII, Section 3; and

WHEREAS, Sourcewell is authorized to provide a Cooperative Purchasing Program by Minnesota Statute 123A.21, subd. 7(23) to participating entities; and

WHEREAS, Sourcewell is an established public agency which serves local units of government across the United States and Canada, including municipal governments in the State of New Jersey; and

WHEREAS, DANT CLAYTON was awarded Sourcewell Cooperative Contract #081523 for EVENT SEATING AND STAGING SOLUTIONS WITH RELATED ACCESSORIES AND SERVICES; and

WHEREAS, DANT CLAYTON has agreed to extend Sourcewell Cooperative Contract pricing to the Township of Marlboro, and has provided a proposal for the EVENT SEATING at Marlboro High School for a total cost not to exceed \$611,440.00; and

WHEREAS, the Township Purchasing Agent and Contract Engineer have reviewed the proposal provided by DANT CLAYTON and have determined that use of the cooperative purchasing agreement will result in the requisite cost savings, and have recommended that the Township utilize DANT CLAYTON, 1500 Bernheim Lane, Louisville, KY 40210 to supply EVENT SEATING at Marlboro High School under Sourcewell Contract #081523 in accordance with its proposal dated October 16, 2024 in an amount not to exceed \$611,440.00; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation of the Purchasing Agent Contract Engineer to obtain EVENT SEATING from DANT CLAYTON in an amount not to exceed \$611,440.00, under Sourcewell Contract #081523 and in accordance with its proposal dated October 16, 2024; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in Capital Account 04-215-24-10A-145288 for the project.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase EVENT SEATING from DANT CLAYTON, 1500 Bernheim Lane, Louisville, KY 40210, under Sourcewell Contract #081523 and in accordance with its proposal dated October 16, 2024 in an amount not to exceed \$611,440.00.

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

- a. DANT CLAYTON
- b. Township Administrator
- c. Recreation Director
- d. Chief Financial Officer
- e. Township Engineer
- f. Contract Engineer

RESOLUTION #2024-293

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT FOR THE
MARLBORO HIGH SCHOOL SYNTHETIC TURF FIELD IMPROVEMENT PROJECT
FOR THE TOWNSHIP OF MARLBORO

WHEREAS, the Township of Marlboro authorized outdoor recreation facility improvements at the Marlboro High School under its 2024 capital program ("Project"), as follows:

145-101 MARLBORO HIGH SCHOOL TURF FIELD FACILITY (P-24-00002)

; and

WHEREAS, the Township of Marlboro accepted bids for the MARLBORO HIGH SCHOOL SYNTHETIC TURF FIELD IMPROVEMENT PROJECT (Bid 2024-23) and on November 13, 2024 received six (6) bids as follows:

	Precise Construction	CMS Construction	Applied Landscape Tech.	Grade Construction	Flanagan's Contracting Group	Seacoast Construction Inc.
Base Bid - H.S. Synthetic Field Improvements	\$1,488,649.00	\$1,779,267.00	\$2,255,251.50	\$1,917,506.92	\$2,309,214.24	\$2,771,829.01
Alternate A - Lighting Installation	\$249,970.00	\$413,028.00	\$297,394.00	\$677,347.80	\$314,487.00	\$363,180.00
Alternate B - Lacrosse Netting	\$109,220.00	\$124,460.00	\$125,984.00	\$135,351.62	\$124,460.00	\$172,720.00
Total	\$1,847,839.00	\$2,316,755.00	\$2,678,629.50	\$2,730,206.34	\$2,748,161.24	\$3,307,729.01
Total of Base Bid & Alternate A	\$1,738,619.00	\$2,192,295.00	\$2,552,645.50	\$2,594,854.72	\$2,623,701.24	\$3,135,009.01

; and

WHEREAS, in a memo dated November 14, 2024, the Contract Engineer has recommended that the contract be awarded to the lowest and responsive bidder, Precise Construction, Inc., whose address is, 1016 Route 33, Freehold, New Jersey 07728; and

WHEREAS, funding is available for the award of the base bid and alternate A, for the MARLBORO HIGH SCHOOL SYNTHETIC TURF FIELD IMPROVEMENT PROJECT in the amount not to exceed \$1,738,619.00; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation of the Contract Engineer 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 Precise Construction, Inc., whose address is, 1016 Route 33, Freehold, New Jersey 07728 for the base bid and alternate A, in an amount not to exceed \$1,738,619.00 for the MARLBORO HIGH SCHOOL SYNTHETIC TURF FIELD IMPROVEMENT PROJECT.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Municipal Clerk to witness, a contract with Precise Construction, 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 the Chief Financial Officer has certified funds in the amount of \$1,738,619.00 for the aforesaid contract in Capital Account #04-215-24-10A-145288.

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

- a. Precise Construction, Inc.
- b. Township Business Administrator
- c. Chief Financial Officer
- d. Director of Recreation
- e. Township Engineer
- f. Contract Engineer

RESOLUTION #2024-294

APPROVING CLOSE OUT CHANGE ORDER TO THE EXISTING CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO AND SHORE TOP CONSTRUCTION CORP. AND AUTHORIZING FINAL PAYMENT AND ACCEPTANCE OF THE COURT IMPROVEMENTS TO WICKER AND WOODCLIFF PARKS PROJECT

WHEREAS, on February 29, 2024 (Resolution #2024-088), the Township of Marlboro authorized the award of a contract to Shore Top Construction Corp. for the Court Improvements to Wicker and Woodcliff Parks (Bid 2024-06) (the "Project") (P-22-00146); and

WHEREAS, a Closeout Change Order has been requested, resulting in a decrease in the original contract amount of \$183,300.00 to \$169,050.00, a net decrease of \$14,250.00; and

WHEREAS, in a letter dated October 28, 2024, the Township Engineer has indicated that the project was completed in accordance with the approved plans and specifications, including all previously issued punch list items and final inspection, and has recommended approval of the Closeout Change Order, acceptance of the Project improvements, and issuance of final payment in the amount of

\$3,381.00; and

WHEREAS, pursuant to the terms of the contract, Shore Top Construction Corp. has provided a two-year maintenance bond in an amount equal to 15% of the final contract amount, or \$25,357.50; and

WHEREAS, the Township Council of the Township of Marlboro is amenable to approving the Closeout Change Order, accepting the Project improvements, and issuing a final payment to Shore Top Construction Corp. in the amount of \$3,381.00 in order that the Project be completed, such Project being in the interests of the public health, safety, and welfare.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that the Closeout Change Order to the existing contract with Shore Top Construction Corp. be and is hereby approved, decreasing the original contract total of \$183,300.00 to \$169,050.00, a net decrease of \$14,250.00.

BE IT FURTHER RESOLVED, by the Township Council of the Township of Marlboro, that the Project improvements be and are hereby accepted, and that final payment in the amount of \$3,381.00 for work completed by Shore Top Construction Corp. is hereby approved.

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

- a. Shore Top Construction Corp.
- b. Township Administrator
- c. Township Engineer
- d. Chief Financial Officer

RESOLUTION #2024-295

TAX LIEN REDEMPTIONS

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$7,912.22 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 \$7,912.22 be refunded to the certificate holders as per Schedule "A".

RESOLUTION #2024-296

CANCEL TAXES - VETERAN EXEMPTIONS

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

WHEREAS, pro-rated 2024 property taxes totaling \$2,686.40 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 \$2,686.40 for 2024 taxes.

RESOLUTION #2024-297

AUTHORIZING THE TOWNSHIP TO ENTER INTO A SHARED SERVICES AGREEMENT WITH THE OLD BRIDGE MUNICIPAL UTILITY AUTHORITY TO PROVIDE PROFESSIONAL LEGAL AND EXPERT UTILITY RATE SERVICES IN THE MATTER OF THE MIDDLESEX WATER COMPANY'S RATE INCREASE PETITION TO THE NEW JERSEY BOARD OF PUBLIC UTILITIES DATED OCTOBER 7, 2024 (BPU Docket No. WR2410)

WHEREAS, the Marlboro Water Utility is a contract bulk purchaser of water from the Middlesex Water Company (MWC); and

WHEREAS, on October 7, 2024, the Middlesex Water Company (MWC) filed a petition with the New Jersey Board of Public Utilities (NJBPUB) requesting a purchased water adjustment of \$21.75 per million gallons which will increase the cost of operations to the Marlboro Water Utility; and

WHEREAS, the Old Bridge Municipal Utilities Authority ("OBMUA") is also a contract bulk purchaser of water from the MWC and impacted by the proposed rate petition; and

WHEREAS, the Township has partnered and shared costs with the Old Bridge Municipal Utilities Authority ("OBMUA") (hereinafter collectively referred to as the "Parties") on several prior rate cases; and

WHEREAS, the Township and OBMUA are in need of professional services and/or legal and expert utility rate analysis in the context of the October 7, 2024 petition; and

WHEREAS, the OBMUA has entered into agreements for the requisite professional services pursuant to the Local Public Contracts Law (N.J.S.A. 40A:11, et seq.); and

WHEREAS, the Township and the OBMUA wish to enter into a Shared Services Agreement for professional services for legal and expert utility rate analysis; and

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

WHEREAS, the Township and the OBMUA are public bodies corporate and political in the State of New Jersey and are authorized under New Jersey Law to enter into a Shared Services Agreement pursuant to the Act; and

WHEREAS, the Township and the OBMUA have negotiated the terms of a Shared Services Agreement, a copy of which is annexed hereto and incorporated into this Resolution; and

WHEREAS, it is in the best economic interest of the Township residents and OBMUA rate payees to enter into this Shared Services Agreement; and

WHEREAS, the above parties desire to enter into a Shared Services Agreement ("Agreement") pursuant to the Uniform Shared Services and Consolidation Act (N.J.S.A. 40A:65-1 et seq.) for the provision of professional services for legal and expert utility rate analysis services pursuant to the terms and conditions provided herein.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE MARLBORO TOWNSHIP COUNCIL AS FOLLOWS:

1. The above recitals are hereby incorporated into the body of this Resolution as if set forth at length herein.
2. The Township hereby approves the Shared Service Agreement with the Old Bridge Municipal Utilities Authority for legal and expert utility rate analysis services in substantially the form attached with such changes as shall be approved by the Mayor on advice of counsel.
3. The Township hereby authorizes the Mayor to execute the Shared Service Agreement with the OBMUA in the form so approved. The Municipal Clerk shall be authorized to attest to the signature of the Mayor appearing thereon and to affix the seal of the Township thereto.

4. The Shared Services Agreement shall be open to public inspection in the Municipal Clerk's office and shall take effect upon the adoption of a resolution and execution of the agreement by both parties.
5. A copy of the Shared Services agreement shall be filed, for informational purposes, with the Division of Local Government Services in the Department of Community Affairs.

RESOLUTION #2024-298

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 WATER SYSTEM IMPROVEMENTS AT THE HARBOR ROAD WATER UTILITY FACILITY (WELL #3)

WHEREAS, the Township of Marlboro Water Utility Division maintains five (5) wells from which ground water is pumped to supplement purchased surface water in order to meet system demands; and

WHEREAS, the Marlboro Water Utility maintains a six year capital program which includes various well improvement projects and an annual allocation for "Well Redevelopment and Rehabilitation"; and

WHEREAS, Project 500-26 for Well Redevelopment and Rehabilitation was authorized under the 2024 capital program; and

WHEREAS, it has been determined that Well #3 at the Harbor Road Facility requires more extensive repairs, and, as such, the Township is in need of professional engineering services, consisting of design, permitting, bid and construction phase services to bid and contract for the necessary work ("Professional Services") and ("Project"); and

WHEREAS, CME Associates has provided a proposal dated November 1, 2024 (the "Proposal") for the required professional services; and

WHEREAS, the Township of Marlboro and CME Associates have previously entered into a Professional Services Contract (Resolution #2024-013), 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 Township Engineers at a fee not to exceed \$65,916.00 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 \$65,916.00 are available in Water Capital Account 06-215-21-05C-500288 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 an amendment to the Professional Services Contract between CME Associates 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 Township Engineers, at a fee not to exceed \$65,916.00 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 \$65,916.00 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.

